

## Unrepresentative Claims: Refusing to Represent as a source of Power and Legitimacy

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In some situations, some people that intend to carry a political action, i.e. to affect collective outcomes, actively refuse to be seen as representing anyone but themselves. Not only do they not make any representative claim, they refute their own possible representativeness by making what might be called *unrepresentative claims*. While they may seem to constitute a minor and borderline case in politics, I contend that these claims shed an important light on the concept of representation, and may help us understand political phenomena that we may not be fully equipped to deal with otherwise. Indeed, these claims are rarely even considered in studies of political representation because they articulate representation and power in a way that is at odds with both the history of representative governments and the most recent developments of the political theory of representation.

From an historical point of view, since the English, French and American revolutions of the 17<sup>th</sup> and 18<sup>th</sup> century, representative governments have progressively become hegemonic in the Global North and then in many countries of the Global South, to the point of constituting the only publicly defensible normative horizon after the fall of the Soviet Union (Fukuyama 2006). While representative governments leave room for the expression of public judgements and deliberation, political power is usually monopolized by elected representatives (Manin 1997). The development of mass political parties in the 20<sup>th</sup> century helped reconciling the (democratic) direct participation of citizens with the (oligarchic) professionalization of representation, weakening the republican / democratic critique of representation. The framework of representative government has become so effective and pervasive that most organizations willing to gain political momentum use the procedures and vocabulary of representation, from trade unions to NGOs, from the local to the transnational scale (Steffek and Hahn 2010; Louis 2016). Since the middle of the 20<sup>th</sup> century, even authoritarian regimes have adopted at least the trappings of representative government. In a few centuries, the institutions of representative government, first and foremost the electoral mandate, went from having a minor role in some parts of Western Europe (Hayat, Péneau, and Sintomer 2020) to being the common political language of humankind. In these conditions, refusing to represent may seem to go against one of the best established long-term political trends.

When one considers contemporary political theory, this hegemony of political representation may seem even greater, with the current widening of the number of political phenomena characterized as representation (Urbinati and Warren 2008; Disch, Sande, and Urbinati 2019; Castiglione and Pollak 2019). Indeed, much of the discussion on political representation has been focused lately on the “constructivist turn” initiated, at least in Anglo-American political theory, by Michael Saward’s famous conceptualization of “representative claims” (Saward 2006; 2010) – and by other endeavors going in the same direction (Rehfeld 2006). Saward makes an argument that is both simple and compelling: representation is fundamentally an activity of claim-making, in which a *maker* presents an *audience* with a

relation between a *subject* and an *object* – the latter being constructed by selecting elements from an existing *referent* (Saward 2006, 302). This groundbreaking work, situated at the crossroads of analytical political theory and structuralist constructivism, has undeniably been extremely influential in the way political representation is conceptualized, and vastly augments the range of what is considered as representation. In Saward’s perspective, contrary to the classic assumptions of Hanna Pitkin’s masterwork (Pitkin 1972), political representation does not require electoral authorization or any substantive or descriptive relation between a representative and its constituents. The activity of claim-making is in itself the medium of representation. For Saward, and for many of its commentators, it follows that representation can be found everywhere in the social world, not solely in the political field<sup>1</sup>. In the wake of the constructivist turn in the theory of political representation, the world of representatives has expanded to include ever-growing number of unauthorized or informal representatives (Saward 2008; Boutaleb and Roussel 2009; Montanaro 2012; Salkin 2018), as well as many performative claims (Saward 2017). How then to assess the meaning of unrepresentative claims, when the realm of representation is actually delineated by the whole of representative claims?

It follows from these preliminary remarks that unrepresentative claims challenge the hegemony of representation in politics. My hypothesis is thus that we can find these claims in historical periods marked by the crisis of representative government, and in institutions and social movements designed to counter the power of (elected or informal) representatives. A recent event shared both characteristics: the French Yellow Vests. This movement initiated at a time the French political system was facing a major crisis, with the election of Emmanuel Macron against established political parties and traditional divisions, including the Left-right dichotomy (Perrineau 2017; Rouban 2018; Dolez, Frételet, and Lefebvre 2019; Cautrès and Muxel 2019). This election both revealed and accelerated the profound defiance French citizens shared against professional political representatives, entrusted by only a few percent of the population<sup>2</sup>. A year after Macron’s election, he faced a large popular multifaceted protest, the Yellow Vest movement, unified by a call for social and fiscal justice and a critique of the oligarchic tendencies of the French representative government (Dardot and Laval 2018; Jeanpierre 2019; Lefebvre 2019; Grunberg 2019). During this movement, prominent Yellow Vest figures articulated a radical critique of representation with multiple unrepresentative claims, giving us the basis for a theoretical investigation of them. But while

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<sup>1</sup> This extensive understanding of Saward’s representative claim, where every political statement or even any symbolic act, linguistic or not, relating different elements of the world, is said to be a representative claim, may be set in contrast with more limited conceptions of representative claims, in which you need to actually have someone making an explicit claim for representation to occur. This dichotomy has to be linked with another important one made by several scholars (Alessandro Mulieri, Thomas Fossen) between radical and moderate constructivism. According to the radical version of Saward’s constructivism, the political or even social reality is entirely constructed by these claims: the structure of reality is only defined by the contingent success of the claims. In the moderate version, on the contrary, social reality preexist any claim, so the structure of the referent actually matters when it comes to the success or failure of the claims. This should be related with Pierre Bourdieu’s critique of Marxian conception of social classes, Bourdieu advocating against Marx for a radical constructivism by refuting that classes exist as economic realities before they are represented (Bourdieu 1991b). This is a major topic of social history, as testified by the numerous debates around the “linguistic turn” from the 1970s to the 1990s (Stedman Jones 1983; Mayfield and Thorne 1992; Lawrence and Taylor 1993; Sewell 2005). I superficially touched on these questions in (Hayat 2019). For a much more thorough treatment see (Fossen 2019). Also see for a discussion on representation and poststructuralism (Thomassen 2017).

