

Political Representation and its Predicaments: A Perspective from Political Philosophy

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REPRESENTATION AND DEMOCRACY: (UN)MEETING ENDS

In the contemporary political lexicon, *democracy* and *representation* seem to belong to the same semantic field. To be sure, it requires no conceptual stretch on the part of citizens belonging to really existing republics to be able to claim for more *democracy* by demanding improvements in the quality of *representation*. Although certainly one among many of the demands at the disposal of citizens, it cannot be said either that it is among those less frequently voiced. Be it as it may, it is not the least impossible to express one's allegiance to democracy by employing the language of representation. Hanna

Pitkin, in her classic piece, *The Concept of Representation*, indicated the profound resonance of the subject in modern times: "In modern times almost everyone wants to be governed by representatives (...) every political group or cause wants representation (...) every government claims to represent."¹

Even professional political observers, couched in nominalism or belief, do not hesitate to use the expression *representative democracy* in order to designate political and institutional forms that have come to cover more than half of the globe during the twentieth century. In this amalgam, *democracy and representation* figure as parts of a necessary nexus and of a significant convergence.

Nonetheless, it has not always been so. There have been moments in the history of political thought—and in the history of politics *per se*—in which the semantic fields of the two abovementioned terms, as well as their existential implications, were the object of a careful distinction. To recall such episodes is not to appeal to the reader's possible nostalgic inclination to adhere to projects of democratic refoundation, based on an improbable return to Hellenized politics, but rather to single out the artificial character that is sensitive to human design—and which is thus ever changing and, ultimately, perishable—of the theoretical and practical association between *democracy and representation*. If it is true

1 Cf. Hanna Pitkin, *The Concept of Representation*, Berkeley, University of California Press, 1972, p. 2.

that democracy was not representative at the moment of its conception, representation, on its turn, did not come into being as a natural expression of democracy. The convergence of these two principles was possible only in societies wherein democratic pressures—in the Spinozian and Tocquevillian sense of the term—was channeled toward representative institutions and practices.

Although not the one to have originally penned the term in the eighteenth century, James Madison can perhaps be presented as one of the inventors of that which have many quickly followed suit and started calling, somewhat inexpertly, *representative democracy*.² According to his judgment there was a clear conceptual distinction between what a *modern republic* and a *democratic republic*, such as that fashioned by the ancients, ought to be. Such a difference has been attributed to the existence in the modern republican layout proposed by Madison of what he designated

2 We owe the expression to Thomas Paine, to whom representation was not constituted as a means for the obstruction of the threat of democracy but rather as a possibility for the enlargement of democracy. In his immediate context and in the nineteenth century he was considered, to be blunt, a loser. At any rate, his texts are useful for those who wish to evaluate the state of representation based on claims that democratic pressure will ultimately prevail. See, particularly, Thomas Paine, *Political Writings*, ed. Bruce Kuklick, Cambridge: Cambridge University Press, 1989.

as the *scheme of representation*.³ *Democracy*, to the contrary, could be defined as a “society consisting of a small number of citizens, who assemble and administer the government in person.”⁴ Something, therefore, that is quite distinct from the *republic*, which, according to his rendering is a “the delegation of the government to a small number of citizens delegated by the rest.”⁵ The history of the possible meanings of the expression *representative democracy* thus speaks of the trajectory whose starting point can be traced back to its first conception—“citizens who administer the government in person”—and arrives at its second one—a government “consisting of a small number of elected citizens.”

Through the artifice of representation, the operation of what Madison himself defined as a *filter* established a non-transitivity between the universe of citizens in a rough state and the predominance of legislative decision. In defending this mechanism James Madison was doing more than distancing himself theoretically from the foundations of classic democracy; he was concerned with the spread of alternative conceptions in North America during the late eighteenth century, strongly tinged by libertarian colors, that was also, so to speak,

3 For the original argument see James Madison, “Federalista # 10”, In: *Os Artigos Federalistas, 1787-1788*, Rio de Janeiro, Nova Fronteira, 1993.

4 *Idem*.

