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Summary

The central idea of this report is that without a supporting structure of democratic representation, the delegation of decision-making and controlling powers to expert-based agencies and regulators, and the reliance on private sectors' self-regulation lack democratic legitimacy. Efficiency is not a substitute for legitimacy, but part of it. In terms of democratic legitimacy, the system of representation offers a holistic framework within which to embed mechanisms of democratic authorization, control, and accountability over all forms of guardianship and delegated powers in democracy. The report offers a general account of the transformations affecting the ideas and institutions of democratic representation and accountability in modern politics. It suggests that NMGs and the delegation of power to non-majoritarian institutions are part of such new ecology of democratic representation and accountability. However, the idea of public interest and of the relationship between principal and agent that underlies the politics of delegation is considerably different from that of traditional forms of democratic and electoral-based representation. The report concludes by suggesting that new institutional forms and mechanisms need to be found to bring NMGs under the shadow of democratic legitimacy.

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I. Introduction: Setting the Problem

New Modes of Governance as defined by Adrienne Héritier and Dirk Lehmkuhl (2008) make extensive use of political delegation to public and/or private regulative agencies lying outside the legislative arena. As they argue, such new modes of governance is based on special expertise, capable of producing ‘efficient policy outcomes in their particular “functional” areas’. As they also remark, however, the efficiency gains produced by NMGs pose a problem in terms of managing externalities, and this raises questions at a democratic level. As they say, ‘while functionally differentiated governance is a common feature of modern political systems, its implications for democratic accountability beyond the national level are rarely addressed systematically.’

In fact, the new ‘politics of delegation’ seems to have produced a new decision-making ‘environment’ characterized by a number of factors, such as: growth and increasing complexity of expert knowledge; growth of regulation and of civil-society based self-regulation; growth of new modes of governance based on ‘non-hierarchical’ organizational structure, on soft-norms, on the use of market-like mechanisms, and of a more blurred divide between public and private; increasing penetration of the legal system and legal mechanisms into social life. These developments have been heightened by the emergence of transnational and multi-level governance, of which the EU is a particular example.

Indeed, the problem is particularly acute at the EU level if, following Majone, one argues that ‘the Community method is characterized by the extensive delegation of legislative and policymaking powers to the European institutions – in particular to the Commission with its monopoly of agenda-setting.’ This makes the politics of delegation central to European governance, and the need for assessing its legitimacy more pressing. (Majone, 2005: 64).

The growth and diffusion of NMGs and of forms of political delegation at the national and supranational level presents a particular problem in terms of democratic politics. In democratic regimes the legitimacy of governance is guaranteed by the balancing of ‘input’ and ‘output’ considerations embodied in the institutional forms of democratic representation and accountability. Through the institutional channels that guarantee the intervention of elected representative, of the main stakeholders, and of public opinion, the kind of externalities produced by functional governance can be addressed and mitigated. The question is whether the reconciliation between particular and general interests typical of democratic regimes can be reproduced in a regime of governance characterized by NMGs and political delegation at large.

One of the claims in support of political delegation at the EU level is that NMGs and some of the non-majoritarian institutions at the EU level represent a European public interest more effectively and equitably than formal processes of electoral democratic representation; and that such institutions are more open and transparent and therefore more accountable. This claim is based on a number of assumptions about representation and accountability, and particularly on the conception of the public interest and the kind of relationship between principal and agent involved in processes of representation and accountability. Accordingly, this report will first outline the evolution of ideas of democratic representation and accountability, and will then conclude by briefly raising a number of questions on the relationship between such ideas and the politics of delegation.

II. Representation

In modern politics, the idea of ‘representation’ is commonly deployed in relation to three related processes. Representation suggests the forms through which political action can take place in the context of a principal-agent relationship, so that, for instance, a government can be said to act in the interests of its people. Representation identifies the place, or places, through which political power can be exercised responsibly and with a degree of accountability, thus enabling citizens to have both a degree of influence and some control over such power. Representation, finally, determines the ways in which political voice can be embodied with a certain degree of equality and recognition; traditionally the right to vote for representatives is considered a simple means and measure of political equality.