<sup>2</sup> Trust in political institutions is yearly measured by the “Baromètre de la confiance politique”, a political trust barometer established by the Sciences Po Center for Political Research (CEVIPOF).

the Yellow Vest movement presents us with particularly clear examples of unrepresentative claims, it is far from being an isolated event or a *hapax*. Unrepresentative claims can be found in other historical periods of crisis, and in multiple institutions of movements, providing us with the wide range of phenomena necessary for establishing a provisional theory of unrepresentative claims.

First, this paper will start with a discussion of how unrepresentative claims fit in the broader category of negative claims or claims of misrepresentation, but subverting some of their core features. Then I will present some unrepresentative claims made by Yellow Vest leaders. In a third part, I will establish the link between unrepresentative claims and embodiment. Finally, I will give some provisional and partial elements for a more general theorization of unrepresentative claims.

### **Claims of misrepresentation**

At first glance, unrepresentative claims may seem to fit in a larger and better-known category of claims, in which someone refutes an implicit or explicit representative claim: “claims of misrepresentation” or “negative claims” (Guasti and Rezende de Almeida 2019). These “negative claims” are political claims, they are about representation, but they are not representative claims, as they intend to refute the validity of a claim. However, claims of misrepresentation share three characteristics that make them fit easily in Saward’s framework.

Firstly, claims of misrepresentation often follow an implicit or explicit representative claim, that may concern the institution as a whole or the ability of a given individual to represent the institution<sup>3</sup>. And often, they share the same structure, just with a negative sign in the relation between the subject and the object: a maker puts forward a subject which is said to *not* stand for an object that is related to a referent and is offered to an audience. The maker can be a member of the audience (or the intended constituency), she can put forward another object (sometimes relating to the same referent) to justify her claim (‘S pretends to represent O<sub>1</sub> but she actually represents O<sub>2</sub>’). All these claims, positive or negative, use a common grammar and participate in a common series of speech acts. Secondly, these claims of misrepresentation generally imply a tension between description and prescription, positive and normative: they make the point that there is a *mis*-representation, i.e. a defect, a flaw in a given reality: there *is* mis-representation where there *should be* representation, and the point of the claim – even if it is purely rhetoric – is to repair this flawed relation of representation or to replace it with a better one. It means that not only do representative claims and claims of misrepresentation share the same grammar, they often share the same commitment to establishing valid relations of representation. Finally, these claims are often made with the intention to critique an existing representative claim (maybe to establish another one more firmly, but that does not matter here). It means that these negative claims undermine a person or an institution’s authority, in order to make away or to counter some of the power they can

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<sup>3</sup> Indeed, institutions exist only because there are people who represent them, leading to a constant suspicion that the latter do not properly realize this task – for example, defending their own interest and not the one of the institution they represent. This crucial point, which places claims of misrepresentation at the core of the social fabric itself, was made by (Boltanski 2011), who calls this situation “the hermeneutic contradiction”. For a discussion of the theoretical implications of the hermeneutic contradiction, see (Blokker 2014; Blokker and Brighenti 2011).

exert in a given situation. So in a way, these negative claims make sense in the general framework of representative claims: some people make representative claims to justify, legitimize, emphasize, perform or trigger a power relation; other persons resist or refute these claims. To follow Michel Foucault, power goes together with resistance, because exerting power requires the subject of the power relation to collaborate in a way, which she can always refuse (often with consequences), otherwise it is not power, just pure violence (Foucault 1982). By analogy, since a representative claim has to be accepted to result in some gain of power by the subject of the claim, this necessity of acceptance always bears the possibility of refusal. So these negative claims are coherent with a framework in which a successful representative claim leads to a supplement in legitimacy and power. In the political realm, representative claims add to the power of the subject, negative claims or claims of misrepresentation subtract to it. So representative claims and claims of misrepresentation share the same grammar (the 5 roles of Saward), the same objective (establishing relations of representation) and the same polarity (a representative claim gives power, its contestation withdraws it).

I would argue that unrepresentative claims function very differently. Their negative claims do not seem to fit into Saward's framework: they do not participate in debates about contested relations of representation and do not aim to limit the non-representative's power – actually quite the contrary. In the unrepresentative claims I want to discuss and understand, negative claims do not precede and prepare better positive representative claims, they do not try to criticize a lack of representation that should be made up for, they do not undermine the non-representative's authority of legitimacy. To grasp their distinctiveness, we will now turn to actual examples of unrepresentative claims, starting with the French Yellow Vest movement.

### **The unrepresentative claims of the Yellow Vests**

The French Yellow Vest movement is a good starting point because the popularity of the movement, its non-partisan aspect and its apparent initial disorganization led to a real eagerness to appropriate it, from both traditional authorities and from outsiders – leading to multiple representative claims, claims of misrepresentation and, strangely enough, unrepresentative claims. This movement started in November 2018 to protest against taxes on gas, but soon expanded into a more general protest, quite unprecedented in its scope, longevity, diversity, popular support – and in the violence of the repression protestors had to face. Among the movement, the refusal of representative claims was prominent, both against Yellow Vests attempting to speak for the movement, and against institutionalized representatives, be them professional politicians, journalists or trade-union leaders. This attitude towards representation was put to the test several times. As it happened, there was an election to the European Parliament in May 2020, and during the campaign not only did party candidates court the Yellow Vest, several figures of the Yellow Vests themselves stood in the election. There even were two lists that claimed to represent the movement: *Alliance Jaune*, led by the singer Francis Lalanne and *Évolution Citoyenne*. They utterly failed to take advantage from the popularity of the movement, obtaining respectively 0,54% and 0,01% of the votes. Other attempts were met with strong resistance from Gilets Jaunes, such as the short-lived candidacy of Ingrid Levavasseur, a nursing assistant and one of the movement's early prominent figure. After Levavasseur created a party, the *Ralliement d'Initiative*