5 *Idem*.

akratic. In times prior to the Philadelphia Convention, the predominant political mood was marked by what some analysts have described as the “politics of liberty,” expressed by an unyielding suspicion regarding any notion of government exempt from direct popular control.⁶ Madison himself in his “Federalist Paper n. 63” reflects upon “abuses of liberty,” which according to his judgment are as nefarious as “abuses of power.”⁷

According to the Madisonian formulation, representation is a mechanism that is an alternative to other forms of institutional organization, such as the public’s direct access to decision and law making, choices taken by lot, and, needless to say, hereditary monarchy. Madison’s belief in the virtue of representation and its capacity to act as a filter was based on the expectation that representative institutions at the same time they provide a foundation for the authority necessary for the government to govern also guarantee that the exercise of representation will be attached to the achievement of the public good. For Madison the matter consisted of choosing men whose

6 For a useful and vivid attempt to reconstitute the debate leading to the Constitution of the United States, see the superb essay by Isaac Kramnick, in the introduction to the *Federalist Papers*, included in its Brazilian edition (*Os Artigos Federalistas*, 1787-1788, *op. cit.*). Also see the excellent article by Gordon Wood, “The Origins of the Constitution”, In: *This Constitution: a Bicentennial Chronicle*, n. 15, Summer, 1987.

7 Cf. James Madison, “Federalista # 63”, in: *Os Artigos Federalistas*, 1787-1788, *op. cit.*

wisdom would allow them to aptly discern the public interest, something unthinkable in a scenario in which the power of sovereignty is equally dispersed among all citizens who are able to exercise it directly.

The conception elaborated by Madison never came close to becoming consensual. Amidst the debate between Federalists and Anti-Federalists which ensued after Independence, distinct voices emerged. One of them belonged to Brutus, one of the exponents of the latter group, who, brandishing the banner of the “politics of liberty,” thus referred to the subject of representation:

(...) the very term, representative, implies that the person or body chosen for this purpose should resemble those who appoint them—a representation of the people of America, if it be a true one, must be like the people.⁸

As per Brutus it is not a question of claiming for the need of establishing a filter which would ultimately confer the aristocracy—that class of discerning and virtuous men—the exercise of representation. Rather, the utmost mimetic capacity emerges as the main virtue to be sought. The debate concerning the meanings of representation, henceforth, no longer could dispense with the polarization between the two conceptions mentioned above. Yet, in fact, it is possible to backtrack in time and detect how the extent to which the antinomy

8 Cf. H. J. Storing, *The Complete Anti-Federalist*, vol. II, *apud* Diogo Pires Aurelio, *Representação Política: Textos Clássicos*, Lisboa, Livros Horizonte, 2009.

between the images of a *filter* or of *mimesis* were present in the process of invention of political representation.

Madison's conception as well as Brutus's at the time of their elaboration in the eighteenth century already had a history of their own and they were thus able to find in this past tradition prior elaborations of the principles of representation from which they could derive inspiration. The antifederalist defense of a representation which would be able to mimetically correspond to the will of those represented could be found, for example, in the likes of Richard Overton, an eminent member of the Levellers, a something of a left-wing political movement active in the heady years preceding the Glorious Revolution in the seventeenth century in England.⁹ Overton, facing the perspective of the tyrannical use of power on the part of the Long Parliament (1640-1660), which, on its turn, was opposed to the tyrannical use of power on the part of the king, made it know in 1647 during the famous Putney Debates to the members of that institution that: "we are your principals, and you are our agents."¹⁰

9 For a useful introduction to the world of the Levellers, see G. Aylmer (ed.), *The Levellers in the English Revolution*, London, Thames and Hudson, 1975.

