

Pluralizing Representation: The Imperative Mandate and Liberal Democracy

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Introduction

How should democracies respond to its current troubles with populism, affective polarization, and dissatisfaction with representative institutions? To devise solutions fit for our times, political theorists have rummaged through the annals of democratic thought and revived a vast array of tools for defending democracy. A reference point in many of these debates is militant democracy, developed in the interwar years as a response to the threat of fascism (Loewenstein 1937a). Militant democrats argue that democracies should fight fire with fire and employ constitutional means to ban and exclude undemocratic forces (Loewenstein 1937b, 656-7). However, because militant democracy relies on legal tools, it has elitist and anti-democratic tendencies as it places too much power in the hands of unelected public officials, which in turn leads to institutional stasis (Nitzschner 2023). Furthermore, militant democracy represents somewhat of an anachronism, as the threats to democracies of the 21st century are hardly the same as the ones present in the interwar years (Daly and Jones 2020; Sajó 2019).

To improve upon the trajectory set forth by militant democracy, scholars have turned to ancient Greece to modernize the idea of citizens' assemblies (Hansen 1989, 4; Manin 1997). Citizens' assemblies, scholars hold, are better equipped to defend democracy as they give more power to the public, thereby avoiding the elitist tendencies of militant democracy (Müller 2022; Landemore 2020, 13). Moreover, seeing as the crisis of democracy is rooted in a feeling of deficient popular participation, citizens' assemblies tackle the issue head on (Stone and Malkopoulou 2021). While citizens' assemblies do look promising from the vantage point of contemporary democratic troubles, their advocates usually imagine them taking on only a consultative role (Müller 2022; Stone and Malkopoulou 2021, Landemore 2020), lessening their impact on political decision-making.

In their historical endeavours to find a response to the troubles of democracy that avoids elitism and provides a mouthpiece for the people, political theorists have largely ignored *the imperative mandate*. Originating in medieval times, the imperative mandate is an institution which grants

citizens the right to give binding instructions to politicians and recall their mandate if they do not comply (Tomba 2018; Holden 1930; Møller and Doucette 2022, 83-4). The imperative mandate therefore promises to strengthen accountability between citizens and politicians by providing the former with a means of sanctioning that is more direct than elections (Malkopoulou 2016). Furthermore, by introducing rights of instruction, responsiveness to the interests of the public is heightened (Pitkin 1967, 151).

A recurring theme in the literature on the crises of democracy is that phenomena such as populism, affective polarization, and identity politics emerge because citizens are dissatisfied with representative institutions, stipulating that the political system is no longer responsive to their grievances (Hopkin 2020; Mouffe 2018; McCoy and Somer 2021). By increasing responsiveness and accountability, the imperative mandate provides an institutional solution that addresses the problem at its root (Pinelli 2011). Recently, there has been a dawning interest in the merits of the imperative mandate and its ability to revitalize democracy. These arguments are made within a socialist republican tradition, and the imperative mandate is held to provide an *alternative* to liberal democracy (Leipold, 2020; Stahl and Popp-Madsen 2022; Popp-Madsen 2023).

However, the relationship between liberal democracy and the imperative mandate is insufficiently explored by contemporary scholarship. In this paper, I therefore ask whether the two can be reconciled. It is pertinent to take on this task for two reasons. First, the principles of liberal democracy have become the main point of reference in Western societies today (Fukuyama 1989). Second, I will argue that the principles of liberal democracy have great potentials for providing a framework for inclusive and egalitarian democratic politics. This is due to the combination of the republican commitment to popular sovereignty and the liberal commitment to a protection of individual rights against the state (Habermas 2001).

This amalgamation of principles, which could also be summarized as equality and liberty, allows every citizen to participate in democratic politics on equal terms (Habermas 1996). Out of these principles, a democratic terrain emerges where the citizen is the highest source of authority, where no single entity can lay claim to represent the totality, and where power can always be challenged (Mouffe 2005, 15; 22). However, the interpretations of the principles of liberal democracy are manifold, and while a diverse crowd of democratic theorists work within this framework (e.g. Laclau and Mouffe 2001; Mouffe 1993; Habermas 1996; Rawls 1993), the conclusions that follow from their theories are vastly different. In developing my argument, I will therefore also develop a novel interpretation of the principles of liberal democracy.

In contemporary liberal democracies, the free mandate is favoured over the imperative mandate. The free mandate holds that politicians, once elected, should be independent of their constituents, so they can pursue the national interest, rather than following binding instructions. However, I argue that the principles of liberal democracy leave greater space for the imperative mandate than otherwise assumed. The key to this argument is a reinterpretation of the relationship between the liberal commitment to pluralism and representation. By pluralism, I mean the existence of conflicting and incommensurable ways of life (Rawls 1985, 225). By representation, I mean the way in which the wishes of citizens are made visible in politics. In short, I hold that the imperative mandate delivers a more satisfying interpretation of pluralism than the free mandate.

I develop two interpretations of the relationship between the free mandate and pluralism. One drawing on deliberative democracy, the other on symbolic representation. I argue that neither of the two are faithful to the liberal commitment to pluralism, because they homogenize the political space. They do so because they rely on the reduction of political affairs to a single perspective; that of a rational consensus in the case of deliberative democracy, or that of the head of government in the case of symbolic representation. The implications of this argument are far-reaching, for it indicates that if proponents of liberal democracy care about pluralism, they should also be critical of the free mandate. The imperative mandate paves the way for a different interpretation along the lines of agonistic pluralism (Mouffe 1999). Under this reading, the imperative mandate allows the multitude of claims to flourish in a political space where conflicts are tamed by the recognition of fellow citizens as respected adversaries, but not neutralized in a consensus.