*Citoyenne*<sup>4</sup>, and declared her intention to run for European deputy, she became the target of a large campaign from Yellow Vests, with petitions demanding her to withdraw her candidacy or at least to stop calling herself a *Gilet Jaune*<sup>5</sup>. She even had to face violent (and misogynic) contestation in the streets by some Yellow Vests, to the point of forcing her out of the weekly demonstrations. She soon gave up and withdrew from the movement. So, in these attempts, the situation was clear: candidates claiming to represent the Gilets Jaunes met with resistance under the form of claims of misrepresentation.

This refusal to play the game of representation was aligned with some of the movement's prominent features, such as its attachment to a fairly horizontal and democratic form of organization. The most radical discourse against representation was made by a group of Yellow Vests from a small town in the East of France, Commercy. On November 30<sup>th</sup> 2018, they launched a call to popular assemblies on Youtube, through a formal declaration read in turn by several Yellow Vests, directed against the government that had then expressed the wish to discuss with representatives of the movement.

“we do not want “representatives” who would end up talking for us! (...) If we appoint “representatives” and “spokespersons”, it will eventually make us passive. Worse: we will quickly reproduce the system and act from top down like the scoundrels who rule us. These so-called “representatives of the people” who are filling their pockets, who make laws that rot our lives and serve the interests of the ultra-rich! Let's not put our finger in the gear of representation and hijacking. This is not the time to hand over our voice to a handful of people, even if they seem honest. They must listen to all of us or to no one! (...) We will not let ourselves be ruled. We will not let ourselves be divided and bought off. No to self-proclaimed representatives and spokespersons! Let's take back the power over our lives! Long live the yellow vests in their diversity! LONG LIVE PEOPLE POWER, BY THE PEOPLE, FOR THE PEOPLE!”<sup>6</sup>

This kind of declaration was not commonplace at this stage of the movement, but many local committees followed the call of Commercy and would later participate in the Assemblies of Assemblies that took place in 2019 and 2020. Most importantly, it resonated with a much widely spread critique of representation among the Yellow Vests. Indeed, the Yellow Vests valued the direct expression of citizenship, not necessarily because of an attachment to direct democracy, but to achieve a few things. First, they intended to present themselves as simple citizens addressing the government: the movement was even initiated by a petition to the Minister of Ecology, a traditional way for citizens to express their contempt and wishes. Second, while this was not part of the original protest, they soon mounted a radical critique of the institutions of representative government, perceived as giving power to an incompetent, partial and self-serving oligarchy, a critique that made them extremely sensitive to all forms of appropriation of the movement both by established political leaders or by prominent Gilets Jaunes. Third, the refusal of representation went with a fear for internal division: as the movement gathered people coming from the whole political spectrum, they valued unity to the point of actively avoiding any divisive issue (such as immigration, unemployment or the

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<sup>4</sup> A direct reference to the “Référendum d'initiative citoyenne” (RIC), i.e. citizens' initiative, which became from December 2018 the main demand of the movement

<sup>5</sup> <https://www.mesopinions.com/petition/victoire/retrait-nom-gilets-jaunes-liste-mme/58898>

<sup>6</sup> « L'Appel des Gilets Jaunes de Commercy à des assemblées populaires partout en France ! », 30 November 2018 <https://youtu.be/dfLIYpJHir4>

European Union) in their debates, and one can imagine that competition between potential representatives would have led to division. So refusing representation made sense for Yellow Vests, and it obviously implied making unrepresentative claims from time to time.

Yet this is not the whole story, because despite all this refusal of representation, leaders emerged. And those who did and managed to stay seemed to be the ones who were the more likely to make unrepresentative claims. One particular Yellow Vest leader, the commercial executive Benjamin Cauchy, who decided to run for European deputy on a right-wing *souverainiste* list, took a very different stance. When he rallied behind the chief candidate in April 2019, he said “*Je ne représente que moi-même*” (“I do not represent anyone but myself”). Clearly, it was a negative claim, and as other claims of misrepresentation, it was a reply to a preceding implicit claim: that Benjamin Cauchy actually represented Gilets Jaunes. But if we look at it more closely, it functions very differently from the negative claims mentioned above. First, it does not share the same grammar as positive claims: it is purely negative, there is no object or referent, only the sheer refutation of any relation of representation that may link Cauchy with anyone but himself. Still, this claim is entirely linked with representation, since he makes it to declare his candidacy: representing “just himself” means something more than a mere non-representation, or more precisely this absence of representativeness gives him another kind of representativeness that needs to be defined. The objective of the claim is also much less clear than the usual claims of misrepresentation: it does not aim to establish or contest any significant relation of representation, since no one pretended that Cauchy represented anyone but himself before he claimed it. Yet he was not solely stating the obvious, otherwise his claim would not make any sense. Finally, this unrepresentative claim did not follow the usual correspondence between representation and power. Strangely enough, claiming not to represent was supposed to empower him. Cauchy seemed to think he was more likely to become elected as a representative if he claimed that he represented no one but himself. The difference with usual negative claims does not solely come from the fact that he himself, as a maker, admits his own unrepresentativeness. This rhetoric is quite common: a trade union deploring it is not representative *enough* (because of a drop in membership, for example), an administration recognizing it is not representative *enough* from a descriptive perspective, an assembly of activist students postponing a decision because it is not representative *enough* of the student community and thus calling for a new assembly, and so on. In these cases, a potential representative makes an unrepresentative claim, but presents it as a flaw, a defect that should be corrected. On the contrary, Cauchy’s claimed unrepresentativeness seems to be a quality, to the point of a paradox: if he represented anyone but himself, then why him? Why should he be on the list, let alone being elected?