10 Cf. Richard Overton, *An Appeale From the Degenerate Representative Body*, London, 1647, *apud* Mónica Brito Vieira and David Runciman, *Representation*, London, Polity Press, 2008, p. 22. Furthermore, it is interesting to note that the employment of the terms *agent* and *principle* by adherents of rational choice theory has nothing to do with the original use of the terms by

The Leveller argument, in line with the general call for male suffrage, subordinated the idea of representation to a deeper social undertow of democratization. As aptly pointed out by Christopher Hill in his classic work, the Levellers—as well as other radical movements of the time—aspired to upend the world.¹¹ In other words, the base of society was to be made the seat of sovereignty and this radical inversion would lead to a reconfiguration of the political and institutional map. The Parliament in an unfettered battle for true power and according to the terms introduced by the Levellers, could only be conceived of as a direct and mimetic expression of something extraneous and, especially, as something which already existed beforehand. Any discontinuation between the *author's* will and the *actor's* behavior from this perspective appears as a tyrannical usurpation. Despite their defeat, the Levellers did not leave the stage without leaving one lesson whose merit is irrefutable:

the revolutionary equalitarians of the English Revolution. The contemporary aseptic use of both terms barely does justice to the charged atmosphere of political and social conflict reflected in the language of the Levellers.

- 11 See Christopher Hill's outstanding and essential book, *The World Turned Upside Down*, Harmondsworth, Penguin Books, 1971. Equally is essential for a general outlook of the political debate during the English Revolution is the book by Perez Zagorin, *A History of Political Thought in the English Revolution*, London, Routledge & Kegan Paul, 1954.

that the push for democratization must be coupled with the exercise of representation.¹²

Madison, when imagining the “scheme of representation” already had, as indicated previously, something else very much in mind. If the mimetic image of the *mirror* can be applied to the arguments of Overton and Brutus, that of the *filter* fits the scheme devised by the author of the Federalist papers to perfection. In the fashion as his opponents, the innovation he brought about has a history of its own and he was thus able to cull from tradition certain signs of confirmation.

Pointing in the direction of a place in history even more far removed, the distinction proposed by Madison distinguishing those representing and those represented can be traced to the innovation introduced by Tertullian (155-230 AD), the Roman theologian and one of the first Christian apologists, according to which the term *repraesentare* started to denote a nexus among distinct objects. The temporal remoteness of this reference is not imbued with antiquarian pretensions, but rather simply intends to indicate the civilizational fruitfulness, as it were, of an intellectual innovation.¹³

12 The English solution, consolidated after the Glorious Revolution (1688), implied an association between *political representation* and *oligarchization*. During two centuries or so, this association seemed natural for the champions of what would come to be designated as *representative government*.

13 The approximation between the theological and political realms, in approaching the subject of representation, can be

In the heat of theological debate, in the initial formative years of Christian thought, arises the idea of a *relationship among non-resembling entities*, such as in the discussion with regard to the Holy Trinity, in which the Son is defined as the representative *persona* (*representat*) of the Father. The same mysterious nexus, which cannot be reduced to the mechanisms of similarity and contiguity, is established between the body of Christ and bread during the Last Supper. What is interesting in this idea of representation is the presence of a *special nexus*, which cannot be reduced to naked-eye observation of the situation in which something is explicitly made to represent another by means of a passage that makes this evident. This would be the case, for example, of a letter of attorney whereby one person acts on behalf of another one according to previously established conditions. Or also the case of a mimetic pictorial representation in which a clear view of the represented object is the condition upon which the intelligibility of its object depends. Both possibilities—the juridical or the aesthetical—figure as intelligible from the perspective of a third party which would occupy the position of observer of the nexus and

seen, additionally, as something proximate Carl Schmitt's consideration according to which the fundamental concepts in the realm of political philosophy can be perceived as secularized versions of theological concepts. For the original argument see Carl Schmitt, *Political Theology I: Four Chapters on the Concept of Sovereignty*. Cambridge, MA, The MIT Press, 1988.

correspondence between the original source and its artificial projection.