Establishing a connection between the imperative mandate and agonistic pluralism also paves the way for an intervention in the discussion of the so-called “institutional deficit” of agonistic democracy. By introducing a normative commitment to the ideal of democratic civility, I show that we can interpret the tensions between the liberal and republican aspects of liberal democracy along the lines of immanent critique. This allows me to argue that free mandate fails to capture the potentials of liberal democracy, and that the imperative mandate provides a better institutional edifice.

I begin by investigating the relationship between the free mandate and pluralism to make the claim that it is an inadequate mode of representation for liberal democracy. Conversely, I show that the imperative mandate is a promising alternative. In the following section, I substantiate this argument through an historical excursus. I demonstrate that the imperative mandate has always been associated with pluralism and decentralization, and that its abandonment was due to the advancement of the nation state. Subsequently, I advance the imperative mandate as an

institutional edifice for liberal democracy by connecting it to agonistic pluralism and struggles for hegemony.

The argument from pluralism

A crucial commitment of liberal democracy is that of accommodating pluralism. Theorists of liberal democracy argue that the merit of this regime is its ability to provide a set of political principles that can be reconciled with a vast array of worldviews (Rawls 1993; Habermas 1996). While accommodating pluralism is a laudable goal in principle, I will argue that the institutional layout of contemporary liberal democracies is incapable of fulfilling this goal. This is due to the way in which the relationship between pluralism and representation is construed and institutionalized.

Contemporary liberal democracies employ the free mandate as a means of representation. Under the free mandate, politicians, once they are elected, become independent of their constituents (Manin 1997, 166-7). This means that they are free to pursue the policies, they find most prudent considering the general good of the political community (Pitkin 1967, 146-7). One way of interpreting the relationship between the free mandate and pluralism is through the tradition of deliberative democracy. Although one could also argue that the aggregation of votes is a way of linking the free mandate and pluralism, I remain within the confines of deliberative democracy as it has a more explicit ambition of handling and accommodating pluralism (Cohen 2009).

Following this line of argument, the free mandate accommodates pluralism through deliberations in the public sphere, where citizens engage in communicative practices with one another and develop public opinion (Habermas 1989). The general interest, which is vital to the free mandate, is generated through these exchanges, where the goal is to establish a consensus on “a genuinely common perspective” (Gutmann and Thompson 1995, 108). Thus, citizens exchange arguments in a reflexive manner to discover the claims that can gain the assent of all parties (Habermas 1990). For such claims to be an actual reflection of the general interest, they must be reasonable in the sense that they should be generalizable and appeal to all citizens. Such claims can lay the grounds for democratically legitimate policies carried out by the representatives in parliament (Habermas 1996).

There is, however, a tension in the relationship between the free mandate and pluralism, because the commitment to representing the common interest has *homogenizing* tendencies. Representing the common interest must necessarily imply that it is possible to reduce the plurality of opinions voiced in the public sphere to a single perspective that is valid for the entire political community

(Mouffe 1999). In modern representative democracies employing the free mandate, this single common perspective is ultimately to be translated into law, which implies that the plurality of opinions in the public sphere must be reducible to the sentiments of government (Tomba 2018, 112). In practice, this means that government speaks *on behalf* of the political community, rather than having it speak for itself. Because the free mandate loosens the ties between citizen and politician, government has a large degree of discretion in its interpretation and implementation of the common interest.

Accordingly, government under the free mandate can be interpreted along the lines of the political theory of Carl Schmitt as it is characterized by its ability to make *decisions*, and the will of the people can only find its representation in the decrees of government (Schmitt 2005, 12-3). However, this is not merely an act of representation, for, because of its ability to speak on behalf of the people, government becomes a distinct entity that is more than a mere sum of its parts (Schmitt 2008a, 33). The political community is therefore constituted and made tangible through the acts of government (Schmitt 2008b, 76-7). To Schmitt, representation means to “make an invisible being visible and present through a publicly present one” (Schmitt 2008b, 243). This mechanism makes it possible for the abstract idea of the general interest to be manifested by the government.

Employing Pitkin’s ideal types, the free mandate employs a form of symbolic representation¹. In this context, a symbol comes to represent a fiction, which is only made present by the presence of the symbol (Pitkin 1967, 92). The free mandate thus employs symbolic representation because the head of state represents or embodies the unity of the people, thereby *symbolizing* the political collective as a whole (Pitkin 1967, 93). This idea of representation thus requires that citizens are turned into a political unity, for otherwise, it would be impossible for government to speak on their behalf (Schmitt 2008b, 289).

Therefore, the free mandate can be given two possible interpretations when it comes to representing the will of the people. The first holds that government only speaks on behalf of its citizens when political unity arises organically. Under this reading, which is derived from deliberative democracy, government acts upon the consensus established in the public sphere (Habermas 1996, 136). The second holds that government becomes a symbol of the ultimately fictitious unity of the people. Under this reading, which is derived from symbolic representation, it is not a communicative procedure, resulting in a consensus, which establishes political legitimacy,

¹ It should be mentioned that there is close affinity between Pitkin’s symbolic representation and Schmitt’s political theology. According to Pitkin, symbolic representation contains elements such as “personification, primitive magic, and religious rituals” (Pitkin 1967, 93). This is very much akin to Schmitt’s dictum that “[a]ll significant concepts of the modern theory of the state are secularized theological ones” (Schmitt 2005, 36).

but rather the power of the symbolic representation of the people in the head of state (Pitkin 1967, 102-5).