Far from being an isolated case, the phrase “I do not represent” or other approaching ones were repeatedly pronounced by many Gilets Jaunes leaders in different situations. Another early Gilets Jaunes leader, the hypnotherapist Jacline Mouraud, created her own political party in April 2019, but invited on the radio, she claimed: “I represent only myself”<sup>7</sup>. A group of Yellow Vests started a meeting in December 2018 saying “We are apolitical. We do not represent the Gilets jaunes”<sup>8</sup>. In February, the truck-driver Eric Drouet, one of the two

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<sup>7</sup> <https://youtu.be/hd9Eb92DrBw>

<sup>8</sup> [https://www.lepopulaire.fr/limoges-87000/actualites/une-reunion-de-gilets-jaunes-avec-des-politiques-de-haute-vienne-ecourtee-apres-des-violences-avec-d-autres-gilets-jaunes\\_13080099/](https://www.lepopulaire.fr/limoges-87000/actualites/une-reunion-de-gilets-jaunes-avec-des-politiques-de-haute-vienne-ecourtee-apres-des-violences-avec-d-autres-gilets-jaunes_13080099/)

persons who started the movement, claimed to have “no organizing or leading role in this movement” but to be a mere “relay<sup>9</sup>”. The other initiator, Priscilla Ludosky, recognized that “some people have the need for representation” but insisted that “among the “figures”, as they say, there is not this need (...). I do not have the responsibility to speak in the name of someone in particular<sup>10</sup>.” Other occurrences may be found in the discourse of all prominent figures of the movement<sup>11</sup>. More importantly, these strange unrepresentative claims were much better accepted by actual Yellow Vests than the more usual representative claims made by Levavasseur and others. The rhetoric of unrepresentative claims was paradoxically common among Yellow Vest leaders that actually remained in charge – as if it was a necessity to make an unrepresentative claim to remain a representative of the Yellow Vests. In the early days of the movement, a list of 8 spokespersons emerged, selected mostly by cooptation, but they insisted they were only “messengers” and the group lasted only a few days. As Eric Drouet then explained, “there can be no representative for the movement, it is the whole of the Gilets Jaunes that must speak<sup>12</sup>”. Unrepresentative claims were not only ways to be coherent with the Yellow Vests’ critique of representation; it also, under some conditions, led to power, legitimacy, and ultimately to representative positions. Yellow Vest leaders speak only in their own name, but their unrepresentative claims do not forbid any relation of representation, quite the contrary. To be able to speak for the Yellow Vests, they had to pretend they spoke only for themselves. Which leads to the question: what does one represent when representing only himself or herself?

### **Unrepresentative claims and representation as embodiment**

The reason this question is so difficult to address is that contemporary political representation is based on a model in which to represent is precisely to speak and act *for* another entity. This is the core definition of representation according to Pitkin: “making present *in some sense* of something which is nevertheless *not* present literally or in fact” (Pitkin 1972, 8–9). This is the logic of mimesis: either through imitation (Platon) or performance (Aristotle), representing means giving presence to something absent (Revault d’Allonnes 2016). Constructivist authors have focused their critique on the idea that this absent entity should preexist to representation: according to them, on the contrary, representative claims are performances that construct both the represented and the representative (Disch 2011; Almeida 2018; Fossen 2019; Disch, Sande, and Urbinati 2019). But they have not challenged the idea that there is something (constructed as) absent that the representative represents. On the contrary, since representative claims construct the object of representation, there is no representation without object – the very aim of representative claims is to create this presence of the absent. In that sense, representing just oneself is a logical impossibility – one who represent nothing but herself represents nothing at all, she just *is*. This is even more true in the political realm. Indeed, this notion of representation as representing something absent is at the core of the political meaning of representation in Europe, at least since the remarkable philosophical reinvention

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<sup>9</sup> [https://www.lemonde.fr/societe/article/2019/03/30/gilets-jaunes-ces-leaders-qui-refusent-de-l-etre\\_5443432\\_3224.html](https://www.lemonde.fr/societe/article/2019/03/30/gilets-jaunes-ces-leaders-qui-refusent-de-l-etre_5443432_3224.html)

<sup>10</sup> <https://lvsl.fr/priscillia-ludosky-les-gilets-jaunes-ont-mis-un-coup-de-pied-dans-la-fourmiere/>

<sup>11</sup> <https://www.20minutes.fr/societe/2381819-20181127-gilets-jaunes-bretagne-porte-parole-maxime-nicolle>

<sup>12</sup> <https://www.francebleu.fr/infos/societe/gilets-jaunes-deux-des-huit-porte-parole-officiels-sont-franciliens-1543241669>

of sovereignty by Thomas Hobbes in the *Leviathan* (Jaume 1986). In this book, Hobbes reinterpreted the vocabulary of representation, used by the defenders of parliamentary rights during the English Civil War, but in defense of absolute sovereignty (Skinner 2005). In the key chapters 16 and 17 (the last of the first book and the first of the second book), he delineated a theory of representation in which the representative is a person (from *persona*, a mask), who acts for the multitude that she represents, which cannot act directly but might be said to be the author of the actions of the represented:

“A multitude of men are made one person when they are by one man, or one person, represented; so that it be done with the consent of every one of that multitude in particular. For it is the unity of the representer, not the unity of the represented, that maketh the person one. And it is the representer that beareth the person, and but one person: and unity cannot otherwise be understood in multitude.”