On the one hand, representation involves asking the question of how different persons and institutions come to advance their claims for governing people. On the other, it involves the question of what they actually *do* when they act in such a capacity. Hanna Pitkin’s distinction (1967) between formal and substantive concepts partly captures such a difference of perspectives. Formalistic understandings and theories focus either on *authorization* (by the ‘principal’) or *accountability* (of the ‘agent’) as the two key factors according to which claims to political representation are assessed. Substantive theories, instead, are concerned with the way in which the relationship works. Pitkin suggested that substantive concepts can view representation either as a way of ‘standing for’ someone or something else, or as a way of ‘acting for’ someone else. ‘Standing for’ suggests a more passive way of taking someone’s place, while ‘acting for’ indicates a more independent way of doing the same thing. However, such simple characterisation can be overdrawn.

In fact, ‘standing for’ can take descriptive and symbolic forms, both of which allow for interpretation and independence on the representative’s part. Think, for instance, of the way in which opinion polls (a form of descriptive ‘standing for’ through statistical generalization) can be used to orient government’s action. Or think of the way in which activism and political mobilization can take the form of either a symbolic ‘standing for’ or, occasionally, ‘acting for’ the population at large. ‘Acting for’ can also give rise to different understandings of the relationship involved in representing another person. One can act in lieu of someone else by acting as a *trustee*; or a *deputed agent*; or a *fiduciary* (in the sense of a ‘free’ agent); or an *expert*. Each of these ways of ‘acting for’ involves different interpretations of the relationship between the representative and the represented, and different expectations (and obligations) on the former.

Two things seem to be conceptually relevant here. First, at the core of political representation there is a *relational* element between the entity that represents and the entity that is represented. The implication is that both sides of the relationship have an ‘agency’ role, both contributing – through their actions, expectations, and interpretations of their respective roles – to determine the nature of the relationship itself. Second, the act of political representation is a ‘constructed’ one, being dependent on both contextual and ideological beliefs. Such socially constructed aspect of representation is evident in all discussions about *what* is represented in the political process: people, interests, values, characteristics, or any other element of a group.

More specifically, when one looks at the mechanisms of electoral representation as one of the key aspects of modern political representation, it is possible to distinguish between two conceptions of it. One focuses on the more procedural and input related processes of electoral representation; that is, the way in which selection processes operate fairly by either reproducing or mirroring the relevant features of the electorate. The other, instead, looks at the output

element of the selection process, and the way in which the process of representation achieves its end of good and responsive government.

II.1 Democratic Representation and its Transformations

At the core of the different concepts of representation there is a fundamental ambiguity, in so far as ‘representation’ makes *present* what in fact is *absent*. In the political discourse such an ambiguity has come to the fore as ‘representative government’ and ‘democracy’ have increasingly been treated as synonymous. In the early modern period, arguments in favour of representative government were often directed against a classical conception of direct, participatory democracy, and the former promoted as a way of tempering the presumed excesses of growing social and political egalitarianism. The practice of democratic government has relied on various forms of representation as a way of introducing aristocratic and elitarian components in the fabric of modern democracy. However, with the emergence of mass democracy, a number of representative institutions, such as large popular parties and class-based organizations, have offered opportunities for broadening political and democratic participation. The practice of democratic representation should therefore be seen as a two-faced relationship, amenable as much to exclude from, as to include people in politics. This tension between presence and absence in representation is indicative of some more general tensions in modern democracy, as this often stands in between the pitfalls of populism and elitism.

The close connection between the idea of representative government and that of democracy has informed much of the research on modern political representation. The discussion of electoral systems and of the way in which the elected legislators relate to their own constituencies have taken priority, though it has become increasingly evident that political representation in democracies is a rather more complex process, involving more than the one-to-one relationship between legislators and their electors. The most obvious transformation has been the increasing dominance of political parties in both the electoral process and the business of government. Along similar lines, there has been the development of ‘private interest government’, through the proliferation of a neo-corporativist structure of informal and semi-informal institutions around the legislative and the executive powers, guaranteeing a more diffuse (though often power-sensitive) representation of interests.

