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# Rethinking Political Representation from the Perspective of Rhetorical Genres

Kari Palonen

**Abstract:** This article is a thought experiment. It constructs ideal types of political representation in the sense of Max Weber. Inspired by Quentin Skinner and others, the aim is to give a rhetorical turn to contemporary debates on representation. The core idea is to claim an 'elective affinity' (*Wahlverwandschaft*, as Weber says following Goethe) between forms of representation and rhetorical genres of their justification. The four ideal types of political representation are designated as plebiscitary, diplomatic, advocatory, and parliamentary, corresponding to the epideictic, negotiating, forensic, and deliberative genres of rhetoric as the respective ways to plausibly appeal to the audience. I discuss historical approximations of each type of representation and apply the combination of representation and rhetorical genres to the understanding of the European Union's unconventional system of 'separation of powers'. I conclude with supporting parliamentary representation, based on dissensus and debate, with complements from other types.

**Keywords:** concepts of representation, European Union, ideal types, political representation, rhetorical genres, thought experiment, Weber, Max

Speaking of a 'crisis of representation' is commonplace today in both public and academic discourse. There are good grounds to view this claim with suspicion. Nonetheless, it is worth reconsidering the concept of representation itself.

Frank Ankersmit (2002: 115) has reconceptualised representation as a political action that creates both the represented and the representatives. With solid grounds, he

regards the relationship between the two types of actors to be secondary compared to the activity of representing itself. This action-oriented view accentuates the weight of a rethinking of the political forms of representation.

In this article, I offer a thought experiment which constructs 'elective affinities' between ideal-typical forms of political representation and the rhetorical genres of justification. Max Weber speaks of elective affinity (*Wahlverwandtschaft*) in several parts of his work in order to illustrate certain forms of correspondence between types of ideas and types of persons (see Weber [1904] 1973: 153, 158–159; [1922] 1980: 201, 705, 724). The idea of 'elective affinity' is part of his language of ideal types and refers to relations that are not empirical, analytical, causal or normative.

Considering rhetoric as a language of politics (in the sense of Pocock 1971 or Skinner 1978), I have modified the idea of elective affinity to consider the relationship between ideal types of political representation and their justification in terms of rhetorical genres. All representation requires principles of justification deserving of a serious discussion within the addressed audience. My thesis is that elective affinity exists between alternative ideal types of representation and the justifications for which the rhetorical genres provide a repertoire of ideal types.

Ankersmit (1996) speaks of the experience of a gap between the represented and the representatives. My question is: how do we cope with this gap when thinking of political representation? The elective affinities between the ideal types of both rhetorical genres and forms of representation offer a novel perspective on this topic. In this article, I shall present an updated version of four rhetorical genres, discuss types of representation corresponding to each, and combine them into a table consisting of the axes unity versus plurality and affirmation versus change. Next, I shall shortly present historical approximations to each type of representation before concluding that the

main political struggle today lies between plebiscitary and parliamentary forms of representation. In the final section, the scheme is applied to the European Union within which all four types of representation are present.

### Rhetorical Genres of Justification Representation

For discussing the concept of representation itself, I take as my point of departure Ankersmit's view on representation as a political action that constitutes both the represented and the representatives (2002: 115, see also 1996). The action of representing thus gains conceptual priority over the relationship between the representatives and the represented. This perspective shifts the political question from the contrast of identity vs. non-identity between the two types of actors to the ideal typical ways of understanding representation as political action.

Ankersmit's perspective can transcend much of the relationship-focused debates on representation as it has developed around the work of Hanna Pitkin ([1967] 1972), in contemporary theorists' accounts (for example Manin 1995; Urbinati 2006, 2014) or in other current debates (see the discussions in Alonso et al. 2011; Shapiro et al. 2009; ). In this article, I shall not further comment on these views. The problem shift raises namely two new questions. By which rhetorical principles each ideal type can be justified as plausible within the audience consisting of both the represented and the representatives? How can we conceptualise the main ideal typical forms of representation in order to increase their relevance for contemporary democratised politics?

In his *Rhetoric*, Aristotle discusses a paradigmatic situation, in which the genres of speaking and the institutional practices of the polis are connected. In its first pages, he presents a triad of rhetorical genres, which 'correspond' to certain Athenian

institutional practices and definite relationships to time. I interpret their 'correspondence' as elective affinities and regard the Aristotelian triad of deliberative, forensic, and epideictic genres of rhetoric as principles of justification. Furthermore, I reinterpret the corresponding practices in a way that their elective affinity is transformed from the Athenian type of face-to-face institutions to representation-based political institutions of the modern and contemporary world, adding a fourth genre, namely diplomatic rhetoric.