In the representation of differences, something rather distinct occurs and causes *that which is being represented* to appear at the same time as something distinct and as something which attributes retrospective meanings *upon that which is represented*. Also contained herein is the implicit assumption of an abyss to be crossed, in which what is being represented mysteriously vanishes only to reappear at the end of the process reconstituted in the form of its representative. In this sense, representation—as *transfiguration* and *presentation anew*—appears as the condition for presence. This is what comes across from the beautiful example extracted from the speech of a member of the English Parliament—William Hakewell—during the reign of Elizabeth I:

We must lay down the respect for our persons, and put on others, and their affections for whom we speak: for they speak by us. If the matter which is spoken toucheth the poor, then think me a poor man. He that speaks sometimes must be a Lawyer, sometimes a Painter, sometimes a Merchant, sometimes a mean Artificer.¹⁴

Even if we take into account the fact that in Elizabethan times what was called a parliament had little to do with our contemporary understanding of the term,

14 Cf. Sir Edmond D'Ewes, *The Journals of All Parliaments During the Reign of Queen Elizabeth*, London, 1682, p. 667, *apud* Mónica Brito Vieira e David Runciman, *op. cit.*, p. 19.

in Hakewell's examples there are two features that will remain relevant in future developments leading to the definition and consolidation of the concept of political representation.

The first one refers to the aforementioned presence of an idea of representation of difference, albeit it adds on to it a distinct *fictional dimension*. The exercise of representation is hypothetical in nature: here there is the enunciation of an imperative which, as such, must be based on an assumption that is not empirically grounded. This is what comes across in the aforementioned sentence: "If the matter which is spoken toucheth the poor, then think me a poor man." This translates the requirement that whoever pronounces these words is taken as a poor man, even if he is in no way at all a poor man—hence the fictional dimension. Furthermore, this requirement clearly manifests the already mentioned mechanisms of transfiguration and representation.

There is, however, another crucial aspect present in the Hakewell's excerpt, which will become a trope in the latter debates on the subject of representation: the *universal* aspirations of the exercise of representation. The poor, painters, tradesmen, artisans, and even lawyers did not enjoy political franchise. Nonetheless, the exercise of representation made them liable to being represented, even if they did not have the prerogative to indicate those representing them. Although oligarchic from the empirical and sociological point of

view, representation at the time is conceived of as way to fit into Parliament the nation as a whole. Less than a century later, the Levellers will seek to coax out the democratizing consequences of this extension: if Parliament is the transfiguration of the nation, suffrage cannot be anything but generalized.

Here we find a hallucinatory component that will become of one with the idea of representation: to believe in something which, by means of a special nexus, will result into something that is the product of that which gave it origin but is the same time something distinct and of its own. To a large extent, and standing in clear contrast, the defense of a pattern of representation based on the *mode of presence*—i.e. Overton and Brutus—indicate the will to surpress this hallucinatory component.

It then befalls Thomas Hobbes, during the hazy seventeenth century, to establish the question of representation on a foundation rather distinct from the one the mimetic tradition relied upon. One of its problems is the supposed undisputed existence of an actor, whose constitution does not depend upon and precedes what we can designate as *the fact of representation*. To a certain extent, Hobbes adds another component of mystery to the plot of this story: the mysterious nexus is precisely what makes it possible to derive from the author a distinct actor which is the core mystery which gives origin to the political community as a whole. It is the representative who constitutes those represented as a collective entity, as an aggregate capable

of “producing” representation. As it is, this is something entirely counterintuitive, yet utterly meaningful.¹⁵

In other terms, the *political people*—as opposed to a scattershot multitude—is something borne out of the fictitious original act which constitutes sovereignty. This is not a question of constituting merely the sovereign, but rather of in his creation also establishing a real political unity. The transition from sheer demographic numbers to a set of authors that can make themselves be represented assumes the presence of mechanisms that are capable of instituting this artificial person. In this sense, the sovereign produced by means of the artifice of contract is as artificial as the people who institute him. They are no longer natural parts, but rather subjects constituted by a greater artifice. The clarity Hobbes achieved in his description of this deserves transcription:

A Multitude of men are made *One Person*, when they are by one man, or one Person, Represented. (...) For it is the Unity of the Representer, not the Unity of the Represented, that maketh the Person One.¹⁶

15 Mystery also lurks in Burke: the individual and empirical act of choice of electoral choice is lost in the totality of an abstract and numeric electorate which can never materialize into something capable of countering the actions of the representative. What is more, this contains a logical impossibility, which goes hand in hand with an ontological one.