More generally, political representation in modern democracies is not exclusively limited to the direct relationship between citizens and their ‘legislators’, for the division and balance of power characterising constitutional democracies give different, and occasionally conflicting, claims of representation to a variety of institutional figures. This is evident in presidential or federal systems, for instance, which provide multiform grounds for representation. In addition, public spheres and civil society organizations perform an important role in the formation and channelling of public opinion, so that mechanisms of political representation are diffuse throughout the socio-political system rather than exclusively concentrated in the formal relationships between the electors and their representatives.

II.2 Representation and Governance

The weakening of the ‘territorial’ dimension as the primary basis for democratic representation has become evident with the emergence of discourses of governance, signalling the crisis of the paradigms of national sovereignty and governmental control over the decision making process. Contemporary democracies have evolved in ways that further undermine the adequacy of the standard model of political representation based on the formal relationship of authorization and accountability established between the representatives and their constituency. The emergence of transnational decision-making arenas, where new international and

global players operate, tends to escape the reach of the nation-state and its representative institutions. Decision making increasingly requires a specialised degree of knowledge and expertise, while decisions in modern regimes of governance have greater externalities, which are difficult to determine in advance.

These developments have produced more complex practices of representation, and brought in new ‘agents’ of political representation both at national and international level. There has also been a diffusion of more informal structures and opportunities for democratic representation and influence. This development partly reflects the diminishing role of formal political structures in social decision-making, but also the increasing diversification of the forms of association in modern societies.

As the new institutions of governance change the nature of decision making in politics, the three main processes characterising democratic representation come into questions. The principal-agent relationship is too simplified to provide an account of the democratic dynamic. There is no easy way in which to fix the place(s) where government can be seen to operate responsibly. Finally, there is no longer a single or simple way in which the people can be given voice. In such circumstances, the discourse of political and democratic representation is wide open once again. This is where the issue of the New Modes of Governance become relevant.

III. Accountability

As we have seen, the idea of accountability is central to that of representation, and, in contemporary discussion seems to have become a central concept in assessing democratic credentials and legitimacy. NMGs are often assessed in terms of their accountability, rather than their representativeness. Strictly speaking, accountability means that someone (X), who has been put in a position of responsibility (*r*) in relation to the interests of someone else (Y), is required to give an account (to Y) of how he has discharged his duties; and that, concomitantly, Y is in a position to either punish or reward X’s conduct in relation to (*r*). Such a meaning would seem both precise and uncontroversial. In fact, this is no longer the case in either common usage or in the specialised literature.

III.1 Some rough distinctions

In order to understand the applications of accountability, some distinctions may be in order. The first set of distinctions refers to the areas to which the idea of accountability may apply. Normally, accountability is said to apply to positions of public office. These comprise both political positions where representatives or people covering other institutional roles deal with public affairs in the name and interest of the citizens; and administrative positions, where the link with the citizens is mediated by the government. The chain of accountability is different in the two cases, and so is the form that accountability takes. Political accountability is of a more inscrutable nature. In democracies, it depends, on the one hand, on the form and mechanisms of political representation, linking citizens to their legislators; and, on the other hand, on the formalised relationship between executive and legislative powers. Both types of political accountability rely on a rather weak power of control, for the position of the ‘agents’ in those two relationships is comparatively stronger in terms of either their knowledge or their ability to control the agenda. Ultimately, legislators can be voted out of office by their constituencies, while governments can be brought down by parliaments (though this does not apply in presidential systems); but whether this is the result of the process of strict accountability for what legislators or governments do while in office, or of a more general political evaluation, subject to opinion’s trends, on the part of the electorate, remains a moot point.