Ways to justify representation are rhetorical in the elementary sense in that they appeal to audience approval. The appeals may be accepted, rejected or revised. In order to construct forms of representative politics that manifest elective affinities to the rhetorical genres of justification, I shall provide a thought experiment which offers a repertoire of ideal typical forms of both, in the sense of Weber's principle of one-sided accentuation (*einseitige Steigerung* in Weber [1904] 1973: 191).

Aristotle's triad of rhetorical genres contains a reference to the typical situations of their application as well as corresponding time orientations. Deliberative rhetoric is a future-oriented rhetoric of debating on alternative courses of action in public assemblies (*ekklesia*); forensic rhetoric deals with past criminal cases and civil disputes in popular courts (*dikasteria*); and epideictic rhetoric is a present-oriented rhetoric of praise and blame in ceremonies and arts, including the art of speaking at different occasions (see Aristotle, *Rhetorik*: 1354b–1355a, 1358b–1359a).

As the fourth genre we can add the rhetoric of negotiation that Aristotle would have considered a variant of the deliberative genre. As Hannah Arendt (1993: 51, 121–123) emphasises, the relationship between *poleis*, 'foreign policy' and 'diplomacy', were not 'political' for the ancient Greeks but were so for the Romans. While the rhetoric of negotiation is also future-oriented, it is not a debate among citizen-politicians in

assemblies but between diplomats who negotiate between polities, or between parties inside them. In this sense, the rhetoric of negotiation today includes diplomacy between the representatives of states as well as between parliamentary chambers, parties in coalition government or parties on the labour market (see Palonen 2010: ch. 3).

### Ideal Types of Political Representation

Unlike the classical terminology, I shall regard all rhetorical genres and the 'corresponding' principles of representation as political. They differ, however, from each other regarding how openly they recognise their own political quality. Deliberative and negotiating styles of representation do that, but forensic and epideictic genres claim, in a sense, to transcend politics by taking the juridical or the aesthetic paradigm as models for constructing the type of representation.

The epideictic rhetoric of praise and blame defines representation as the embodiment of the represented in the representative. In the act of acclamation, the represented and the representative (in the singular) are united. The purest form of plebiscitary representation by acclamation is the referendum or the plebiscite following the vox populi, vox Dei model in which there is no difference between the represented and the representatives. The adherents of plebiscitarianism frequently deny the representative character of the ideal type (see Urbinati 2014), but the political act of aiming at an identity between the represented and the representatives can be understood as a special form of representation.

Because of its past-orientation, there is no evident parallel of representation in the forensic genre of rhetoric. The power of the courts remains a veto power without a possibility for political initiative. The model of forensic rhetoric consists of an advocate representing the cause of a client as an external professional mandataire who is

expected to represent the cause better than the mandatants themselves. The defendant in criminal cases and an advocate in private law disputes provide classical models for this type.

Nonetheless, analogies exist for representation acting in the present towards the future. The non-judicial type of advocatory representation is based on an elected person acting on behalf of the public. The advocatory representative—an institution incarnated in a person—is assumed to advance the general interest better than the citizens themselves and avoid the partisanship of elected parliaments. The modern paradigm of advocatory representative is known with the Swedish term ombudsman. An ombudsman is not a political leader but a representative elected by the parliament to point out specific cases of legal and administrative misrule and to prepare measures for their removal, including the possibility of engaging in its own initiatives.

The diplomatic style of representation takes the existing parties of a polity — including the international order—as the units negotiating with each other. They limit the dispute to concern relative advantages of proposed compromises for the parties, above all the distribution of scarce shares of common objectives between the parties. Edmund Burke's ([1774] 1999) parody of turning the parliament into a 'congress of ambassadors' illustrates well the point of this ideal type. Beyond the context of inter-state polity, the representatives serve as some sort of diplomats on behalf of different strata of citizens, as groups or factions that negotiate, ideally within a bound mandate, on behalf of the opinions or interests of their own clientele.

Within the genre of deliberative rhetoric, the parliamentary form of representation marks a novelty compared to the rhetoric in the ancient assemblies. The focus of parliamentary speaking takes a greater distance from the (epideictic) quality of individual speeches. In parliament, the rhetoric of debate replaces the rhetoric of

oratory (see De Mille 1878; Palonen 2016). The principle of debating pro et contra was officially affirmed by the English House of Commons in 1593 (see Peltonen 2013: 139). Parliamentary representation is based on deliberating, that is, weighing the relative strengths and weaknesses of motions and the resolutions joined to them, and then deciding by vote. In a full-fledged parliament, debate is not merely advice on the decision but, to the contrary, the vote is the last step in deliberation (see for example Campion 1929: 143). A parliamentarian represents the citizens by engaging, with a free mandate, in debates pro et contra.