And in chapter 17:

“The only way to erect such a common power (...) is to confer all their power and strength upon one man, or upon one assembly of men, that may reduce all their wills, by plurality of voices, unto one will: which is as much as to say, to appoint one man, or assembly of men, to bear their person; and every one to own and acknowledge himself to be author of whatsoever he that so beareth their person shall act, or cause to be acted, in those things which concern the common peace and safety; and therein to submit their wills, every one to his will, and their judgements to his judgement. This is more than consent, or concord; it is a real unity of them all in one and the same person, made by covenant of every man with every man, in such manner as if every man should say to every man: I authorise and give up my right of governing myself to this man, or to this assembly of men, on this condition; that thou give up, thy right to him, and authorise all his actions in like manner. And because the multitude naturally is not one, but many, they cannot be understood for one, but in any authors, of everything their representative saith or doth in their name; every man giving their common representer authority from himself in particular, and owning all the actions the representer doth, in case they give him authority without stint: otherwise, when they limit him in what and how far he shall represent them, none of them owneth more than they gave him commission to act.”

According to Hobbes, the sovereign is necessarily representative: when the sovereign acts, the citizens (who have individually, by a common act of consent, delegated their power to the sovereign) are the authors of her acts, thus they cannot contest it. In the Hobbesian model, to act politically is always to act for others. There is no such thing as acting for oneself in politics: any legitimate political act has other people authoring it. This model was by no means the only one on which the institutions of representative government were based, but it can be said to be found also in Rousseau’s theory of the general will or in Sieyès’s notion of national sovereignty (Jaume 1985; Revault d’Allonnes 2016; Hayat 2017). From a theoretical perspective, it forms the basis of Pitkin’s influential account of representation, even though she then departs from it to construct her own theory. She never questioned the principal-agent model according to which the representative acts for an absent principal, the represented (Przeworski, Stokes, and Manin 1999).



However, this meaning of representation as making present something that is nevertheless absent was not the word's only meaning when it entered the political vocabulary, towards the end of the Middle Ages. As historians of premodern representation have repeatedly stated, the word representation could then mean making present something absent, but also just performing presence (Ginzburg 1991; Marin 2005; Chartier 2013; Sintomer 2013). In French, to be "*en représentation*" may mean to be on stage, thus making an absent character present, but also to adopt a behavior that would underline (often favorably) certain characteristics of oneself – someone can thus have "*une belle représentation*", i.e. a fine appearance. In that sense, representing only oneself is indeed representation, in the sense of underlining certain characteristics of the self, in other word certain aspects of one's *identity*. This is not only a semantic question: this double meaning reveals that while representation can follow a principal-agent model (whether there is an act of authorization or not), it can also be based on the exhibition of an identity, in the two meanings of the word – an identity between the representative and the represented, what Pitkin calls representation as standing for, or an identity as a set of personal characteristics. So when someone claims to represent no one but herself, she does not solely denies the existence of a mandate relation between her and potential constituents; she also means that she speaks as someone defined solely by her identity, which allows her to stand for those who share this identity, just by being herself. This logic of representation has been identified by Hasso Hofmann as *repraesentatio identitatis* (Hofmann 1973), a medieval term used to designate situations in which a representative could embody an entity without any mandate, simply by speaking as *pars pro toto*, a part for the whole<sup>13</sup>. This "synecdochical" political representation (F. Ankersmit 2019) was dominant during the Middle Ages, be it in the Church, in monarchies, in corporations or in republican city states (Faggioli and Melloni 2007; Barat 2017; Hayat, Péneau, and Sintomer 2018).

Political modernity, with the coming of representative governments, supposedly rendered this form of representation obsolete. But while it is true that the institutions of representative government give no place to incarnation or embodiment, these institutions did not triumph in a day, nor entirely. When we consider the details of the history of representative governments, we can see that multiple forms of embodiment persisted in time, often embroiled with elements of mandate representation. In the French case, the Revolution of 1848, which marked the triumph of a democratic and modern form of representative government, also saw the upholding, and sometimes the development, of multiple forms of embodiment (Hayat 2014a; 2018). In these cases, representatives put forward different aspects of their identity to establish, through their mere presence, their representativeness. In some cases, these forms of embodiment were sustained by a strategy of unrepresentative claims, such as when club leaders invoked the "unanimity" of the French people embodied by the clubs against the mere "majority" that elected the Assembly (Hayat 2012) or when the most

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<sup>13</sup> In his synthesis on the meanings of representation, Yves Sintomer distinguishes between the juridical-political dichotomy between mandate and embodiment, and the symbolic one between making the absent present again and the exhibition of a presence (Sintomer 2013). While this may be true analytically, there is a sociohistorical and theoretical link between embodiment and exhibition of a presence on the one hand, and mandate and making the absent present again on the other hand, at least in the political field. Indeed, a mandate can be given only by an entity which is absent, and in itself the mandate is enough to produce representation, there is no need to exhibit any characteristic (even if it may happen as a supplement) to be recognized as representative. On the contrary, the ability to embody, even when it is the embodiment of something absent, requires the (physical or virtual) presence, and has to be attested through the exhibition of this presence, and by putting forward (representing) certain (symbolic or descriptive) characteristics of the body.

