This paper investigates the democratic significance of forms of political representation that arise outside of formal electoral systems. The ‘public interest advocate’ (PIA) is identified as a specific category of political actor that engages in political representation across all levels of decision-making. PIAs are identified by their participation in the specific activity of public interest advocacy. The definition of this activity is grounded in an idea of public interests which is based on an extension of the idea of nonrivalrous and nonexcludable public goods, with the addition of a notion of nonrefusability. The research draws on Saward’s work on representative claims to cast PIAs as makers of representative claims on behalf of some public interest. PIAs challenge established interpretations of 'the public' and its interests, and play a vital role in contributing to the processes of both opinion- and will-formation.

This research was inspired by an interest in what happens when ‘formal’ political representation (broadly speaking, those representatives associated with the authority of the state, including but not limited to elected representatives) meets its ‘informal’ counterpart (typified by NGOs, advocacy groups and other forms of actor that arise out of the public sphere of opinion-formation with the aim of projecting their influence into empowered spaces of will-formation). This is a matter of current concern, as the rising significance of such informal political actors can be seen in the fall in membership of political parties and rise in popularity of NGOs, as well as the increasing degree of participation of NGOs, civil society groups and community-based groups in governance at all levels (Suter 2003, 93). Along with these shifts has come an increase in concern, both scholarly and otherwise, about the problems of the democratic quality of these informal actors and their legitimacy as political representatives. Questions such as ‘Who elected you?’ are raised to challenge the democratic standing of actors (NGOs and otherwise) who make claims about greater goods but cannot back their claims with the authority of the state. In an era when democracy has become an ideal with unassailable rhetorical force, accusing an actor of being undemocratic or unrepresentative equates to an attempt to remove their right to speak.
If the coveted status of democratic representative (and its attached right to speak) is reserved exclusively for those whose authority derives from state-based electoral institutions, then only interests that can be effectively represented through those specific institutions will be able to make themselves heard. However, these institutions are not neutral. Some interests are placed at a disadvantage by them, making representation that occurs outside of the formal institutions important. The aim of this research is to find a way to put ‘formal’ and ‘informal’ representatives on an even footing for the purpose of making a judgement about their democratic quality, rather than simply assuming that all ‘informal’ representatives are less democratic than all formally elected representatives. The intended result is to broaden the range of voices that can contribute to the empowered space of deliberative systems (see Dryzek 2011). To achieve this, this research seeks to raise questions about the assumption that representatives whose authority derives from state-based, electoral institutions are uniquely capable of democratic representation and are always superior to 'informal' representation. This will be used to challenge the monopoly that ‘formal’ representatives are assumed to have on democratic representation. This paper will argue that these representatives constitute only one subset of a broader set of actors engaged in representation. To do this, the paper will identify a particular kind of activity common to ‘formal’ and ‘informal’ political actors alike: public interest advocacy. This will be used to identify Public Interest Advocates (PIAs) as a category of actor that fulfils a particular representative function within democratic decision-making. This function will be considered in terms of Saward's work on representative claims (Saward 2010). Following this, the paper will look at the functions of elections in relation to establishing democratically legitimate representative authority. The extent to which elections successfully carry out these functions will be considered, as well as whether equivalent functions can be carried out by other means. The paper will conclude that, while the familiar benchmark of free and fair elections is a sufficient basis to claim democratic representation, it may not be necessary: there can be other ways to enact the same democratic principles. This opens up the possibility for non-electoral representation to be considered democratic representation under certain circumstances.

To identify actors who engage in the specific activity of public interest advocacy, we must consider what kind of interests can be thought of as public ones. A starting point for considering the concept of 'public' can be drawn from the economic theory of public goods. In economic theory, goods are considered public if they are nonrivalrous and nonexcludable. Nonrivalrous means that consumption of the good does not reduce the amount available for use. Nonexcludable means that once the good is provided for one person, it is available for all. Such public goods are a type of externality. Meade (1973, cited in Cornes and Sandler 1996, 39) defines an externality as 'an event which confers appreciable benefit ([or] inflicts appreciable damage) on some person or persons who
were not fully consenting parties in reaching the decision or decisions which led directly or indirectly to the event in question.’ So, applying this set of characteristics to interests rather than goods, a public interest is an interest that arises from being affected by a decision in which one had no input (or situation that was not open for decision, such as weather). A public interest is nonexcludable and nonrivalrous in the sense that the number of people who have the interest is indefinite, and there may always be more.