### Responses to the Gap Between the Represented and the Representatives

My thesis is that to each of the rhetorical genres of justification there exists an elective affinity with an ideal type of representation. In the next step, I shall analyse the relationships between the four types of rhetoric-cum-representation from the perspective of the contemporary problematic of representation.

Ankersmit's view of representation as political action concerns the experience of a growing gap between the represented and the representatives. It is based on an aesthetic model of recognising that every picture interprets reality from a certain perspective (see Ankersmit 1996: esp. 104–111). Mimetic and aesthetic forms of representation are ways to deal with this gap. My aim is to render intelligible all four types of rhetoric-cum-representation, as responses to the experience and judgement of this gap between the represented and the representatives. This gap is widening in contemporary West European polities where lifestyles have become increasingly heterogeneous.

I have set the types of representation-cum-rhetoric in a simple scheme (see also Palonen 2018: 33–40). The horizontal divide concerns whether the ideal typical act of



political representation supports changes into the direction of unity between the represented and the representatives or accepts the values of plurality and dissensus among both of them. The vertical division in turn addresses the question whether, in an audience consisting of both the represented and the representatives, the act of representation affirms their existing thoughts and interests or challenges both of them to change (see Table 1).

**Table 1. Forms of representation and their rhetorical justification**

	<u>Unity</u>	<u>Plurality</u>
<u>Affirmation</u>	<u>Plebiscitary</u>	<u>Diplomatic</u>
	<i>Epidictic rhetoric</i>	<i>Negotiation rhetoric</i>
<u>Change</u>	<u>Advocatory</u>	<u>Parliamentary</u>
	<i>Forensic rhetoric</i>	<i>Deliberative rhetoric</i>

Insert table 1 here

The elective affinity does not require a complete correspondence between the rhetorical genres and types of representation, but there always remains a contingency between them, a range of variation for applying the other types. For example, in order to justify plebiscitary representation in direct presidential elections, it is much easier to recourse to the epideictic rhetoric of acclamation for a presidential candidate than to use negotiating rhetoric appealing to the diplomatic effects of the choice between candidates or the deliberative strengths and weaknesses of the candidates' expected policies.

Ideal types always transcend historical realities but it is possible to construct illustrations of close historical examples of elective affinities between forms of representation and forms of rhetoric. The degree of approximation to the ideal type of historical examples varies and the same holds for the plausibility of their affinity for historically competent readers. The historical examples discussed in this article do not have independent value but serve to illustrate and concretise the thought experiment I am conducting.

On the level of thought experiment, I assume elective affinities between the types of responses to the gap between the represented and the representatives. Also, here we can think of a range of variation, for example that diplomatic representation also allows some changes in the wider political constellation under the condition that the constitutive parties of negotiation themselves remain stable.

In the following sections, I shall present historical approximations to each of the four ideal types of political representation. The presentation proceeds from the closest approximations to the more complex or mixed forms, and discusses the specific chances and limits of each version from the viewpoint of rhetorical and political plausibility.

### Plebiscitarian Politics of Acclamation

A common assumption for all ideal types discussed here is that representation requires a minimal dimension of election by the represented. For this reason, I exclude from the discussion, for example, appointed officials and expert bodies. Their power is based on the epideictic authority of knowledge that is not expected to be disputed by those who are subjected to them, but it may well be disputed by ombudsmen or elected parliamentary representatives (see Weber [1918] 1988: 235–248 on the parliamentary control of officialdom).

The purest form of an applauding assembly is that of a crowd shouting their approval aloud (and measuring the length of the applause, see Manow 2017: esp. 11–19), followed by a meeting acclaiming by hands. There is no election involved in situations in which withholding from acclamation does not matter (except in the sense of noticing the dissenting actors and eventually sanctioning them). In a referendum there is a choice but the organisers try to set the question in a way in which the ‘no’ vote does not have a real chance. No parliamentary-type amendment is possible during the referendum campaign.

A plebiscite in favour of a president is not election, as Weber notes: ‘A plebiscite is not an election but a one-time or ... repeated recognition of the position of a pretender as a personally qualified charismatic ruler’ (Weber [1922] 1980: 622, my translation) The argument illustrates, however, how the dividing line is relative, and a presidential election between two competing candidates is closer to an acclamation contest than a choice in an election. The two Bonapartist empires are the closest European approximation to the plebiscitary combination of referenda, a presidential system and a marginalised parliament. Relying on Hobbes and Rousseau, Carl Schmitt ([1928] 1970: 204–205) in his *Verfassungslehre* takes a stand for referenda and a presidential regime, leaving to the citizens—*das Volk*—merely the possibility of transferring elections to an acclamation, which a referendum is per se (on Schmitt’s defence of a plebisitarian form of democracy against parliamentarism see Kalyvas 2009).