The first interpretation of the free mandate, drawing on an organically generated general interest seems defensible, for it allows citizens to govern in concert, respecting one another as equals in the law-making process, and arriving at mutually acceptable policies (Habermas 1990). However, this interpretation of the free mandate remains inadequate. The ambit of consensus in a pluralist society will be relatively limited, for if citizens hold vastly divergent worldviews, the claims that can gain the assent of everyone will only concern very basic principles. On this foundation, deliberative democrats claim that a “thin” conception of political community can be established, where the basic principles of a constitution create the basis for identification (Cronin 2003).

On the one hand, this is desirable as it allows us to make policies despite differing worldviews, for in this way, no single group can impose their values upon others, allowing for law to be compatible with a pluralist society (Habermas 1996; Rawls 1993). On the other hand, it also narrows the scope of politics quite significantly, leaving all those claims that cannot be generalized unaddressed (Connolly 2002; Mouffe 1999). More severely, the ideal of appealing to reasons that are acceptable to everyone can also be exclusionary, for it effectively marginalizes those who have values that are ungeneralizable (Bohman and Richardson 2009).

In the current political climate, this criticism is perhaps clearer than ever, for populism, affective polarization, and radical identity politics are all manifestations of a perceived political marginalization. Populists hold that politics has lost touch with the experiences of “ordinary people”, especially the white working classes (Mouffe 2018; Hochschild 2016). Affective polarization indicates that disagreements are so grave, that they cannot be contained within current representative institutions, as people are no longer willing to respect their political opponents (Iyengar et al. 2019; Hopkin 2020). Radical identity politics claims that politics has been insufficiently sensitive to the demands of marginalized identities, whether they relate to race, gender, or sexuality (Bernstein 2005). Furthermore, identity politics has become such a widespread phenomenon that it is also being carried out by parts of the majority population, who claim that the sensitivity to minorities creates exclusion (Fukuyama 2018).

In a word, although the idea of an organically achieved consensus, bound only by “the unforced force of the better argument” (Habermas 1996, 306) is an attractive interpretation of the free mandate, it overlooks that politics is also a matter of conflict and disagreement (Mouffe 1993, 12). Rather than rejecting reason tout court, recent developments should be a signal to critically scrutinize its realization in contemporary politics. Even ideals that promise emancipation and

human flourishing can become tangled up in political affairs and have their potentials undermined (Adorno and Horkheimer 1997). The increasing prevalence of groups claiming to be excluded could indicate that our conception of reason has become excessively narrow.

Moreover, one could question whether the political community evoked by deliberative democracy it is as thin as its proponents suggest. Many deliberative democrats presuppose the ideal of autonomy (Habermas 1996, 305; Rawls 1993). Far from being neutral in terms of its conception of the good life, autonomy is a deeply ethical value, which implies a conception of human interests that is no less perfectionist than the ones implied by communitarians, socialists, or even populists (Kymlicka 2002, 239; Thomassen 2022). I will not discuss whether autonomy is a more defensible ethical commitment than others, for my claim is more modest in nature: Namely that deliberative democracy does not lead to a conception of the political community that is “thinner” than competing accounts, and that it therefore remains contestable. In sum, interpreting the free mandate along the lines of deliberative democracy is inadequate because the space for consensual politics is too narrow, and because its supposed neutrality is not actually neutral.

The second interpretation of the free mandate is a thorny one, for it implies that only a subset of the population can be represented or *symbolized* by the head of state. This is because the notion of symbolic representation requires *identity* between the rulers and the ruled. As Schmitt argues, “democracy is the identity of ruler and ruled, governing and governed, commander and follower” (Schmitt 2008b, 264). This homogeneity is required, because if the head of state is to be a symbolic representation of the political community, there must be some common denominator which can be symbolized. Moreover, democracy requires identity between rulers and the ruled because the head of state is not superior to other citizens, its power deriving solely from the general will (Rousseau 2012, 22). The political community must therefore have a limited scope, for all those who do not correspond to this common denominator cannot be represented by the symbolism of the sovereign (Schmitt 2008b, 266).

However, it is not difficult to see, how this kind of representation can be corrupted. Pitkin for instance argues that symbolic representation lies at the heart of fascism, where the head of state manipulates the citizenry into believing in his or her symbolic authority (Pitkin 1967, 107). Schmitt famously also links his theory of representation to the dictatorship of a decisionist sovereign (Schmitt 2005; Marcuse 1972, 36-8).

This corruption of symbolic representation is also evident in contemporary political discourse, especially in the liberal critique of populism, which draws heavily on the homogenizing notion of representation. Populism, critics argue, is problematic because it holds that politics is a matter of

letting *the people* rule through the power of the sovereign (Abst and Rummens 2007; Müller 2014). This sovereign should be *identical* to the people, and act only based on the general will. Therefore, populism becomes an exclusionary practice because it argues that legitimate political power can only come from the people. Populism entails that all those who do not belong to the people should have no political influence.

Liberal critics of populism therefore argue that populism is troublesome because it reduces pluralism and marginalizes parts of the citizenry (Müller 2017; Urbinati 2019; Rostbøll 2023). Curiously, the criticism that liberals levy against populism could also, in part, be directed at the free mandate and its reliance on symbolic representation, for this is also a reduction of pluralism and a marginalization of those claims that do not fit into the mould of a rational consensus. The free mandate relies on the symbolic power of the head of state, for it is only through this manoeuvre that political unity is established. Obviously, liberal democracies do not employ symbolic representation to the same extent as dictatorships, but it is nevertheless an aspect of representation that must not be overlooked.