If we consider Cornes and Sandler’s definition of externalities a little more, it becomes obvious that an element of coercion is implied by the presence of an externality. This is a politically significant aspect of externalities that is not fully addressed by the two economic criteria of nonrivalry and nonexcludability. Therefore, for the purpose of considering public interests from a political point of view, they will also be considered to be those interests that are nonvoluntary. Drawing on Warren’s (2001, 99-100) definition of nonvoluntary associations, interests that are nonvoluntary cannot be avoided by those subject to them, or are only avoidable at great cost. It is this kind of nonvoluntary issue that sows the seed of a public – that is, a group united by a problem stemming from causes beyond their individual control, and who seek together to have the matter regulated (Dewey 1927 in Cochran 2009, 175). For an archetypal example of a public interest, consider an interest in clean air. Clean air is nonrivalrous because any number of people can breathe it. It is also nonexcludable, because once the air is made clean it is clean for all who breathe it, regardless of who has made it clean. Finally, it is also nonvoluntary because it is difficult (bordering on impossible) to not breathe the air around you.

However public interests are rarely so straightforward as air quality. This is due to the nature of both interests and publics. Firstly, interests are complex and open to interpretation. Because goods may be considered from a range of perspectives, and have a range of side-effects associated with them, any interpretation of their associated interests is likely to be contestable to some degree. Furthermore any single 'good' may in fact result in a combination of different types of goods, be they private (excludable and rivalrous), club (excludable but nonrivalrous) or common (nonexcludable but rivalrous). The result is that one good may have several different competing interests associated with it, even by just one actor.

Besides the possibility of overlapping and competing interests (public and otherwise) arising from a single good, publics are also complex. They vary in size and ability to make their views authoritative. They are not ranged edge-to-edge like a neat and all-encompassing patchwork, and may spring up within or across administrative and other political boundaries. Because they overlap, intersect and nest within each other, their interests are also more than likely to cross-cut and even clash. Therefore, consideration of a public interest always involves engagement with the question
'Which public?' For instance, a national public interest may clash with global or local public interests.

This is a reflection of the democratic boundary problem, the paradox that arises because the boundaries of a democratic constituency cannot themselves be determined through democratic means, as this would require the definition of a constituency to decide the boundaries, which in turn would require another constituency, and so on, ad infinitum. Therefore the borders of a constituency must be determined by some pre-democratic process, and there is no single, ultimately democratic way to do this. All such boundaries are contestable, and any population can be divided up according to a variety of different logics, each set of constituencies emphasising a different set of interests. Therefore, if representation is limited to one particular set of constituencies (i.e. those endorsed by state institutions), then a particular set of interests is privileged, while others are divided and weakened by cross-cutting borders. PIAs working outside of state-based institutions of representation can bring to light the interests of these publics that are ill-served by the formally instituted boundaries.

The matter of the democratic boundary problem highlights why a matter can be considered a public interest even when it affects a minority. After all, ‘minority’ is a relative concept that exists only in contrast to a majority. As observed above, publics can spring up within or across pre-existing boundaries. In such cases a subaltern counterpublic (Fraser 1992) is formed. Many publics lack the power and authority to regulate the impacts that others decisions have on their members, and so must convince other publics with greater will-formation abilities to take up their cause. Some of these publics have the authority needed to make their positions authoritative and binding on others, while others seek to be able to do so – they seek the ‘traits of a state’ as Dewey (in Cochran 2009, 175) puts it. Cochran (2009, 175) suggests thinking of states as the strongest end of a spectrum of publics. They are publics in the sense that they are distinguished by ‘a shared interest in controlling indirect consequences that affect those associated’, and they are the strongest in the sense that they are best able to implement this regulation (in comparison to, say a smaller public that has no recognised and binding will-formation authority).