The logic of referenda and presidential systems is the ‘winner takes all’, that is, majority incarnates unity. The response to the dissenting plurality in the electorate lies in the unscrupulous justification of the majority as unity by the rhetoric of acclamation. The opposite side of this is disputing the justification of all ‘intermediate bodies’ between the represented and the personal ‘embodiment’ of the people, that is, a delegitimisation of representation through debating assemblies. No consideration of the minorities is taken.

Nonetheless, the contingency of the vote occasionally turns referenda against the intentions of the government, if the election or referenda are sufficiently free and fair. Charles de Gaulle had pledged to resign if the outcome of the referendum would be negative, and this was the case in 1969. Augusto Pinochet's loss of a referendum and Slobodan Milosevic's loss of a presidential election signalled the end of their regimes. The audience-dependency of all rhetoric, or in Weberian terms, the anti-authoritarian reinterpretation of charisma that marks free and fair elections (see Weber [1922] 1980: 155–157), enables voters to refuse to acclaim and to transform even a referendum into a vote against the intentions of its organisers.

In the Napoleonic constitution of 1800, the key plebiscitary instrument was the separation of debate and vote to different chambers, *Tribunat* and *Corps législatif* (see Garrigues 2007: 102–108). In Israel, the prime minister is elected directly, simultaneously with the Knesset elections. Maurice Duverger (1996) speaks here of semi-parliamentarism. Tendencies to presidentialise parliamentary elections appear also in parliamentary systems, especially within two-party systems.

A parliament becomes a rubber stamp when it is transformed into a machine of ratification of the government's programme. The opposition is treated as if it was an enemy of the country. No rights of minorities will be recognised in parliament or outside it. There are no procedural limits to arbitrary powers against the exclusion of small minorities without a chance to obtain majority—such as the Roma—from citizenry, registration as voters, fair treatment before law or negotiating their interests with the government.

### Advocatory Representation

Powerful examples of extending the forensic model to political debates and decisions are, of course, the Supreme Court in the United States and the Bundesverfassungsgericht

in Germany with their veto powers. Binding the debates and decisions to the constitution and the precedents tends to undermine the novelty of the present and the future.

For my purposes more interesting are the non-judicial versions of the advocacy model. The classical example of electing a political leader outside the citizenry is the *podestà*, which medieval Italian cities chose in order to mitigate factional quarrels (see for example Skinner 1978: vol. I). A person elected from outside the city could rule independently of existing factions, that is, avoid both the partisanship and parochialism of city politics. The professional competence of the *podestà* was also thought to be essential, similar to that of an advocate in legal cases.

The modern paradigm of advocacy representation is, as mentioned, the ombudsman, a trustee of citizens elected by the parliament, the term referring to the Swedish origins of the institution. The ombudsmen are complementary to parliamentary or diplomatic models of representation, incarnated in a person, with definite although limited powers. They are, like the *podestà*, assumed to be above factional quarrels between the citizens and the parties, fierce and more competent defenders of their rights than average citizens themselves.

To illustrate the powers of the ombudsman, I quote the English version of the objectives of the justice ombudsman of the Finnish Eduskunta:

The Ombudsman exercises oversight to ensure that public authorities and officials observe the law and fulfil their duties. The scope of oversight includes also other parties performing public functions.

The aim is to ensure good administration and the observance of constitutional and human rights.

The Ombudsman investigates complaints, launches own investigations and carries out on-site inspections in official agencies and institutions.

(Parliamentary ombudsman of Finland, n.d.)

These formulations describe the advocacy-type of representing citizens as complementary to the parliamentary type. The representation by ombudsman does not necessarily refer to past acts and acts only by complaints. The ombudsman complements parliamentary investigation committees in the control of government and administration, with the right to launch new investigations.

The choice of the ombudsman is a political matter but refers to the possibility of advocating principles that go beyond the immediate interests or actual opinions of those on whose behalf the advocatory representation is intended to act. The model depends on shared principles which transcend daily disputes such as human rights or the protection of the constitution. Such consent is fragile, and open to questioning by other rhetorical models of representation.

Human rights illustrate a possibility to create a unity of the polity based on the equality of citizens, independent of their background and previous status. The ombudsman is a political advocate whose primary purpose is to direct the attention of parliament and government to remove the obstacles and to improve the conditions for human and political rights among citizens.