radical socialists defended the candidacy of François Raspail for president in December 1848, claiming that he did not represent anyone but himself and thus could embody the protest against the presidential institution (Hayat 2014b). After 1870 in France, the stabilization of republican institutions made representation as embodiment play a much more minor role. But it never entirely disappeared, and regularly revived in situations of crises. In that sense, the Yellow Vest movement can be interpreted as the resurgence of a long tradition of popular movements attempting to embody the French people while refusing to represent them – a “plebeian experience” that may have started with the revolutionary sans-culottes (Breugh 2007; Grunberg 2019). The historical crisis of representative government could thus partly explain the development and success of strategies based on embodiment more than on mandate. And in some of these strategies, unrepresentative claims might play a crucial role. This explains why unrepresentative claims can actually empower the subject of the claim: refusing to represent does not mean refusing to embody, quite the contrary. While the institutions of representative government focus on representation as mandate, where a representative makes the absent represented present, unrepresentative claims sometimes open possibilities for embodiment, where simply by being present, subjects can exhibit certain aspects of their social identity, and gain power or legitimacy from it. To sum up, when people make unrepresentative claims, they claim to speak for no one but themselves; but speaking *for* oneself by claiming to represent nobody else does not prevent people to speak *as* someone having such or such characteristic (Fossen 2019). On the contrary, the refusal to represent someone else opens all kind of strategies in which subjects may put forward selected aspects of their self – different objects in the sense of Saward – and maybe succeed in embodying this aspect through the mere exhibition of their presence. The inherent plurality of personal identities entails that unrepresentative claims always go together with implicit or explicit claims concerning the capacity in which one speaks, and so different entities to embody. This explains why unrepresentative claims may confer power to their subject: by discounting all possible identities that would be given by relations of mandate representation, unrepresentative claims may be used to reinforce the aspect of the subject’s identity the maker wants to put forward.

### **Elements for a theory of unrepresentative claims**

Once the possibility for unrepresentative claims to empower the claim-maker is theoretically established, we still have to characterize the ways this may be done. Even if the list of situations and claims is infinite, we can establish three ideal-types of unrepresentative claims, by distinguishing between three broad categories of identities that may be underlined by a subject making an unrepresentative claim: generality, particularity and individuality.

#### *1° Unrepresentative claims to embody generality*

First, unrepresentative claims can help the claim-maker pretend she has no interest to defend, individual or collective, thus being entirely impartial. Among Yellow Vest leaders, Priscillia Ludosky was particularly keen on using that strategy. From her initial petition that launched the movement to her launching of the “Citizen Vests” and of the “Real Debate” against Macron’s “Great Debate” she claimed to embody a position of “citizen-expert”. Using

unrepresentative claims to establish a position of expertise is by no means a specificity of the Yellow Vests. Other examples could be found in institutions of international governance, such as multi-stakeholder processes. The one that was set up to draft the norm ISO 26000 (the International Organization for Standardization standard for social responsibility), issued in 2010, was particularly illustrative in that regard (Ruwet 2010; Hahn and Weidtmann 2016). Confronted with critiques for its lack of representativeness and legitimacy, combined with a constant extension of its area of expertise, the ISO then experimented an unprecedentedly open drafting process. Different categories of stakeholders were selected, and for each category representative organizations had to nominate experts. But these experts themselves were not considered as representatives: once selected, they had no mandate and had to express their own perspective, in a deliberative manner, on the discussed matter. The important point here is that not being representatives did not mean for them to express their personal preferences: they could be unrepresentative yet legitimate because they were experts. The combination between nomination and independence was the key here.

This can be related to the position of the Burkean trustee. In his famous speech to the electors of Bristol, Edmund Burke asserted that he should not be bound by any mandate while he served, because

“Parliament is not a congress of ambassadors from different and hostile interests; which interests each must maintain, as an agent and advocate, against other agents and advocates; but parliament is a deliberative assembly of one nation, with one interest, that of the whole; where, not local purposes, not local prejudices, ought to guide, but the general good, resulting from the general reason of the whole. You choose a member indeed; but when you have chosen him, he is not member of Bristol, but he is a member of parliament.”

For sure, there is undeniably a relation of representation, in which the representative serves the represented and their interest – but to do so, the trustee has to remain independent from their immediate wishes, i.e., in a way “unrepresentative”. In the case of ISO 26000, “the experts act in a personal capacity and not as the official representative of (...) organization by which they have been appointed”<sup>14</sup>: once they are chosen, they are not supposed to act for or stand for the organization that nominated them, but to offer their personal perspective to the deliberation. If one considers solely the mode of delegation, characterized by selection (Mansbridge 2009), they could be said to fall under the category of gyroscopic representation (Mansbridge 2003), i.e. representatives that are selected for their personal characteristics (in particular moral values) and then expected to act accordingly to these. In Andrew Rehfeld’s terms, they are indeed self-reliant in their judgments and not responsive to sanctions, thus they should be considered as “Burkean Trustees” or “Volunteers” depending on the kind of aim they follow (Rehfeld 2009).

But Mansbridge and Rehfeld, as Burke, mostly talk about elected representatives, whose position is the result of a successful representative claim. In the position of expertise claimed by Ludosky or the experts participating in the ISO 26000 committees, the only legitimacy of their word is that they are experts: they have to claim that themselves have no stake to hold, no interest to defend, in short that they are not representatives of anything but themselves – in their capacity as experts, be them citizens or scientists. A related situation emerges every time a professional is defined by the generality of the interest or principle he

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<sup>14</sup> ISO/IEC Directives, Part 1, Edition 12.0 2016-05, p. 17.

defends, which prevents him from making any other representative claim. The archetypal example would be the situation of a judge, who represents the Law and thus cannot claim to represent anything else than the law – and relatedly can claim not to represent anything else, giving him a “legitimacy of impartiality (Rosanvallon 2011)<sup>15</sup>.”

So at the most abstract level, unrepresentative claims may reinforce one’s claim to speak as someone guided purely by reason, or possibly by a principle she may embody: justice (judges), the general interest (Rousseau’s legislator), the people’s true original will (members of the Supreme Court).