16 Cf. Thomas Hobbes, *Leviathan, or The Matter, Forme, & Power of a Common-Wealth Ecclesiasticall and Civil*, ed. Richard Tuck, Cambridge, Cambridge University Press, 1996, p. 114.

The terms of Hobbes's reflection obliges us to take seriously the idea that an institution of the body politic itself is a matter of artifice. It is indeed an *artificial animal*, an act of creation, and this act is the necessary condition for the institution of the social and political experiment. Being artificial, the genesis of this animal can only be configured by the enactment at the origin of fictitious acts. These acts, seen from Hobbes's perspective are contained within the fiction of the *One Person* as the artificial substitute of the multitude, just as the *personas* of representatives and the represented. With respect to the body politic, it is instituted by the very same arrangement of which it is the starting point of—as its efficient cause.¹⁷

Political representation thus does not depend on the extension of the number of those represented, but on the presence of a *special nexus* binding the represented to the representative. This is why, regardless of the expansion of suffrage, the core of the idea of representation remains unchanged. The nature of the nexus remains, regardless of the terms of electoral franchise. Arguments for the extension or restriction of franchise are therefore political in nature and contingent, and thus do not affect the nature of the artifice of representation.

17 For an excellent work on representation in Hobbes, see Lucien Jaume's, *Hobbes et l'Etat représentatif moderne*, Paris, Presses Universitaires de France, 1986.

I will conclude these remarks by stressing some propositions:

1. The subject of representation is forcefully present in the very fictional act which instituted a given public domain. Regardless of the form it assumes, societies, represent themselves as a non-natural body endowed with an identity. The initial fictitious act, more than fundamental, is necessary and Hobbes was the first to say as much. Without this act, human collectives would be merely a purely natural and demographic dimension. The Athenian *demos*, for example, although not structured according to modern representative principles, illustrates how Athenian society chose to represent itself as a political body. In this representation, the citizens, following the principle of isonomy, constituted themselves as a *demos* endowed with the prerogative of the direct exercise of collective political power. It is therefore necessary to distinguish the idea of *representation* as the original condition for the constitution of a political society from *political representation*—or *representative government*—one of its possible and contingent forms.

2. Let us call *representational form* a specific mode of constitution of a shared experience of the social realm, based on the mechanisms of representative government. Such mechanisms can be described with emphasis on its oligarchic traits based either on sociological reasons or macropolitical factors (i.e. the extension of suffrage). In societies marked by strong internal

pressure for democratization, the inherently oligarchic features of the model coexist with the necessary extension of the access to representation. These experiments give rise to the expression *representative democracy*.

3. Yet there is something inherent to *representational form* which qualifies it for the task of institutionally incorporating increasing claims for democratization. This inherent quality is what allows it to configure a *demos* made up of electors, with casting of ballots and other electoral routines becoming naturalized as the forms and spaces of public participation. In other words, what I intend to suggest is that the triumph of the *representational form* over other presence-based modes—whether direct or participative—of *demos* configuration cannot be credited to oligarchic tendencies of demophobia. These tendencies have certainly been present and operative during the longstanding confluence between democracy and representation. A minimal dose of realism requires the acknowledgment of its presence in the configuration of the so-called democratic societies. Still to be considered is one particular trait inherent to the trick of representation—if we can call it so: the aspiration to *universality*.

4. This aspiration, as indicated, is the fruit of fiction and could not be otherwise. Even if the body of the people is not made present by means of the empirical generalization warranted by the right to representation, representatives speak on behalf of and legislate for all.

The representatives act “as if” they indeed were those represented. This “as if” is at the core of the arrangement, the very same condition that allows the representative to be presented as an artifice. This is the fiction which operates as the basis both of the theory of representation espoused by Hakewell, in the sixteenth century, and of the classical defense made by Edmund Burke of the delegate’s independence relative to particular demands. In the former case, aristocrats can speak for all, in the latter, the representative’s conscience responds for the public interest.