Administrative accountability is apparently more straightforward, since it operates within a more definite hierarchical structure where there is a certain division of labour and competences, and where both the content and the process of public decision making, hence the role played by individuals, can be examined in more detail. There is another area of political and administrative accountability that is not so much concerned with how well (or badly) public officials operate in the public interest, but on whether they abuse their position of authority. Accountability is here concerned with reducing the opportunities for corruption, maladministration, or legal impropriety that come to people in positions of power. Political and administrative institutions have a series of mechanisms and internal instruments for policing abuses of power, but ultimately, accountability relies on more traditional legal instruments and the operations of the legal system and the courts at large.

The second set of distinctions regards the process of accountability. This is concerned with three different questions: *who* is accountable, *to whom*, and *for what*? In the case of political accountability, where this operates as a general mechanism through which citizens hold their legislators accountable through the electoral process, the questions ‘who’ and ‘to whom’ would seem straightforward. The answer to the question ‘for what’ is less clear. Indeed, the relationship between the actions and decisions of politicians and their direct consequences is a matter of intense political contention. Besides, no simple mechanism can be devised in order to hold politicians and governments accountable for the series of often unrelated decisions that they take during the period in which they are in office. The issue is somewhat simpler in the case of ministerial and administrative accountability, for it may be easier to apportion responsibility and blame when dealing with more specific policy issues or administrative decisions, and where the chain of causes and effects can be more easily isolated from the context of other policies and decisions, and from the general circumstances of economic and social life. Even so, ministerial and administrative accountability is often easier to deal with (at least conceptually) in cases of maladministration than when trying to establish how well or badly people in public office have operated – an issue which, as we shall see in the following section, has become increasingly central to the definition of public accountability.

When dealing with administrative responsibility, the questions of ‘who’ is accountable, and ‘to whom’, are rather complex. They suffer, respectively, of the problems that come from ‘many hands’ and ‘many eyes’. It is indeed often very difficult to identify with precision where responsibility lies in decisions taken about complex problems in complex organisations. Not one single person would have been involved, and it is not easy to apportion either praise or blame if not in the most obvious instances. The principle of ministerial responsibility, often invoked in many constitutional systems, would suggest that responsibility moves upwards, and that some degree of knowledge and intervention on the part of people higher-up in the decision-making hierarchy would put on them, and not on their subordinates, the onus of responsibility and accountability. This is, of course, the theory. The practice of modern governments very rarely conforms to such a standard, relying on the obvious (and occasionally self-serving) justification that too many hands were involved and that higher officials should not take the blame for operational mishaps. Moreover, it is often very difficult to distinguish between political and administrative decisions. A similar problem arises when we consider accountability from the reverse perspective of the identification of the people ‘to whom’ officials (particularly in the public administration) should be accountable. It would seem that, in the most immediate sense, public servants are directly accountable to politicians and the government of the day. Yet, public servants’ accountability to their political ‘masters,’ or to their superiors in the bureaucratic hierarchy, can only be justified as part of a longer chain making themselves ultimately accountable to the citizens and the public at large. This becomes both evident and problematic when dealing with issues such as ‘whistle-blowing’,

where the public interest is pitched against the duty of confidentiality in acts of government; and where ‘private’ judgement is weighed against the role one has in the public chain of command and responsibility. Furthermore, as the traditional hierarchical structure of government becomes more diffuse, the problem of ‘many eyes’ – who are the ‘principals’ in the accountability relationship – becomes more acute.