In Sweden, besides the Justitieombudsman of the Riksdag special ombudsmen exist against specific forms of discrimination of the weak or minorities. Similar officials – albeit not called ombudsmen – have been set up in Finland as well. In Germany, the Wehrbeauftragter des Bundestages similarly exercises parliamentary control over the Bundeswehr and defends the rights of the ‘citizens in uniform’ (Wehrbeauftragter des

Bundestages, n.d.). In all cases, the rights of citizens cannot be outvoted by a majority and are not protected by the ordinary bureaucracy.

Nadia Urbinati employs the term 'advocatory representation' in the sense of inclusion of the voters' view to the parliamentary agenda without binding the members (2000: 73–78; 2006: 44–48). This complements the classical institution of petitions from citizens.

The mediators and arbiters in labour disputes or the United Nations' 'special representatives' in inter-state conflicts or civil wars can also be analogous to ombudsmen. They offer their 'good services' not just to facilitate the compromise but also to represent wider interests than those of the parties themselves. To what extent this is possible and legitimate and not an intrusion into diplomatic or parliamentary powers' remains, of course, a matter of dispute.

## Diplomatic Representation

The diplomatic style of representation is based on the affirmation of the order between existing parties and deals with the negotiation between their differences in interests and opinions. The diplomatic ideal is a compromise between parties that each of them considers advantageous for their own side.

Diplomatic rules concern all politics between stable and mutually recognised parties. As Max Weber emphasised, compromise is the principle of estate representation ([1917] 1988: 167–170). For example, in the Swedish Riksdag a decision required the majority of three estates out of four (on the end of it in 1866 see for example Kurunmäki 2000). The model inter-cameral rhetoric of negotiation applies to the disputes between two or more parliamentary chambers elected on different bases, as supplementary to deliberation inside the chambers.

Multiparty coalitions of continental European politics in the form of interparty negotiations illustrate another politically important variant to the diplomatic genre. The coalition agreement, as the government's political platform until the next elections, is analogous to diplomatic treaties which are intended to promote common interests (against third parties). If coalition agreements are strictly followed, parliamentary debates are reduced to epideictic struggles between government and opposition or diplomatic negotiations between government parties in parliament and its committees. Especially under strong majorities the Spielraum for deliberations in parliament remains scarce (for a study on Norway under majority and minority government, see Grølie 2017).

To parliamentary minorities, diplomatic-style negotiations are a major means for doing politics. Such rules as qualified majorities, a quorum for the presence of members in parliaments, the approval of constitutional changes in two subsequent parliaments offer veto powers for minorities in matters that are vital for them. In extreme cases, parliamentary obstruction or even electoral boycott are obvious oppositional tactics under majority governments. Informal 'counter-diplomatic' means, such as provoking splits in coalitions or secessions of members from its parties can also be added to the list. Other minorities must first get their status recognised by the state before they can negotiate with each other and 'sacrifice' something of their 'essential' demands.

Around 1900, two anti-parliamentary versions of diplomatic representation were proposed, the neocorporatist representation of professions (*berufsständische Vertretung*) on the right and the Soviet-type of workers' council representation on the left. The neocorporatist model idealised the medieval guilds as a model for 'professional' identity. The Soviets relied on workplace representation, excluding the employers. In the syndicalist models it was difficult to separate between the two, and



Pierre-Joseph Proudhon inspired both (see Rosanvallon 1998: 57–61). The common enemy was treating citizens, voters and parliamentarians as individuals, who chose and altered their stand in debate with others and voted in a ballot box as citizens abstracted from their social being (see Weber [1917] 1988: 170).

Negotiations between labour and employers' organisations provide an important form of diplomatic rhetoric. Especially after the Second World War, these organisations and negotiations gained a strong position in many West European countries in particular, giving regimes a neocorporatist touch when the parliament was pressed to ratify the agreements of labour market partners on social policy and related fields.

Occasions for politicking arise when a qualified majority is required. The minority groups might then detect their possible veto power. The stakes are lower in granting special privileges or removing forms of discrimination, than in the case of the formation of an entire government's policy. The possibility of deliberating between different stands or interpretations of what constitutes the minority in question arises. However, the diplomatic model must presuppose the unity of the minority, which then gives rise to endless debates on who represents it and how deliberative differences of stands are subordinated to the diplomatic logic of negotiation. Interest-based groups are readier to bargain on their benefits and advantages, costs and disadvantages than opinion-based minorities that are susceptible to internal dissent requiring parliamentary debates.

## Parliamentary Representation

The debate *pro et contra* refers to the deliberative concept of parliamentary representation. The motions must be put into the agenda in a parliamentary form of items including a resolution that contains a clear stand between alternative courses of

action. Parliamentary decisions will be reached in a multistage process of debates on a resolution. The status of parliamentarians is based on freedom from dependence (see Skinner 1998). Old parliamentary principles—free mandate, free speech, freedom from arrest and free and fair elections (see Hexter 1992)—support the independence of MPs also against their own party groups. Members are representatives, as opposed to ‘ambassadors’ of constituencies (Burke [1774] 1999), ‘delegates’ of their parties (Kautsky 1911) or a machine of ratification of the governmental majority.

