REPRESENTATION AS ADVOCACY
A Study of Democratic Deliberation

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INDIRECTNESS IN POLITICS has never enjoyed much fortune in democratic theory. Direct ruling had generally been seen as paradigmatic of democracy because it entails a fusion of "talking" and "doing" in political action, and the full participation of all citizens in the process of decision making.[1] The modern "discovery" of representation has left the normative value of this paradigm unchallenged. Too often, representation has been given merely an instrumental justification and has been seen as a pragmatic expedient to cope with large territorial states, or a useful "fiction" by means of which the method of division of labor has been adapted to the function of government.[2]

Particularly since the French Revolution, democracy has come to denote, like Athens, a state of perfection that the moderns admire and long for all the while knowing it is unattainable to them: "Today, in politics, democracy is the *name* of what we cannot have—yet cannot cease to want."[3] While, therefore, for thinkers such as George W. F. Hegel and Benjamin Constant "classical" democracy was the name of something the moderns could no longer have, for contemporary democrats it has become the name of a good society we can still have, provided we interpret it as a ceaseless process of political education in citizenship. The former explained (and rationalized) the indirectness of sovereign action through representation as a destiny the moderns could not escape.[4] The latter turned their attention away from representation and looked

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for some reminder of directness within civil society.[5] In either case, representation has been associated with the weakening of self-government. For democrats in particular, it has held little appeal, first because it is seen as justifying a vertical relation between the citizens and the state, and second because it is seen as promoting a passive citizenry.[6] Even the attempt to make it more consistent with the democratic principle of equality, for instance by making it proportional, has been considered not only useless but also insincere. It is useless because proportionality cannot fill the gap between the citizens and their representatives. It is insincere because proportional representation can actually become a way of using minorities' representation to legitimize the majority's decisions. Proportional and descriptive accuracy in representation, Hannah Pitkin has argued in her seminal book, takes away with its left hand what it gives with its right: it meticulously reflects the social topography but, at the same time, makes the assembly into a "talking rather than acting, de- liberating rather than governing" body.[7] Finally, in a proportional electoral system the costs—governmental instability and fragmentation of the electorate—outweigh the benefits. In sum, there is no way of making representation be what it cannot be: a valid substitute for direct democracy.

My intention is not to put into question the normative value of direct participation but to argue for the relevance of representation. I think this is not only necessary but also worthy, particularly if we value the deliberative character of democratic politics. When we express our dissatisfaction with the way in which we are represented, we implicitly allude to some ideal of representation. As for the character of democratic politics, focus on deliberation allows us to perceive participation and representation not as two alternative forms of democracy but as related forms constituting the *continuum* of political action in modern democracies. Seen from this angle, the distinction between direct and indirect politics is a promising path of interpretation: it frames the institutional and sociocultural space within which the various components of political action—from opinions and will formation to decision making—take shape.

Contemporary democratic theory encourages the revision I am proposing. Indeed, while until recently the defense of representative democracy has generally been endorsed by the neo-Schumpeterian theorists of electoral democracy against the proponents of "participatory democracy,"[8] now representation attracts the interest of democratic scholars in a more direct way. In his *Inner Ocean*, George Kateb writes that the institution of representation is the source of the "moral distinctiveness" of modern democracy, and the sign of its superiority to direct democracy.[9] Even more radically, David Plotke states that in a representative democracy, "the opposite of representation is not participation" but exclusion, while Iris Marion Young argues that "the elevation

of direct democracy to the apex," as the only "real" democracy, "is mistaken"; in fact, "political representation is both necessary and desirable."[10]

I find the 'rediscovery' of representation both interesting and compelling.[11] However, a systematic and comprehensive defense of the normative core of representative democracy is still missing. In writing this essay, I have been inspired by three main ideas. First, public discourse is one of the main features that characterize and give value to democratic politics. Second, indirectness (and representation, which is a type of indirectness) plays a key role in forging the discursive democratic character of politics. Third, representation highlights the *idealizing* and *judgmental* nature of politics (its reflexivity, in contemporary terminology), an art by which individuals transcend the immediateness of their experience and interests, and "educate" their political judgment on their own and others' opinions.[12] Representation—and the electoral trial that is a necessary part of democratic representation—projects citizens into a future-oriented perspective, and thus confers politics an ideological dimension.[13] In this sense, it gives ideas full residence in the house of politics. Representation is a comprehensive filtering, refining, and mediating process of political will formation and expression. It shapes the object, style, and procedures of political competition. Finally, it helps to depersonalize claims and opinions, and in this way makes them a vehicle for the mingling and associating of citizens. Representation can never be truly 'descriptive' of society because of its unavoidable inclination to transcend the 'here' and 'now' and to project instead a "would-be" or "ought-to-be" perspective. Hegel captured extremely well the idealizing function of representation when he pointed out its power of unifying the "fluctuating" "atomic units" of civil society.[14]