To argue that the head of state in a liberal democracy is in no way an important and powerful symbol seems untenable, for presidents and prime ministers also take on ceremonial and ritualized roles where they claim to represent the nation as such (Pitkin 1967, 102-3; Tomba 2018). Furthermore, to argue that the symbolic power of the head of state is equally acceptable to all parts of the citizenry also seems highly untenable considering the anti-system attitudes and political dissatisfaction characterizing Western democracies (Bértoa and Rama 2021; Hopkin 2020). In sum, if liberal democracy is favoured because of its commitment to pluralism and protection against marginalization, we should not only be critical of populism, but also of the free mandate.

The free mandate can thus be interpreted in two very different ways, neither of which I argue can accommodate the kind of pluralism that follows from the principles of liberal democracy. Either the scope of politics becomes too narrow or we run the risk of excluding certain groups from political influence. This should make it clear that our conception of representation is far from ideal, and that it must be reconsidered in the light of contemporary challenges. However, the tension between these two interpretations of the free mandate is no novel observation, but a manifestation of what is often termed “the democratic paradox”. In essence, the two pillars of liberal democracy have irreconcilable rationales: Whereas the liberal pillar aims at universalization of individual rights, the republican pillar emphasises the need for a bounded political community (Habermas 2001). The failed pluralism of the free mandate shows us that the universalization of democratic equality

has not been achieved. Instead, the ideal of consensus obfuscates that liberal democracy has exclusionary tendencies.

Although it could be argued that the paradoxical union of liberalism and republicanism puts liberal democracy on the road to ruin, as it must always pursue one of its goals at the expense of the other (Schmitt 1988), it also paves the way for institutional reflexivity. The democratic paradox creates an instability in liberal democracy which lays the foundations for renegotiations of the balance between liberalism and republicanism (Mouffe 2005, 5). Rather than suggesting a shortcoming of the liberal democratic imaginary, the dissatisfaction with representation paves the way for reimagining the institutions of liberal democracy. What is at stake is not a rejection of the twin promises of private and public autonomy, but a new way of envisioning their institutional embodiment. This also allows us to interpret the current trends of democratic dissatisfaction not as a crisis of liberal democracy *as such*, but as a crisis in the institutional configuration of contemporary democracies.

It is exactly within the project of such a renegotiation of representation that the imperative mandate emerges, for it can ameliorate the shortcomings of the free mandate by putting a stronger emphasis on pluralism and renegotiating the relationship between liberty and equality. By increasing accountability through the rights of recall and instruction, the imperative mandate addresses the problems at their root. Because politicians are tied to their constituents through instructions and the possibility of sanctioning, they will be more attentive to the specific needs of this group, rather than pursuing a common interest (Malkopoulou 2016). This in turn means that the imperative mandate should allow for a broader range of voices to be heard in the political process (Tomba 2018, 114-6). To substantiate this claim, I will trace the history of the imperative mandate to show, that it has always been associated with a political imaginary that opposed homogenization and centralization.

The anathema of the imperative mandate

In the representative democracies of the West, the imperative mandate has long been considered inappropriate. This sentiment was presented in quite strong wording by the Venice Commission, which stated that the imperative mandate is prohibited in several constitutions, calling it “generally awkward to Western democracies” (Venice Commission 2009, 4). Instead, contemporary representative democracies favour the free mandate which creates a loser tie between politicians and their constituents and allows for the pursuit of the general interest.

Why did the free mandate gain the upper hand, when the imperative mandate provides stronger accountability between the people and their politicians? One answer, highlighted by Pitkin, suggests that politicians need discretion to make sound policy, for the electorate does not always have well-informed preferences (Pitkin 1967, 162-3). However, if one scrutinizes the history of representative democracies, another answer emerges: Namely, that the imperative mandate fell by the wayside because it was ill-suited to the principles of the modern nation-state, which emphasised a centralized structure of power and unity among the populace (Gellner 2006). As will become apparent, although the imperative mandate has been largely forgotten in mainstream politics, it has always lurked under the surface as an alternative to the centralizing and homogenizing tendencies of the free mandate and the nation-state.

The imperative mandate emerged in the 13th century, when polities were characterized by decentralized organization with autonomous city-states and rural communities (Møller and Doucette 2022). The Middle Ages were times of great struggles for power between the state and the church, but also between central and peripheral powers in both ecclesiastical and secular matters (Gierke 1958). The idea of local delegates was introduced to limit the powers of the king (Holden 1930, 890) and the invention of a General Council of theological experts and prominent officials was intended to regulate the affairs of the Pope (Gierke 1958, 64-5). One notable example of a secular application of the imperative mandate is the kingdoms of medieval Spain². Here, delegates from the most developed autonomous cities of the kingdom were invited to the assemblies by the king, which gave them leverage in national affairs (Holden 1930, 891-2; Møller and Doucette 2022, 83-5). These delegates were bound by written instructions, given to them by the inhabitants of the autonomous city, and punishment for defection could be quite severe (Holden 1930, 900-3).

Thus, medieval politicians were very dependent on their constituents, for they had the right of instruction, and more importantly, the right of sanctioning (Holden 1930; Tomba 2018). This kind of representation was antiquated with the advent of modern parliaments and the nation state in the late 18th century (Manin 1997; Hobsbawm 1977). Although this development culminated in the constitutions of the late 18th century, it began with the theories of absolutism advanced much earlier, which advocated the centralization of state power in the hands of a single monarch (Tomba 2018, 108; Hobbes 2017; Taylor 2004, 156-7).

² The kingdoms studied by Holden (1930) are Castilla y Leon, Catalonia, and Aragon. Møller and Doucette (2022, 83) argue that the first assembly of this kind was held in Lerida in 1214.