Compared with the ancient assemblies, the parliamentary way of proceeding operates with a distinct procedure in which a dissensus of perspectives on the question on the agenda is expected. James De Mille (1878: 473), a Canadian rhetoric professor, put the point as follows: ‘The aim of parliamentary debate is to investigate the subject from many points of view which are presented from two contrary sides. In no other way can a subject be so exhaustively considered’. George Jakob Holyoake (1897: 54), a British activist of the cooperative movement made the same point: ‘No person can be said to entirely understand any subject until he has debated it with sharp-witted people’.

Dissensus, as a counterconcept to consensus, is for parliamentary politics a methodological principle that is necessary for a deeper and more comprehensive understanding of the questions on the agenda. Neither the government nor the individual member who presents and justifies a motion can be expected to understand all the consequences and presuppositions of a motion without a many-sided debate. When ‘reality itself’ is inexhaustible by any specific set of concepts (see Weber [1904] 1973: 170–171), it is important not only to judge the strengths and weaknesses of the motion, but also to take into consideration the perspectives on the question, from which

the judgments might appear in a different light, when new aspects are introduced to the debate.

The parliamentary process of debate on a motion includes the comparison of its strengths and weaknesses with amendments, the Westminster-type of presenting alternatives to a motion (see Campion 1929). The debate conceptually precedes the division of members into supporters and adversaries of a motion. Elections will be conducted between candidates of parties, but the election-based division of the members into parliamentary groups is constantly challenged in the debates themselves. While the party divisions provide a metonymy for stable parliamentary constellations, members speak and vote in parliament as individuals, making this distribution very fragile. Every debate and vote, indeed every motion and every speech, can be formally considered as an occasion to reconfigure the parliamentary constellation of the members.

Parliamentary debate is not a single event but consists of plenary and committee sitting rounds, which can be interrupted by moves for amendments, adjournments, procedural questions, the use of *clôture* and *guillotine* and so on. The politics of time, giving a motion sufficient time and recognising that time is always scarce, is thus an inherent part of parliamentary deliberations. Although the government has priority in most motions, in Westminster the opposition and the backbenchers do have their own times for parliamentary initiatives, allowing them to play a constructive part in parliamentary debates and votes (see Palonen 2014).

Westminster-style parliaments also exercise a detailed control of administration through their committees. Max Weber emphasised the value of this rhetorical procedure and wanted to extend it to the German Reichstag. Weber extended his perspectivistic theory of knowledge, as presented in his essay on 'objectivity' (Weber

[1904] 1973), to the practical knowledge of the officials, which must be submitted to thorough forms of parliamentary examination in committees (see Weber [1918] 1988: esp. 235-237; Palonen 2010).

Indeed, in the deliberative conception of parliament, besides the actual members the candidates are also considered as debaters. Their activities are oriented both to getting elected and to the prospective agenda of debates of the next parliament and to the manner they get involved in them, if elected. Additionally, the voters participate in the parliamentary debates by comparing the candidates and by choosing the members by voting, a process that forms the first stage of the debates in the new parliament.

Thus, we can speak of a hierarchy of levels of parliamentary representation in debate, regulated by rules of procedure, which are *mutatis mutandis* also applied to the electoral campaign, the setting of candidates and the public debate outside parliament (see Bagehot [1867] 2001). The rhetorical genre remains at every stage that of deliberation, although what is deliberated varies from the motions on the parliamentary agenda to the comparative competences of the candidates in both setting up the candidates and voting between them.

### The 'Separation of Powers' in the European Union

The heuristic value of the rhetorical genres approach to studying the forms of political representation can be illustrated with the complex 'separation of powers' system that currently prevails in the European Union (EU). The system does not correspond either to Montesquieu's triad or to the United States' constitution. The present-day EU is the result of several contingent but not accidental political compromises. Thus, the elective affinities with rhetorical genres can render the EU's existing representative institutions intelligible.

The plebiscitary element lies, strictly speaking, outside of the EU itself. Access to membership follows via a referendum in each applicant state, which, together with its parliament, ratifies membership. The membership referenda might strengthen the EU's legitimacy. Norway rejected the membership on the basis of a referendum twice, in 1973 and 1994.