III.2 Democratic and Public Accountability

Our understanding of accountability in government and public law has changed as the effect of two concomitant processes, concerning the ‘quality’ of democracy and that of public management. Although the two processes have developed separately (and sometime in opposite directions), they have had a cumulative effect on the uses of accountability. At a more political level, the traditional forms of electoral and ministerial accountability have increasingly been regarded as limited instruments for controlling political power and making it responsive to the wishes of the electorate. Demands for more effective accountability have therefore tended to expand the instruments of political accountability, looking for ways in which political control can be exercised procedurally and in the course of decision making, and not simply ex-post. One can observe three tendencies in such a process of expansion. The first is the importance given to both administrative transparency and citizens’ right of information. By opening up the process of decision making to the public scrutiny, it is hoped that representatives and public officials will be forced to act in the public interest. The second is the introduction of various forms of more direct control or input from the part of the citizens. Institutions such as the ‘ombudsman’, who can act as the direct voice of the individual citizen *vis-à-vis* the public administration; or the ‘recall’ of public officials, which approximates to a form of ‘imperative mandate’; or the more frequent use of referenda on controversial issues, are all ways in which public officials and public decision making in general are supposed to be brought into more immediate contact with the wishes of the citizens. More generally, the use of public opinion surveys, focus groups, and other forms of deliberative polling, though often intended for partisan purposes, is another way in which politics tends to connect with the citizens and take their views into account. The third avenue taken in the expansion of accountability, particularly as a way of curbing corruption and regulating private interest in public affairs, has been the introduction of stricter standards of conducts and the development of various registers of interests.

Changes in administrative culture and practices have arguably been even more important as contributing factors in the transformation of both the concept and the institutions of accountability. The greatest impact has come from the paradigm shift introduced by the New Public Management. Whereas accountability in traditional public administration and administrative law mainly worked procedurally, being concerned with the regular and effective implementation of the substantive policies decided at the political level; the revolution in public management has shifted the emphasis on *performance* and *policy output*. This has meant a blurring of the distinction between political and administrative competences, something that has further been weakened by the way in which policy implementation has become more autonomous from the legislative process in modern complex societies, where social legislation takes a more substantive form. The new emphasis on the New Public Management, and on public administration’s capacity to deliver good services to the citizens, has paradoxically inverted the roles of politics and administration in relation to accountability. Whereas political accountability has become more procedural, administrative accountability has become more focussed on output. In principle, this has meant, on the one hand, a greater autonomy for the public managers in the way in which they organise service provision; and, on the other, a greater reliance on a quasi-market form of accountability, where performance is judged, as for

the market, by customers' satisfaction. In truth, however, this is not the whole story. For, assessing performance and customers' satisfaction in relation to the public sector (which is still meant to provide public goods, even though in the form of privately enjoyed services), is not easy in the absence of standard market indicators such as profits levels, the equilibrium between supply and demand, hard budgets, etc. Hence, accountability has taken the form of a complex series of exogenous indicators of performance and output, such as 'targets', 'benchmarks', and various proxies for consumer's choice. Together with the proliferation of performance indicators, there has also been a steady increase in monitoring and audits exercises, which in themselves require considerable effort and have not inconsiderable costs. In short, the emphasis on output and quasi market-based forms of accountability has tended to increase, rather than diminish, procedural requirements.

The most evident conceptual innovation of these recent developments in democratic and public accountability is the change from vertical to horizontal conceptions. Whereas traditional accountability was based on the agent's obligation to give an account to the principal, and for the latter to judge the agent's conduct; both democratic and administrative accountability have developed a series of instruments that are meant to produce agent's accountability independently from the principal's judgement and action, though ostensibly in the principal's own interest. Guillermo O'Donnell, for instance, has introduced the very notion of 'horizontal accountability', as a way of describing the operations of checks-and-balance that various non-majoritarian institutions perform in democratic systems. Increasingly, particularly in the literature on democratic transformation, democratic accountability is meant loosely as an aspect of the 'quality' of democracy, deriving not so much from the electoral process and from the enjoyment of political rights, but from the protection of individual rights in general, the rule of law, and the probity, 'openness' and 'performance' of the public sector.