5. The aspiration for universality, as cunning and inauthentic as it may be, renders representation a fiction whose consequences can be made universal. To be sure, hypothetical universalization, as practiced by altruistic aristocrats, can be countered by the democratic tradition—personified by the Levellers, the anti-Federalists and their heirs—and their own historical and imperative universalization. The existence of a potentially universal form, from the beginning, was crucial for its practical generalization. This is the functional advantage of the *representational form* compared to the modes of political constitution based on presence. This mode inherently, due to its rejection of hypothetical universalization, is fixated on the immediateness of its effects. This means that this mode of representation of the political space that is not based in the same terms as the *representational form*, is local in scope, restricted to those involved in

occasions in which participation is exercised. This is the price to pay for the rejection of the fictional act embedded within the aspiration for universality in exchange for immediateness.

6. The potentially universal character of the *representational* form led every expansion of suffrage such as to include all adults to exert over society the effect of binding it to a common space. Madison's filter, which can be described as a kind deflator of original participative energy, had a decisive role in the establishment of this kind of bond. At the same time it instituted a distinction between those represented and their representatives, it acknowledges an expanded and beyond local jurisdiction, even if its foundations are parochial. Voting, from this perspective, can be perceived as a *minimum level of common civic energy* needed to set the mechanism in motion. This idea of a *common minimum*, as opposed to extracting the maximum in local and particular contexts, is what renders this model something that could be generalized and at the same time provides its aspiration to universalization true content.

7. The aspiration to universalization is accompanied by a heightened sensitivity to the subject of the variability of opinion. This is the terrain *par excellence* of John Stuart Mill, exploring the subject of how to guarantee the universality of representation and, in doing so, guaranteeing that multiple voices be expressed and heard, with special attention to the conditions for

the expression of minorities.¹⁸ The subject, as one can easily deduce, is crucial and was at the core of the first defenses of proportional electoral systems. Even countries which ultimately adopted the majoritarian system, were careful enough to create mechanisms capable of ensuring some dissonance by means of minimum guarantees granted to minorities and the opposition. But the matter at hand here is not to consider the difference between majoritarian and proportional systems, but rather of arguing that the *representational form*, contrary to presence-based modes of political constitution, does not necessarily produce majoritarian outcomes. In other words, the presence-based mode—often evoked in deliberative and direct participation experiments—possesses, in addition to local characteristics, a strong majoritarian component. It is certain that such a component can be found in political bodies that result from the representational form, especially if organized according to majoritarian and non-proportional procedures. However, the link between genuine and non-mediated participation and majoritarian decision-making seems to inherent to the presence-based mode.

8. The fiction of universality and of the distinction does not abolish the fact that the *demand for presence*

18 See John Stuart Mill, *On Liberty*, New York, Norton, 1975 [1859, 1^a ed.] and *Considerações sobre o Governo Representativo*, Brasília, Editora da UnB, 1980 [1861, 1^a ed.].

remains. This is not a matter of doctrinal debate among champions of “direct democracy” and “representative democracy.” Democratization is associated to the fundamental means of expression of the *demos* and not to specific institutional forms. The convergence of pressures for democratization and the preexistence of representative institutions create a double-faced artificial animal: one face being the democratization of representation, and the other one the institutional seizing of democracy by representation. As a result, we are left with a specific experiment, so-called “representative democracy,” or *representative government with an expanded electoral base*.

9. The experiment is affected by a constitutive tension between an *exterior*—which is manifested in the form of the demand for presence—and an *interior*—sustained by the fictions of universalization and distinction. If the interior is the formal cause of the experiment, its substance is to be found in its exterior. Regardless of how much success it achieves, the fiction of universalization and distinction is incapable of eliminating this tension. The representational form is, therefore, coextensive to the reasons why we deem there to be a crisis. In other words, such a form, as it arises from this tension, cannot be reduced to the doctrinal terms which assumed its ontological stability. It is not possible to confuse institutional regularity and ontological stability. Otherwise there is the risk of conceiving “representative democracy” at once in the institutional

and doctrinal sense. The quality of the experiment does not depend on its intrinsic traits, but rather on how—and to which extent—it is affected by its exterior. After all, demands for presence—no matter how localistic and majoritarian—can qualify aspirations of universality and distinction. Of course, there are some dialectics in this thing. However, this should not come as a surprise for a history which begins as a mystery.