A number of referenda of varying types have been held in the EU member states. The Brexit referendum marks a rhetorical move to leave the EU. Several referenda on the revision of the treaties have been lost for the EU (for example in Denmark on Maastricht, in France and the Netherlands on the draft to constitution, in Ireland on several occasions, and in Sweden on the Euro). Many of these referenda concerned less the EU but was (mis-)used to express opposition to the government or discontent against 'the establishment' (on referenda in the EU see Kreis 2017: 138–210, on the French 2005 referendum debates see Wiesner 2014).

Voting citizens have not understood referenda as complements to parliamentary stages of debate and decision, but as occasions to interrupt them. Referenda have served as obstructive veto powers against higher levels of European integration approved by parliaments. Georg Kreis (2017: 289-291) has argued, providing good reasons for referenda to be organised only at the EU level, simultaneously in every member country.

A candidate for the plebiscitary element in the EU would be the direct election of the President of the European Commission as a representative of the EU's general interest. From a parliamentary perspective, however, the president of the Commission is the EU's de facto prime minister, who should be elected by and responsible to the European Parliament (see Bagehot [1867] 2001; Weber [1918] 1988). Electing the

president of the European Council by popular vote would also erode its parliamentary element of combining debate to vote (see Palonen and Wiesner 2016).

Initially the EEC was an international organisation among others. With the Maastricht Treaty of 1992, the legal status of the EU has changed from international to parliamentary law (see Clinchamps 2006). The Council (of ministers) of the European Union and the European Council (of prime ministers and heads of state) are still organised mainly on the inter-governmental basis. The veto power of a single member state to prevent decisions at all in the European Council's Rules of Procedure (Article 6.1) has lost in importance in favour of majority votes, for example in procedural decisions (Article 6.5) (European Union, The European Council 2009).

In the present European Council, a parliamentary element is enshrined in the prime ministers' rhetorical practice of trying to persuade each other to obtain a sufficient number of votes that would render a decision possible. Even if the European Council seldom meets, extensive parliamentary-style debates in several rounds are missing and the meetings are secret, its votes are still not intelligible without preceding debate. Debating matters not requiring consensus is closer to parliamentary deliberations than intergovernmental negotiations between member states (see Palonen and Wiesner 2016).

In the Council of the European Union with qualified majority votes the number of inhabitants is also taken into account. The double majority consists of 55 per cent of member states representing at least 65 per cent of the EU population in favour (see European Union, Councils of the European Union, 'Voting system', n.d.). The relative preponderance of the smallest member states that characterises the US Senate or the European Council is counterbalanced in the Council. The parliamentary element is

stronger in the Council, although member countries are assumed to vote as a united block, as in the German Bundesrat.

The problem with the both EU Councils lies in their 'executive federalism' (see Tiilikainen 2011). In other words, it seems still to be difficult for ministers to think of themselves as acting as federal parliamentarians rather than as diplomats on behalf of their countries. Although the majorities would hardly be so different due to majority governments in member states, electing representatives of member state parliaments into the two EU Councils could be a step towards their turning to Senate-like assemblies following parliamentary procedure. Such a dual representation of both governments and parliaments would better suit the status of the Council as the second chamber of the European Parliament.

Since the 1990s, the European Parliament (EP) has chosen an ombudsman of its own, which adds a dimension of advocatory representation to its activities. Within the EU, however, the European Commission, the European Court of Justice and the European Central Bank are also advocatory institutions. Each of them is devoted to the promotion of the EU's general interest which transcends those of the member states. The European Court of Justice has played a major role in upholding the priority of the European law over that of the member states (see Beck and Grande 2004), and the European Central Bank is the guarantor of the common currency and financial stability. The members of the European Court of Justice or the European Central Bank are not elected from outside *à la podestà* but from legal and financial experts in member states. They might be tempted to practise epideictic rhetoric of expertise instead of advocatory defence of the EU and its citizens and the knowledge-relying authority of expertise instead of acting as a professional advocate of common EU interests and objectives.

The common point of all three advocacy institutions is their independence from member states, including a transformation of loyalty to the EU for their personnel. In the European Commission, while the parliamentary government aspect is also present, its quasi-monopoly of initiative to the European Parliament is an indicator of advocacy representation. The Commission's initiatives can be understood as experimental balloons of a think-tank as much as government motions. They illustrate the transnational European policy, but this would require their submission to an even more thorough parliamentary scrutiny and amendment than governmental motions in member states.

Besides the EP, the parliamentary dimension in the EU contains the two councils together as the second parliamentary chamber as well as the member states' parliaments together as the third chamber. This quasi tricameral system is already recognised in the present EU's institutions of interparliamentary negotiation. The member state parliaments' EU affairs committees meet regularly in the Conference of Parliamentary Committees for Union Affairs (COSAC) (see Kreis 2017: 217–219 and European Parliament n.d.). Interparliamentary negotiations are an integral aspect of the 'ordinary legislature procedure' between the Council and the EP, in the budget between the EP and the EC as well as in the possibilities of member state parliaments to present, at an early stage, their stand to the motions on the EP's agenda. No link from the member state parliaments to the two councils besides the ministerial representation currently exists.