IV. Changes in the ecology of representation and accountability

As we have seen, developments in ideas and practices of democratic representation and accountability point towards more informal processes, where performance and expertise play a greater role. In this respect, NMGs and more generally the underlying justification for a politics of delegation to expert-based institutions, or directly to networks of private actors, are part of a more general process of the transformation of representation and accountability.¹

As politics has become more complex, multilayered, and pervasive within society, so too has the question of *who* can legitimately claim to be a democratic representative. The standard answer, that representatives are elected, is increasingly inadequate, owing to the deterritorialization of political issues, the mismatch between representation based on territories and the scale of issues, the devolution and deconcentration of some kinds of powers and the globalization of others, and the increasing importance of discursive and symbolic influence. Each of these developments introduces new domains for political representation with the possibility of democratic legitimacy.

We might think of these domains as expanding in two dimensions. On the one hand, politics is increasingly spilling out of formal, electoral politics into non-electoral and informal domains, suggesting that we need to theorize the democratic possibilities of informal forms of representation. On the other hand, modes of influence are expanding—or are at least more visible—from those that are parasitic upon state powers of decision-making and administra-

¹ The following few paragraphs and the attached tables are indebted to Castiglione and Warren (2006).

tion to those that work through public influence and economic power. Combining these distinctions suggests the following domains of representation:

Table 1: Domains of representation [from Castiglione and Warren, 2006]

Mode of power	Sphere	
	Electoral politics	Non-electoral politics
State-based power	Elected representation	Corporatist, interest group, and CSO representation
Public Influence	Electoral-oriented political organizations and advocacy groups	Voice representation (media, social movements, advocacy groups, citizen panels)
Economic power	Public-private partnerships	Stakeholder representation, direct action representation, NGOs.

The significance of these distinctions is that the growth of representative activities is clearly in the domains outside of elected representation and familiar forms of corporatist and interest group representation. Many of the new forms of representation have ad hoc qualities which democratic theorists are poorly equipped to judge. In short, the emerging political landscape provides more and more opportunities for individuals and groups to *propose* themselves as representatives, and to *function* in representative capacities. But once representation no longer has an electoral basis, *who* counts as a democratic representative is difficult to assess. For the new informal kinds of representation, one might ask in each case about the *functional equivalents* to the relationship between authorization and accountability that is at work in election cycles. Through election, representatives are authorized to represent interests, identities, and values, and to bargain, deliberate, and decide. Once they have done so, they are held accountable for the results. ‘Accountability’ requires representatives to give a retrospective account of their representations, actions, and decisions. While account-giving is discursive in form and can be on-going throughout a term of office, representatives often act prospectively, looking toward the next election in which voters have the opportunity to judge the adequacy of the account (Mansbridge 2003, Thompson 2004, Young, 2000). However, non-electoral representation lacks the clear temporal sequencing of authorization and accountability that is produced by regular elections. Where elections are lacking, then, accountability may, perhaps, reflexively and retrospectively provide some authorization. This is why representation is increasingly identified with ‘accountability’ in non-electoral politics. What counts as authorization and accountability will, of course, depend upon the kind of representation that is involved in new modes of governance.

Much depends, for instance, on whether there informal but effective ‘horizontal’ forms of accountability—peers answering to peers—that might function in democratic ways, or whether networks of voluntary organizations can police one another. Can accountability be strengthened by introducing mechanisms of organizational performance and organizational learning typical of the private sector and of the new managerialism in the public sector? All this cannot be ruled out, but the new ecology of political representation and accountability associated to the development of NMGs and the politics of delegation poses two main problems in terms of democratic legitimacy, in so far as it proposes two important innovations in terms of our con-

ception of the public interest, and of the relationship between principal and agent. The concluding remarks below briefly highlight these two challenges.

V. Conclusion

V.1 The public interest

The first challenge is that to the conception of the public interest in democratic politics. Put schematically.