## *2° Unrepresentative claims to embody a particular group*

At a lower level of generality, making unrepresentative claim may allow someone to embody a collective entity, be it an institution, a group or a social movement. The vocabulary used by Yellow Vest leaders to be sole messengers for the movement, as it was seen above, may be said to fall into this category. They claim to be just simple Yellow Vests with no other characteristic, as if they had been selected at random, which enables them to embody the whole movement without any mandate<sup>16</sup>. A more institutional example can be found in the world of pressure groups. In most interest groups and lobbies, representatives are obviously supposed to defend the interests of their employers. Yet, you can sometimes find in these organizations institutionalized forms of unrepresentative claims. It is customary, for example, in French employers’ organizations, to have a double head: an elected official, which is often the public face of the organization and should accordingly display the needed characteristics to represent descriptively or symbolically the members of his trade; and an administrator, called “general delegate”, who today is always selected from outside the trade, often a former civil servant. The latter’s unrepresentativeness is considered an asset, as a good general delegate should be a good servant, and to be a good servant she or he needs to be seen as exterior to the group (Courty, TPB). Because he represents nothing except the group, he can represent the group in all its generality. This is a case in point of Bourdieu’s analysis of the role of “oblates” in organizations:

“The institution gives everything, starting with power over the institution, to those who have given everything to the institution. but this is because they were nothing outside the institution or without the institution and because they cannot deny the institution without purely and simply denying themselves by depriving themselves of everything that they have become through and for the institution to which they owe everything.” (Bourdieu 1991a, 195)

When a person fully embodies an institution, is this a representative or an unrepresentative claim? In a way, it is both: the oblate embodies the institution, to the point he cannot represent any specific position, interest or group of members in the institution. The total representative

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<sup>15</sup> According to Rosanvallon, judges (especially those acting in supreme courts) are more adequately characterized in democracies by a “legitimacy of reflexivity”: they also represent the people by representing the (popular) constituent or legal principles and deliberating of their adequate legal interpretations. See also (Ackerman 1993). Rosanvallon’s developments on “the importance of not being elected” in dualist democracies, while not directly addressing the issue of claim-making, back these remarks.

<sup>16</sup> This relationship between sortition, impartiality and group representation is one of the reasons for the appeal of this procedure to groups of very different kinds, from Italian Republics to contemporary activists or the French Army. For a first assessment, see (Delannoi and Dowlen 2016; López-Rabatel and Sintomer 2019; Courant and Sintomer 2019).

claim comes together with a universal unrepresentative claim when it comes to anything else than the whole institution. A similar point could be made about the institutions of the European Union: it is not uncommon for persons who work in Brussels to move from positions in lobbying to positions in the European institutions themselves and vice-versa. The ability to represent an interest in the “field of Eurocracy” is sometimes paradoxically better ensured by a form of professional detachment from it. More importantly, very few agents specifically defend the interest of the Union as a whole. The general interest of the European Union then appears more as a sort of emergent property of the uncoordinated activity of representatives of different interests acting at the European level, representatives that would most likely deny representing “Europe” against State members, for example (Georgakakis 2012; Laurens 2015).

Going to the other side of the political and institutional spectrum, unrepresentative claims is quite common among activists, not only Yellow Vests. Sometimes not speaking for other is a powerful constraint in a social movement. The 1960s feminist movement in the USA is a case in point: no one wanted to speak for others, as there was the attempt to forge a participative and inclusive environment. To put it bluntly, since men spoke all the time for women, for a feminist, speaking for other women would mean doing like men do; so for example when *Life* magazine tried to have someone photographed for Women’s Lib, no one accepted<sup>17</sup>. Black feminist movements, maybe because they were born from a reflection on representation and the silencing of the voices of Black women both in feminist and in Black movements, developed distinctive unrepresentative claims, insisting on the importance for people suffering from oppression to speak for themselves. In the preface of *Black Feminist Thought*, Patricia Hill Collins asked herself “How can I as one person speak for such a large and complex group as African-American woman?”, and the answer was a clear unrepresentative claim: “I cannot and should not because each of us must learn to speak for herself”, her book being “on voice in a dialogue among people who have been silenced” (Collins 2002, IX).

This insistence on not speaking for oppressed groups could also be found, although quite differently, in the Occupy movement. As an article from *The Occupied Times* explained in 2011, “we do not ‘speak for’ the poor and oppressed around the world, but we are in solidarity with them<sup>18</sup>”. Most certainly, there is a representative claim at work when constituting the “We” of the Occupy movement, and the “We are the 99%” should be understood as a proper representative claim. But inside the movement, unrepresentative claims were constantly made, supporting a strategy of “synecdochal representation” (Sande 2020). As Mathijs van de Sande explains, activists then set up a website on which “thousands of people, mostly from the US, posted pictures of themselves, accompanied by a brief statement that described their individual situation, (...) all undersigned by the slogan “I am the 99%.” (...) It seemed that, in a way, every single personal story could embody or encompass all the others—they all represented the entire 99%.” It is precisely because they offered solely a personal testimony that they could embody “the 99 %”, using the logic of pars pro toto. Interestingly enough, the authors of the *The Occupied Times* article link this refusal of representation with Zapatismo. Indeed, its leader, the Subcomandante Marcos, has developed a distinctive relation to representation, both in his writings and in this public

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<sup>17</sup> This anecdote was told by Jane Mansbridge at the 2019 APSA Conference.

<sup>18</sup> <https://theoccupiedtimes.org/?p=1054>

stance. He calls himself “subcommander” because the commander is the indigenous people he serves, he uses a nickname, sometimes changing it – he now calls himself “Subcomandante Galeano”, the name of a lost friend –, has referred to himself as “Delegate Zero” or as being a “Hologram”, he constantly wears a mask when he speaks... His will not to represent, which comes together with a theorization of his own position as not being one of representation, has been deemed “post-representative” and is most certainly at odds with most revolutionary traditions – not only Leninist vanguardism, but also with anarchism (Tormey 2006).