The constitutions that emerged at this time introduced a new kind of representation. Rather than speaking on behalf of their local constituency, politicians were supposed to look after the national interest. This position is famously formulated by Edmund Burke in his speech to the electors of Bristol in 1774: “[...] parliament is a deliberative assembly of one nation, with one interest, that of the whole; where, not local purposes, not local prejudices, ought to guide, but the general good, resulting from the general reason of the whole. You choose a member indeed; but when you have chosen him, he is not member of Bristol, but he is a member of parliament” (Burke 1999, 11-2). Moreover, article 52 of the French constitution of 1795 states that “[t]he members of the Legislative Body are not the representatives of the department which has selected them, but of the entire nation. No mandate can be given to them” (Stewart 1951, 581). Similar arguments were made in the ratification debate surrounding the first US Constitution where the free mandate was favoured due to the principles of the nation-state (Manin 1997; Arendt 2006, 212).

The principles of the nation-state emphasised that the political and national community should be overlapping, which led to an emphasis on national identity and centralization of power (Gellner 2006, 1). By creating harmony between political and national communities, the nation-state became a stabilizing force, capable of creating cohesion in modern societies (Koselleck 1985 10-1; Taylor 2004, 159). In this way, the contemporary conception of representation, characterized by the free mandate, independent politicians, and the promotion of the national interest, was shaped by the sociopolitical circumstances of the late 18th century, which also gave rise to the nation-state. Hence, the marginalization of the imperative mandate should also be interpreted along these lines: As the result of political struggles; not as naturally given (Tomba 2021; Koselleck 1985, 74).

The imperative mandate had somewhat of a renaissance during the French Revolution. In the period leading up to the Declaration of Human Rights of 1793 (which was never ratified), the imperative mandate was suggested as an alternative to the nationalistic and centralizing tendencies of the Declaration of 1789 and the Constitution of 1791. Democracy, it was argued, lay not in the formalized institutions of the nation-state, but in the constant ability of the people to act upon their political wishes (Tomba 2021, 37-8).

The imperative mandate proper emerged in the writings of Jean-François Varlet, a member of the Enragés, who argued that it is a natural right of the sovereign people to elect, instruct, and even recall their representatives. Only through such measures, could the sovereign people resist the danger of legislative tyranny of the free mandate (Varlet 1792). Similarly, Robespierre, in his draft constitution of 1793, stated that “[t]he people is sovereign, the government is its work, the public functionaries are its clerks; *the people may change its government and recall its representatives when it pleases*”

(Stewart 1951, 432 [my italics]). The role of the imperative mandate in the final proposal for a new declaration of human rights on June 24th, 1793, is, however, ambiguous. Robespierre abandoned the idea to hinder insurrections, when his own faction (the Montagnards) came to power (Arendt 2006, 232-3; Tomba 2021, 41). Hence, the final proposal for a new declaration of human rights did not explicitly feature the imperative mandate, but the ideas of decentralization, pluralism, and resistance still permeate the document. Furthermore, while the Constitution of 1791 explicitly banned the imperative mandate³, such a ban is wholly absent in 1793.

The spirit of the imperative mandate therefore remained intact in the proposed Declaration and Constitution of 1793. Whereas article 3 of the Declaration of 1789 held that political authority could only emanate from the political community of the nation (Stewart 1951, 114), the Declaration of 1793 opposed such unity, stating in article 26 that “[n]o portion of the people can exercise the power of the entire people” (Stewart 1951, 457). Thus, although it does not explicitly feature the imperative mandate, the declaration of 1793 opposed the unifying function ascribed to representative institutions. Instead, it favoured a logic of representation which allowed for constant resistance, and for the plurality of the public to flourish (Tomba 2021, 56).

The imperative mandate was also a key feature of the Paris Commune of 1871 (Tomba 2021, 89-90). Unlike in 1793, under the Paris Commune the imperative mandate actually came into existence, although only for a brief period. These experiences drew the attention of Karl Marx, who championed the Paris Commune and argued that it “supplied the republic with the basis of really democratic institutions” (Marx 1996, 187). Marx’ writings on the Paris Commune introduced the imperative mandate into a new tradition of thought, that of socialist republicanism (Colletti 1969; Leipold 2020). Because the imperative mandate returned political power from the “parasitic state” to “the social body” (Marx 1996, 186), it became an institution widely associated with the emancipatory potential of self-government. By empowering citizens against the bourgeois state, the imperative mandate becomes a bulwark against the pathologies of the capitalist economy. The scepticism of centralization and nationalism carried over from 1793, but in this reading of the imperative mandate, the workers are given primacy as the nucleus of political action (Marx 1996, 188-9; Popp-Madsen 2023).

The trajectory introduced by Marx, of situating the imperative mandate within socialist republicanism, still lingers today, perhaps due to its revitalization during the Russian, German, and

³ Section 3, article 7 of the Constitution of 1791 states: “The representatives elected in the departments shall not be representatives of a particular department, but of the entire nation, and *no mandate may be given them*” (Stewart 1957, 238 [my italics]).

Hungarian Revolutions of the 20th century (Popp-Madsen 2021). Contemporary proponents of the imperative mandate argue that it is a viable solution for the ailments of contemporary Western democracies, because it provides an alternative to the dominant liberal principles (Stahl and Popp-Madsen 2022). Because liberalism emphasises the rule of law to combat the tyranny of the majority (Tocqueville 1999, 101-2), liberal responses to the crises of democracy are wary of putting more power in the hands of the public. Instead, they favour the employment of legal measures, usually initiated by non-elected officials, to counteract the forces that are threatening democracy (Loewenstein 1937a; Müller 2017). Socialist republicans argue against such measures, because they do not tackle the root cause of the predicament, which is deficient popular influence (Stahl and Popp-Madsen 2022; Popp-Madsen 2021; 4; Leipold 2020). The imperative mandate is therefore a better solution, as it returns power to the people.