An obvious step for parliamentarisation of the EU could be transforming the Commission, the cabinet of commissioners, into an EU government elected by and from among EP members, who should, in the Westminster-style, retain their seat in the EP (see Bagehot [1867] 2001: 125–138; Weber [1918] 1988: 227–230). Another move



would be to provide individual members of the EP with the right to parliamentary initiative, as a necessary element of the profile of parliamentarians as debaters. A third possibility could require the transformation of the EP's electoral system from member state-based electoral districts to include electorates from several member states—a project analogous to the Cleisthenian reform in ancient Athens. Furthermore, the deliberative character of the EP's debates would be strengthened by replacing the Francophone practice of introducing the bills to committees by the Westminster system of bringing them first to the plenum.

Such a process of parliamentarisation would strengthen the union and guarantee the priority of parliamentary politics and the rhetoric of debating over other ideal types. But this would not necessarily require the abolishment or exclusion of the existing advocacy and diplomatic forms of representation within the EU or even the plebiscitary element in the entrance to membership. The ideal type of political representation might also support the strengthening of parliamentary powers by the complementary uses of other types of political representation.

The main political conflict in the present-day EU lies between diplomatic intergovernmentalism and supranationalism that can be supported both from parliamentary and advocacy perspectives of representation. Strengthening the supranational character of the EU would require that advocacy institutions be submitted to the control of the parliamentary politics of debate.

### The Priority of Parliamentary Representation as Intervention in Debate

This thought experiment with ideal-typical perspectives links rhetorical genres to ways of representation. Of course, the ideal types are purely formal alternatives, and the

choice between them is left to the value orientation (Wertbeziehung for Weber [1904] 1973) of the actors or the research interests of the scholars.

The plebiscitary and parliamentary forms of representation remain, however, the main political alternatives. As discussed from the perspective of rhetorical genres, the strengths of parliamentary politics appear in a new light when they are compared to other forms of representation and connecting parliamentary representation to the politics of debate par excellence. The parliamentary view corresponds best to Ankersmit's thesis on representation as a political act that changes the 'pre-political' constellation in the citizenry. When dissensus and debate are presupposed in parliament, the constellations of adversity are variable both in time and in relation to the items on the agenda. As such they are opposed to quasi-imperative party mandates or to the conflict of acclamations between government and opposition. In contrast, the parliamentary representation trusts on elected representatives as competent debaters.

In some respects, also in parliamentary systems of government advocacy, diplomatic and even plebiscitary elements can complement parliamentary representation. Max Weber's late support for a directly elected Reichspräsident (see Weber 1919 [1991]) is premised on his insight that the expansion of bureaucratic rule needs as a counterweight, besides the parliament (see Weber [1918] 1988), a relatively independent president, although in combination with the responsibility of government to parliament. This position corresponds to Weber's aversion to the party-list version of proportional representation that projects vested interests into parliament and in this way comes close to the imperative mandate (Weber [1919] 1991: 76).

In parliaments, there are also epideictic rituals and forensic powers of the Speaker and committee chairs as well as interparty negotiations. Within the parliamentary model of representation, they must remain subordinated to the

deliberative genre of debating for and against. In addition to the ombudsman, there is one good case for delegating parliamentary powers to an external commission, namely the determination of parliamentary salaries. Compromises are frequently valuable as results of deliberations between government and opposition or front- and backbenchers, although retaining the possibility of deciding the item by vote (see Weber [1917] 1988: 167–172).

All this holds on the condition of upholding the priority of parliament as an assembly deliberating *pro et contra*. Connecting representation to thorough debates also allows us to see the creativity of parliamentarians as a counterforce to the epideictic belief of an efficient governmental apparatus (on recent Westminster-related studies of this aspect, see Evans 2017).

Since the 1990s, the topic of political representation has gained new interest in political theorising, including in the works of Pierre Rosanvallon, Bernard Manin, Frank Ankersmit, and Nadia Urbinati. Representation is understood to be more than a necessary technical device in large states. Ankersmit's view on representation as political action is the most consequent expression of this insight. In this article, I have amended Ankersmit's perspective by using rhetorical genres as legitimising principles for ideal types of political representation. This move has allowed me to also see plebiscitary, advocacy and diplomatic models as systems of representation. In a comparative perspective, parliamentary representation appears in a new light, as a politics of dissensus and rhetoric of debate, which I consider widely superior to the competing ideal types.

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