- The diffusion of both the processes and agents of decision making makes the idea of the public interest less unitary. Without wanting to exaggerate the way in which democratic politics promotes a unitary vision of the public interest (or indeed of the public good), the centrality that is given to legislative power and the way in which this operates through the executive, offers a moment of unity and (policy) coordination that the politics of delegation lacks. This makes the problem of externalities a particular challenge for the politics of delegation.
- As a further elaboration of the preceding point, the development of the politics of delegation (with the introduction of separate system logics, such as the market, or self-referential systems of regulation in particular sectors) makes it difficult to construct a conception of the public interest that balances different principles and interests across different sectors of society. This is what the representative system (and the political constitution) normally tries to achieve both in time and space. From a more technical perspective, the proliferation of instruments of delegative governance are a challenge to both the system of representation and the traditional constitutional architecture – this affects the balance between private and public liberty, collective and corporate interests.
- Finally, democratic politics tends to construct the public interest through a system of competition/cooperation (instantiated in the parliamentary system, in party competition, in institutional checks and balances, in free debate in the public sphere, and in contestation in civil society). The politics of delegation is instead based on an idea of the construction of the public interest as either problem-solving or value-consensus.

V.2 The Principal-Agent relationship revisited

The second challenge regards the construction of the relationship between principal and agents in processes of representation and accountability. Indeed, much discussion of the politics of delegation is conducted following the principal-agent approach. As we have seen, the very idea of democratic representation, at least in its more classical sense, is based on a principal-agent relationship. However, there are important differences in the way in which the principal-agent paradigm is applied to these two conceptions of politics. Again, schematically.

- First, the application of the principal-agent paradigm to the traditional democratic representative model is intended as normative in scope, defining the moments of authorization and accountability as constitutive of a democratic mode of representation. The application to the politics of delegation has instead been of a more descriptive nature, trying to capture the possible dynamics of the relationship.
- Second, the principal and the agent of the representative model are normally referred to as roles that are, respectively, outside and inside the political/administrative system (i.e. the relationship between the public/citizenry, on the one hand, and the politician/administrator, on the other). The relationship between principal and agent is therefore

one that is aimed to transform social into political instances. The principal-agent relationship in the delegative model is instead meant to transform political instances into technical ones, while the figure of the citizens (or more generally that of the public interest) is kept separate from both moments – and at times it can be excluded altogether.

- Third, in democratic representation, the agent acts as either the trustee or the ‘delegate’ (in a more general sense, here, than the one used to designate the ‘politics of delegation’) of the principal. But in either functions, the democratic agent needs to reflect/track/direct/pursue the interests of the principal (even when ‘constructed’, the interests are independent from the role of the agent). In the politics of delegation, the agent helps ‘forming’ the interests at stake.
- Fourth, one of the central concepts animating the relationship between principal and agent in the politics of delegation is that of ‘credibility’. As Majone has remarked, this gives occasion to two different conception of delegation: (a) fiduciary and (b) agency. This may depend on the area in which the regulatory authority operates. In the fiduciary model, in order to have credibility the agent needs to have interests that are distinct from the principal’s (this is when the principal cannot be trusted to have the ‘right’ or ‘consistent’ interests). In the agency model, the credibility of the agent relies on him/her having the same interests of the principal.
- Finally, the issue of credibility highlights the question that the relationship between principal and agent within the politics of delegation is one that, in order to be legitimate, needs to operate within the ‘shadow’ of the more general relationship between principal and agent in democratic politics.

In sum. The two challenges here briefly highlighted are made much more complex at the EU level. In this respect, the EU cannot be simply treated as a regulatory polity, unless we think that its actions and decision can be reduced to that of a meta-regulatory agency, as suggested by Majone. However, if the EU is more than a regulatory agency, though not an autonomous state, we cannot be completely satisfied by the present systems of representation and accountability in the European governance regime. Something must be done along at least two lines.

First, we need to define in more specific terms how to keep the forms of delegative politics developed at both the national and European level within the ‘shadow’ of democratic representation. This can be done directly, by empowering representative institutions, or indirectly, by creating systems of checks and balance in which representative institutions have some effective power.

Secondly, we need to identify and develop new forms of representation (of voice, of interests, etc.) or of mechanisms of public control and accountability that operate from the inside of the very institutions of delegation.

Both these lines of thinking may require new imaginative institutional solutions and experimentation.

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