While I agree with the main sentiment of the socialist republicans, namely that there is a need for more popular influence in politics, and that the imperative mandate provides this, I disagree with their claim, that liberal democracy must be transcended. By transcending the principles of liberal democracy, we abandon the inclusive and egalitarian potentials that I discussed at the outset of the paper; Namely that liberal democracy provides a political terrain which emphasizes the authority of the citizen, insulates against totalizing representation, and allows for the constant challenging of political authority.

Although the principles of liberal democracy are promising, their interpretation cannot be settled once and for all (Mouffe 1999). The reinterpretation of these principles is an ongoing process that is not progressing towards any specific end goal. Instead, we must strive for a constant deepening and radicalization of the principles of liberal democracy (Laclau and Mouffe 2001). Only in this way can we ensure that they remain true to their potentials and do not disintegrate into means of oppression (Adorno and Horkheimer 1997, xii). Taking the interpretation of the principles of liberal democracy as an ongoing practice also implies that the institutions derived from them can be renegotiated. It is not given that the free mandate is the natural manifestation of liberal democracy. In fact, I will argue quite the contrary by suggesting that the imperative mandate provides a stronger institutional edifice for the principles of liberal democracy. In making this argument, however, I will also make two theoretical claims: That we need a different conception of pluralism and a new understanding of legitimacy. These theoretical innovations allow me to reimagine the institutions of liberal democracy.

The imperative mandate as institutionalized agonism

In making the case for the imperative mandate, I suggest a shift in our understanding of pluralism, for it seems apparent that the imperative mandate cannot appeal to the kind of pluralism advocated for by deliberative democrats. As the imperative mandate marks a rupture with the logic of representation drawing on the free mandate and consensus, it must also be severed from its notion of pluralism. The concept of *agonistic pluralism* offers a way of rethinking the relationship between pluralism and representation without succumbing to the homogenizing tendencies of the free mandate.

Agonistic pluralism accepts political life as an unruly sphere where social groups articulate their demands in opposition to one another (Mouffe 1999). This opposition, however, is characterized by a respect for the other as a legitimate political adversary with whom we share the principles of liberal democracy, rather than an enemy to be destroyed (Mouffe 1993, 3-4). Agonistic pluralism suggests that pluralism should not be neutralized by establishing a consensus on a common interest, but that the conflicts that arise in liberal democracies should give rise to struggles for hegemony, where opposing social groups attempt to construct dominant social identities by linking together various political demands (Laclau and Mouffe 2001, 164-5). Struggles for hegemony are thus pluralist in the sense that they deny any definite end point, such as consensus on the general interest, but instead allow for perpetual revisions (Laclau and Mouffe 2001, 168-9). By appealing to agonistic pluralism, politics becomes a process of *deepening* and *radicalizing* our interpretation of the liberal democratic principles of liberty and equality (Mouffe 1993, 2).

Introducing the imperative mandate into liberal democracies requires a second theoretical development for the conception of legitimacy invoked by the free mandate is also tied to consensus. Hence, a policy is legitimate only if it can be grounded in a rational consensus, for only in this case is it held to be an expression of the general interest (Habermas 1996). In nuce, this conception of legitimacy perpetuates the homogenizing tendencies of the free mandate, which we must exceed if we are to take pluralism seriously. Alternatively, the imperative mandate demands a conception of legitimacy that is consistent with agonistic pluralism, and which allows for a multitude of claims to co-exist in the unruly space of politics.

I propose to think of legitimacy as *democratic hegemonies*. A democratic hegemony consists of multiple political demands linked together in a contingent whole, which subsequently structures the political space (Laclau and Mouffe 2001, 85). Such democratic hegemonies must abide by a minimalist conception of democratic civility, which holds that we should relate to our political opponents as adversaries, with whom we share the liberal democratic principles of liberty and equality (Hvid

2024). Democratic hegemonies stand in stark opposition to consensus, for they do not require all citizens to agree on any given set of demands. If the demands do not violate the status of the other as a respected adversary, they can lay the grounds for policy. In turn, legitimacy becomes a matter of legitimate conflicts or disagreements, rather than political unity. Hence, democratic hegemonies are an apt way of understanding legitimacy under the imperative mandate.

Situating the imperative mandate within an agonistic reading of pluralism advances democratic theory in two ways. First, the argument makes a connection between the imperative mandate and the principles of liberal democracy. While the revival of the imperative mandate is an emerging tendency in political theory (e.g., Tomba 2018), most scholars argue that it is an *alternative* to liberal democracy, favouring an interpretation along the lines of socialist republicanism (Popp-Madsen 2023; Stahl and Popp-Madsen 2022). By drawing on agonistic pluralism, I show that the imperative mandate does not encourage an abandonment of liberal democracy but rather a deepening of its principles. Furthermore, I would argue that this improves upon the solution suggested by socialist republicanism, for their approach argues that there is an endpoint to democratic innovations; namely, when freedom as non-domination has been realized in a classless utopia (Coletti 1969; Popp-Madsen 2023, 1191; Arendt 2006, 248).

This teleological view on the progress of democracy is at odds with liberal democracy. Whether one adheres to a deliberative or agonistic reading of its principles, a core tenet of liberal democracy is the possibility of revising institutions and principles. For deliberative democrats, this comes to the fore in their view of democracy as a fallible learning process where the status quo can always be transformed through rational argumentation (Habermas 1996, 40; 186; 444). Agonistic democrats are also reluctant to suggest a “closure” of society like the one implied by socialist republicanism, for there is no final grounding of democracy towards which we can progress (Laclau and Mouffe 2001, 111). Instead, democracy is a contingent practice that cannot be pre-determined, but only temporarily stabilized by democratic hegemonies (Laclau and Mouffe 2001, 168-8; Mouffe 1999).