Drawing on the above understanding of public interests, we can now define a Public Interest Advocate (PIA) as an actor who engages in advocacy on behalf of a public interest. Advocacy is commonly defined as 'speaking on behalf of', so may be interpreted as the use of communicative forms of power (see Warren 2001, 119) to champion someone or something. PIAs may come in any size or organisational form, and may experience different rates of success at making their position on an issue authoritative.

Actors may engage in public interest advocacy to varying degrees, and therefore PIAs exist
on a spectrum. At one end of the spectrum are the 'dedicated' PIAs. These are actors whose defining goal is public interest advocacy. Although they may engage in other activities, these are subsidiary or supportive to this central goal. As we move along the spectrum, we find actors who engage in public interest advocacy less and less frequently. These are 'occasional' PIAs. Even if their constitutive goal has no connection to a concern for public interests, they may still decide to advocate for a public interest in specific instances. There are a few possible motivations for this: it could be an attempt to couch their private advantage in publicly acceptable terms, it could be that they have found a harmony between their private interests and a public interest, or it could be simply a desire to 'do the right thing'.

The range of actors to be found on the PIA spectrum is virtually limitless: private citizens, activists, elected politicians, bureaucrats, heads of state, NGOs, religious groups, international organisations, think tanks, business groups, journalists and celebrities (to name but a few) can all be heard making claims about public interests. By engaging in public interest advocacy, PIAs are all engaged in making a representative claim (Saward 2010). A representative claim is the starting point for the process of claim-making and claim-judging that establishes representation. Although representative claims can be made in a variety of ways, they all share the same fundamental structure: a representative claimant makes a claim to represent (or know what represents) some constituency, and this claim is received and then judged by an audience. They may accept the claim, in which case the representation is successfully carried out, or they may reject it. They may even create a counter-claim in response (Saward 2010, Chapter 2, esp. 36).

In making a representative claim, a claimant may draw on various types of resources to make their claim more likely to be successful. There can be many reasons for this, but a significant factor is the amount of representational resources that are available to a PIA. These resources are things that a representative claimant can use to make their claim more likely to be successful. For instance, they may be material or financial resources, or they could be personal resources like a good reputation or personal charisma. Others are political or cultural resources, such as habitual patterns of representation, or culturally accepted representative roles. Resources such as these can be drawn upon by a representative claimant to show how their claim is in line with other claims that the audience has accepted in the past (Saward 2010). The effect of these kinds of resources can be seen reflected in the accusatory question 'Who elected you?', often aimed at non-elected PIAs. This piece of rhetoric draws on the powerful position of elections in political culture to devalue one representative claim in relation to another.

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1 This same process applies to all kinds of representation, however for the purposes of this paper, 'representation' can be understood as 'political representation'.
Elections occupy a position in political culture such that claims resting on electoral success come 'pre-packaged' as it were. Representative claimants who have won an election do not have to explain in detail why their audience, who value democracy, should accept their claim to represent. Instead, they can draw on the implicit claim (Saward 2010) embedded in the common understanding that elections are short-hand for democracy. However, claimants whose claims are not made in this widely accepted mould must work harder to demonstrate why their claims should be accepted. That is to say, they need to make explicit the ways in which they enact the same democratic principles that elections do.

To say that electoral success is a resource for representative claims is not to deny that elections are both powerful tools and symbols of democracy. However, it does serve to remind us that elections are not held for their own sake, but are of instrumental value for the democratic principles they put into practice (MacDonald 2008). This suggests that if the functions of elections can be fulfilled by other mechanisms, then there are ways to establish non-electoral representation of a democratic quality equal to that of electoral representation. Therefore, it is worth considering what sort of functions these are, how elections carry them out, and even how well they do so. For the purposes of this short paper, two aspects of elections will be considered, as they are the ones most commonly identified as lacking in non-electoral PIAs: authorisation as expression of consent through choice, and accountability.