Certainly, such unrepresentative claims could be found in past social movements in which there was a desire to lessen the importance of individuals in favor of the collective. In the early 19<sup>th</sup> century, in the emerging labor and feminist movements in France, it was customary to use nicknames and to publish articles anonymously or signed collectively, and not only for security reasons – workers writing in *L’Atelier* and women in *La Tribune des femmes* explicitly refused the individualization of their political struggle that went with nominal signatures. Similarly, in the Notre-Dame-des-Landes “Zone to Defend” – a movement against the construction of an airport in the west of France that started in 2009 and soon became a junction point for the French and European radical Left – every person that was interviewed by the media or spoke publicly presented him or herself as “Camille”. But while in the latter cases unrepresentative claims went together with an effectively collective empowerment, in the case of Marcos his unrepresentative claim seems to give him personal power, or at least not to deprive him of it. Despite these differences, in all these cases, subjects of unrepresentative claims put forward a specific part of their social identity by underlining the particular institution or group to which they belong.

### *3° Unrepresentative claims to be seen as an unattached individual*

Finally, some unrepresentative claims may aim to deny not only any relation of representation, but also any form of social belonging, in order to simply be seen as an individual. There is no embodiment here, just the sheer individuality. This stance is sometimes taken by “citizen representatives”, a term coined by Mark Warren to emphasize the representative role of citizens in participative and deliberative forums (Warren 2008). In many cases, participants to these devices are reluctant to actively claim any form of representativeness, social belonging or expertise: they are just individuals that agree to give their subjective point of view on a topic<sup>19</sup>. Paradoxically, claiming one’s individuality may help to be considered representative by other claim makers, such as the ones setting up the forums or journalists looking for the take of “real people” on a specific matter. The role of the media should not be downplayed here. Indeed, many Yellow Vests figures emerged because they were available and competent enough to play the role of a Yellow Vest in TV shows, without having any interest to represent, hence being seen as having *authenticity*. While they refused to represent the Yellow Vests in the usual sense of political representation, they represented them from an aesthetic point of view, as past characters in historical narratives (F. R. Ankersmit 2001; 2002).

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<sup>19</sup> This point has been previously made by several scholars working on participation, such as Volkan Gül and Louise Knops.

This goes together with an absence of accountability: since there is no mandate and the selection of representatives is entirely based on their harmony with a narrative, they are not subjected to control by possible represented agents. This is another reason why unrepresentative claims can actually empower their subjects: claiming to *not* represent is a way for a leader not to be held accountable for her action. When asked why he intended to participate in the summer camp of *La France insoumise*, a left wing populist party, the Yellow Vest leader Jérôme Rodrigues answered:

“Today the Yellow Vest movement does not wish to have leaders, representatives or even heads, something I agree with, so I am not at all this person, I am part of the movement as anyone, and present since the beginning. As a result I have no nominative legitimacy that could prevent me from speaking and debating with anyone I want. I had the occasion these past few months to discuss, exchange views and debate with all the groups and trends representing the Yellow Vests movement in France. From all the claims, one emerges, ‘freedom’... this freedom of expression I would like to enjoy and thus discuss with those who invited me<sup>20</sup>.”

In this Facebook post, Rodrigues explicitly made an unrepresentative claim, which allowed him to claim at the same time that he belonged to the movement, that he was free from any mandate and accountable to no one, and that this freedom was aligned with the ultimate spirit of the movement. In a political world where being a representative means being accountable to the represented, making unrepresentative claims is a way to declare oneself free from any check or control, while still embodying the represented and thus benefiting from the power given by the status of being a representative. In the same vein, speaking solely as themselves may allow people to address those who claim to represent them and hold them accountable: to “represent the represented”, one needs to claim to not represent anyone but oneself. This is a logic behind petitioning, for example: those who sign do so purely as individuals trying to appeal to the leaders or people who hold some power.

## Conclusion

Unrepresentative claims are claims of a specific kind. As in other negative representative claims, makers deny the existence of a relation of representation. But this non-representativeness paradoxically empowers the subjects: successful unrepresentative claims allow subjects to select the aspect of their identity they want to put forward, while remaining free of any control for potential representatives. The ubiquity of unrepresentative claims shows that far from being remains of medieval times, occurrences of representation as embodiment are still part of the rhetoric of multiple agents and institutions<sup>21</sup>. It also emphasize the opposition between mandate and embodiment: in a way, asserting that one does not hold a mandate may in some cases be mandatory to successfully claim to be seen as impartial, to embody a group or to see one’s subjective experience recognized. To embody the Yellow Vest movements, its leaders had to deny any form of mandate that would have separated them from the rest of the Yellow Vests, thus preventing them to claim to be one of them. Should we then say they are a particular case of representative claims, only distinctive

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<sup>20</sup> [https://www.facebook.com/lafamillejerome/posts/394166784574811?\\_tn\\_=\\_K-R](https://www.facebook.com/lafamillejerome/posts/394166784574811?_tn_=_K-R)

<sup>21</sup> It does not mean that unrepresentative claims and embodiment necessarily go together: many forms of embodiment rely on explicit representative claims.

in their rhetoric? It may well be the case, especially if we consider examples such as the Yellow Vest movements, among which unrepresentative claims are pervasive, especially when it comes to their leaders. Ultimately, their political power comes from the fact that they can act and speak as representatives of the movement. Still, the fact that they obtain this status and power from unrepresentative claims turn them into representatives of a specific kind, articulating representation and power in a way that is at odds with more the relations of representation established by the institutions of representative government. In that sense, unrepresentative claims, which are bound to flourish in a political world marked by a crisis of representative democracy, help us understand what kind of representation exists beyond representative government, and what challenges they may raise for the future.

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