Secondly, the imperative mandate provides a point of departure for correcting the institutional deficit of agonistic democracy (Westphal 2019). Proponents of radical democracy in its various guises are wary of suggesting concrete political institutions, as institutions are held to be a limiting factor for democratic practices (Popp-Madsen 2023). Institutions ossify the status quo and limit the potential of progress through democratic means, because they set certain boundaries to political practices (Honig 2001). While this holds especially true for the most radical of radical democrats, who emphasise the non-institutionalizable nature of democracy (e.g., Rancière 2001),

agonistic democrats are also sceptical of devising institutions, as these would only constitute another hegemonic articulation, which could be challenged and revised (Mouffe 2005, 3-4; Laclau and Mouffe 2001, 187).

However, through the commitment to the “ethico-political principles of democracy” (Mouffe 1999, 755), agonistic democrats carve out a path for exploring institutions. Such an endeavour is of utmost importance, for without a blueprint for institutional design, it is difficult to imagine how we can sustain the ideal of the respected adversary, which is vital to the practice of democracy. In order to demonstrate how the imperative mandate paves the way for institutionalized agonisms, I will explore Mouffe’s reading of the democratic paradox and show that she lacks the normative resources to sustain a commitment to democracy. Once these resources are introduced, it becomes apparent that the imperative mandate provides a viable innovation for agonistic democracy.

In the previous section, I introduced the democratic paradox, which denotes the inherent tension between the liberal and republican pillars of liberal democracy; one aims at universalization, the other at a bounded demos. I also argued that this paradox creates a tension in liberal democracy which, rather than being an omen of its demise, paves the way for reflexivity and renegotiations. In turn, it is this promise of reflexivity and renegotiation which paves the way for a reconciliation of liberal democracy and the imperative mandate through the argument from pluralism.

This is not to say that the argument from pluralism settles the democratic paradox and neutralizes the inherent tension between the two pillars. Solving the democratic paradox, however, is not the task of democratic theory. On the one hand, the co-originality of liberal and republican rights is the very basis of a democracy capable of handling the complexities of modern society (Habermas 1996; Mouffe 2005). On the other hand, solving the democratic paradox would do away with the potentials for renegotiation, thereby forcing us into the same teleological consequences that I argued against in socialist republicanism.

Thus, although I argue that the two pillars must co-exist, this co-existence cannot become frictionless, as Habermas argues. To Habermas there is an interdependence between the individual rights of liberalism, protecting the property and privacy of citizens, and the republican rights of participation, allowing citizens to pursue the common good in concert (Habermas 2001). As he puts it, “private legal subjects cannot come to enjoy equal individual liberties if they do not *themselves*, in the common exercise of their political autonomy, achieve clarity about justified interests and standards (Habermas 1996, xlii). Thus, the two become mutually reinforcing.

Habermas moves on to argue that this relationship between the two pillars is realized by the institutions of the democratic constitutional state (Habermas 1996, 39), and as I have shown, this points us in the direction of the free mandate. In so doing, the dissolution of the democratic paradox ends up justifying a particular set of institutions, thereby hindering the potentials for innovation (Mouffe 2005, 11; 33). Thus, although Habermas himself speaks favourably of the fallibility of constitutions (Habermas 1996), his framework is too narrow to allow for this fallibility to flourish.

Instead, I suggest that we should interpret the democratic paradox as a self-correcting mechanism. Because the liberal pillar emphasises the universality of basic individual rights, it pushes towards increasingly inclusive institutions that are at odds with the idea of popular sovereignty, as this requires a demarcation of the people. The republican pillar commits the opposite vice, with its emphasis on participation leading to exclusivity, because participation requires a demarcation of the political community. The tensions between these two ideals can lead to constant renegotiations of democratic institutions, as different balances can be struck between them. Mouffe interprets this negotiation as an articulatory praxis aiming at hegemony (Mouffe 2005, 49). As we have seen, hegemonic struggles are a product of the open-ended nature of the social. Because it is impossible to establish once and for all the foundational principles of the social, there will be a constant struggle for hegemony (Laclau 1991).

However, it seems that Mouffe's renegotiations of the democratic paradox cannot remain completely open, for it is after all a *democratic* paradox that is being renegotiated. The struggles for hegemony that arise due to the democratic paradox can therefore not be completely open-ended but must be checked by the values of democracy. This is why I suggest a move towards democratic hegemonies. In short, if the renegotiations of the democratic paradox are to remain democratic, there must be an underlying normativity, which Mouffe is reluctant to commit to⁴.

To counteract this shortcoming, I suggest that we interpret the renegotiations of the democratic paradox as a form of *immanent critique* anchored in the normative ideal of democratic civility. By immanent critique, I mean a theoretical approach, which criticizes society based on the norms it purports to embody but fails to live up to (Antonio 1981). Although immanent critique presupposes a normative foundation, it must always remain self-reflexive with regards to this normative foundation (Honneth 2000). If immanent critique fails to criticize its own foundations,

⁴ This point is also referred to as the normative deficit of theories of hegemony (see Critchley 2004).

norms that were once held to be emancipatory can be corrupted and refashioned into tools of domination (Adorno and Horkheimer 1997).

Thus, my conception of democratic civility presents itself as a powerful foundational ideal, for it contains a greater openness to contestation than the validity requirements of deliberative democracy, while retaining a reflexive anchoring in the basic principles of democracy. The unification of the two pillars of democratic theory embodies a desire to allow for a mode of political participation, where everyone is respected as political adversaries. When this ideal fails, we have grounds for criticizing democratic institutions, as is the case in the present crisis of representation.