One of the major strengths of elections is that they provide a constituency with an opportunity for the exercise of choice and the expression of consent to be represented. In particular, they serve to make political authority contingent on prior consent of the governed (MacDonald 2008). They allow the governed to have a hand in who governs them, and by extension, how they are governed, and create a sense of constituency ownership of the representatives, a feeling that this is 'our' representative (Saward 2010, 86-7). However, elections do have their limitations in these respects. The degree of choice is somewhat limited: decisions such as who will be put up for election, are removed from the voters. Furthermore, although voters can choose between candidates, they cannot opt out of being represented by the winner of their electorate, and they cannot decide how those electorates should be arranged. Outside of electoral institutions, constituents are free to band together however they please, to choose to accept as many or as few representative claims as they like, and to create their own representative claims (Saward 2010). Whereas the competitive structure of elections produces some very specific behaviours in representative claimants, non-electoral representatives have more freedom to 'play the game' as they choose, rather than be co-opted by more powerful interests (Pettit 2004, Dryzek 2000).

Accountability is commonly singled out as a crucial strength of formally elected
representatives, as opposed to informal, non-elected representatives. Elections provide a clear opportunity for the constituency to express judgement of the representative’s performance, and to withdraw consent if it is judged to be necessary. This is generally thought to be crucial in maintaining the democratic quality of the representative. However, to think of elections as exclusively retrospective sanctioning mechanisms is to miss significant aspects of what actually happens in an election. Studies of voter behaviour suggest that voters approach elections more as an opportunity to select 'good types' based on expected future performance, rather than specifically trying to reward or punish past behaviour (Fearon 1999). Rather than thinking of elections as an arena for sanctioning representatives who have misbehaved, Mansbridge (2003) argues that a model of elections that centres on the 'selection' aspect of elections reflects actual practices and outcomes more accurately. This model retains a place for the sanctioning of representatives, but it comes into play only when the constituency's acceptance of the representative has started to flag and the representative needs to be cajoled back into line.

Of course, although they may have strengths in areas that electoral representatives do not, non-electoral representatives do not preserve all the strengths of electoral representatives. They have weaknesses of their own, but to a large degree this is simply the nature of representation. Representations are by nature partial and contestable. They all leave something to be desired, and none is ever perfect and complete (Saward 2010). Therefore it is preferable to have a variety of types of representation at play in the same arena, because different kinds of interests are best served by different kinds of representation (for instance, representation based on territorially-bound constituencies tends to favour territorially-concentrated interests over dispersed or cross-border interests). To insist that only a certain form of representation is valid is to automatically privilege those publics and interests that are well-suited to that kind of representation. ‘Informal’ PIAs that make representative claims outside of formal electoral institutions can cater to publics that occupy the structural blind-spots of those institutions.

This paper has pursued two main points. Firstly, as participants in a deliberative system, formal and informal representatives both engage in the same activity of public interest advocacy. While some are more exclusively dedicated to the activity than others, they are all engaged to some degree in filling the same function of making claims on behalf of some public interest. Therefore, in respect of this activity, they can all be considered to be fulfilling the same function, regardless of whether they are elected or not.

Secondly, elected representation is not perfect, because no representation is. All claims to represent are contestable, partly because of the incomplete nature of representation, and partly due to the pre-democratic nature of boundaries. All representations have gaps and blind-spots.
Therefore, elected representatives cannot claim to be more representative than non-elected representatives simply on the basis of having been elected (and this is without even starting to consider the various limitations that may apply to differing electoral systems). The democratic value accrued through electoral success may also be garnered by other means.

When put together, these two points suggest a need to consider how the democratic value of different representatives can be judged without simply resorting to the convenient short-hand that elections (and only elections) equal democracy. This short-hand is unsatisfactory because it distorts the relationship of elections to democracy: the value of democracy does not derive from elections, rather elections are a vehicle for democracy. Elections are democratic because (or when) they contribute to 'the empowerment of public valuation' (Pettit 2004, 58). Even though all PIAs are not created equal, some may be more equal in this respect than is commonly recognised. This of course leaves the question of how to identify whether a representative does contribute the empowerment of public valuation or not, which is a matter for further research.

References
Fraser, N. 1992. ‘Rethinking the Public Sphere: A contribution to the critique of Actually Existing Democracy.’ In Habermas and the Public Sphere, ed. C. Calhoun. Cambridge, MA: MIT Press.