Interpreting the democratic paradox through the lens of immanent critique allows for an amelioration of the institutional deficit of agonistic democracy through two steps. First, by employing the method of immanent critique, a commitment to the norms and values of democracy is introduced. The democratic paradox helps us become aware of when the promises of democratic civility are being undermined by an overemphasis of either liberalism or republicanism. Introducing democratic civility as a normative gauge, we can no longer tolerate institutions being left to struggles for hegemony, as agonistic democrats would suggest (Laclau and Mouffe 2001). Although there is something attractive about leaving institutional matters to the spontaneous actions of citizens, as this retains the largest amount of political freedom (Arendt 2006, 265), it is also too precarious a thought, for what if spontaneous action leads to undemocratic institutions? In times where social movements promoting exclusionary and anti-egalitarian ideals are prominent political actors, such an ideal cannot be sustained.

This in turn means that we can use the ideal of democratic civility to develop an edifice for *democratic* institutions. Such tangible guidance is lacking in agonistic democracy as this approach emphasises the unruly nature of politics (Michelsen 2022; Westphal 2019). By emphasising the primacy of democratic civility as a commitment to recognizing fellow citizens as respected political adversaries, we can effectively institutionalize the core commitment of agonistic democracy: That politics becomes a practice of contestation and contingency governed by the ethico-political principles of democracy (Mouffe 1999, 755).

Implementing the imperative mandate paves the way for a deeper and more radical understanding of representation and institutionalizes the principles of democratic civility at two levels. The first of these is the group of citizens where binding instructions are devised. Here, citizens engage with one another to negotiate the decrees by which their instructed delegates should abide. In this setting, citizens engage with one another in a struggle for democratic hegemonies, while respecting

one another as political adversaries. In turn, this makes politics a social practice, for even though citizens relate to their opponents as adversaries, these interactions erect a shared space for democratic activities (Mouffe 1993, 66-8). Through these engagements, politics is transformed from the private activity of voting into a shared social practice (Honneth 2023), counteracting the dissatisfaction with representative institutions.

The second level concerns the interactions among the instructed delegates, for here too, struggles for democratic hegemonies take place within the representative assembly. These interactions depend, in large part, on the nature of the instructions given by citizens. Across its various iterations, the imperative mandate has been devised with different degrees of precision in the instructions awarded by citizens (Holden 1930). Furthermore, the instructed delegates could also be given the right to call for a revision of their instructions by their constituents (Pitkin 1967, 146). It is beyond the scope of this paper to discuss how the imperative mandate should be implemented in practice. Nevertheless, a more flexible understanding of instructions with the possibility of revisions seems favourable, for democratic civility highlights the open and contingent nature of political life. Citizens however should still retain the possibility of recalling their instructed delegates, for it is exactly this mechanism, which ensures increased accountability (Malkopoulou 2016).

As such, the imperative mandate provides a plausible institutional manifestation of agonistic democracy, if one accepts that the tradition suffers from a normative deficit. Once again, however, it must be emphasised that the imperative mandate is not the definite solution to the democratic paradox. Rather, it is a renegotiation which speaks to the troubles of our times, where political institutions are being criticized for losing touch with the wishes of citizens. In this way, it becomes a temporary democratic solution to the crisis in representation, which can always be challenged within the confines of democratic civility.

Conclusion

Although the imperative mandate has long been considered alien to liberal democracy, this paper suggests that in the face of the crisis of democracy, we must reexamine its potentials. I have shown that, far from being at odds with liberal democracy, the imperative mandate provides an institutional edifice that is truer to its commitment to pluralism than the free mandate. This is because the imperative mandate strengthens the ties between politicians and their constituents, thereby avoiding the homogenizing move of the free mandate. This homogenizing move occurs

because the free mandate always entails a reduction of political claims to a single perspective. Because each constituency is afforded a larger say in politics by the imperative mandate, the plurality of political claims increases, and politicians are more accountable to citizens due to the binding instructions and the risk of sanctioning by recall.

I argued that we should employ an agonistic conception of pluralism, where social groups mobilize by emphasising an adversarial stance to one another and strive to challenge the political status quo. However, because agonistic pluralism emphasises the open-ended nature of political life, it does not lend itself well to institutionalized political forms such as the imperative mandate. Furthermore, agonistic pluralism champions a contingent and contestable democratic imaginary, which makes it hard pressed to sustain the commitment to the principles of liberal democracy. By emphasising the tense nature between the entwinement of popular sovereignty and private individual rights, inherent to liberal democracy, I suggested a reading of this democratic paradox grounded in immanent critique. I introduced a normative commitment to the value of democratic civility and demonstrated that this paves the way for a critical perspective on democratic institutions that does not sacrifice its potentials. Instead, it allows us to scrutinize the institutional practices of democracy and unveil when they fail their purpose.

These arguments allowed me to develop the imperative mandate as an institutional manifestation of agonistic pluralism, capable of sustaining the principles of liberal democracy. Because the imperative mandate relies on citizens to participate in drafting instructions and voting for recalls, it turns democracy into a truly social practice that stages confrontations between various social groupings. Furthermore, because politicians are bound to their constituents, they must remain faithful to their wishes, thereby also introducing agonistic pluralism into parliamentary affairs. With the imperative mandate, the contours of a new institutional framework emerge; one that remains faithful to the principles of liberty and equality while creating a terrain for pluralism and renegotiation. If we are serious about realizing the potentials of liberal democracy, the imperative mandate is a path we cannot afford leaving unexplored.

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