Furthermore, representative democracy, particularly when it is combined with a proportional electoral system, is well suited to address issues of control (and thus security) and more consistent with political equality and participation. My argument, which follows three steps, builds on John Stuart Mill's attempt to link representative government, proportional representation, and the agonistic character of the assembly. I am aware that Mill interpreted Thomas Hare's device as a tool for making sure that good intellectuals were selected. However, I think that the work of interpretation should try to apprise ideas from the perspective of their theoretical and practical development; that it should enable us to capture those principles and visions that transcended their historical context. Hence, despite Mill's own 'elitist' use of proportionality, his theoretical argument carries within itself democratic implications that are undeniably relevant to our own time. Remarkably, his ideas lucidly anticipate the main themes in contemporary deliberative theory of democracy and offer some cogent arguments that are today employed to defend proportional representation. However, I further develop Mill's insights by intro-

ducing into his theoretical framework the idea of deliberation as advocacy, which remained only suggestive in Mill's writings.

In part I, I argue that indirectness (and speech as a form of indirectness) makes room for deliberation. Indirectness, a constitutive mark of representative democracy, encourages the distinction between "deliberating" and "voting." A deliberative form of politics favors representation; it fosters a relationship between the assembly and the people that enables the demos to reflect upon itself and judge its laws, institutions, and leaders. The spatial and temporal gap opened by representation buttresses trust, control, and accountability if it is filled with speech (an articulated public sphere). Representation can also encourage political participation insofar as its deliberative character expands politics beyond the narrow limits of decision and administration. The agora model is the device I will employ to articulate these views, with Jean-Jacques Rousseau and Mill as my alternative points of orientation.

In part II, I claim that, theoretically, proportional representation fulfills the democratic principles of equal political opportunity and control better than a majoritarian electoral system (single-member territorial constituency). As some of its earliest theorists argued, proportional representation better safeguards those principles because it resists the misleading identification of the "right of representation" with the "right of decision" that the majoritarian system implies.[15] Whereas the majority retains the latter, the whole citizenry should not be deprived of the former. Democratic deliberation requires us "to search for systems of representation that will enhance deliberation for all citizens."[16] Proportional representation, one of its contemporary critics acknowledges, better fits this requirement insofar as it "would enforce a broad scope for public debate and would encourage the development of judgmental competence among the electorate."[17]

Finally, in part III, I introduce and discuss the category of advocacy. Advocacy avoids the rationalistic and cognitivist assumption underlying some recent models of deliberative democracy and withstands the conventional critique of proportionality as a descriptive "mirror" that simply reproduces existing social segmentations. While capturing the complex character of representation—its commitment to as well as its detachment from a cause—the analogy between the advocate and the representative can be an interesting attempt to transcend the two extremes of partiality and an objectivist vision of the general interest that have been crossing modern representative democracy since its inception. Moreover, it helps to highlight the two main political functions of representation, as a means both for expressing individual opinions and choices and therefore exercising self-government and for resisting exclusion and therefore achieving security.

I. THE SALIENCE OF INDIRECTNESS

Because democracy has acquired its value from, and generally goes along with, direct political action, we need first to understand how "directness" is to be interpreted, and what citizens need to perform directly in order to enjoy democratic status. To answer these questions, I will refer to the ancient republics and the way the moderns have judged them. Indeed, only in the ancient polis was political autonomy fulfilled through a direct and physical presence of the citizens in the places where public decisions were to be made—the *ekklesia* and the *dikasteries*.

Following Robert Dahl, Young has maintained that even "in assemblies of a few hundred people, most people will be passive participants who listen to a few people speak for a few positions, then think and vote."[18] Indeed, the "direct" political presence of all citizens did not prevent the Athenian ekklesia from being an assembly in which the large majority abstained from *active* participation. Periclean and post-Periclean reforms were intended to discourage absence, not silence. It is true that the basic principle of Athenian democracy was *isegoria*—the individual right to speak in the assembly. Nevertheless, adult male citizens were paid for attending, not for speaking: "There was no law requiring anybody to appear in the role of *ho boulomenos* [any one who wanted to speak], and the orators found no fault with the fact that many Athenians never addressed their fellow citizens."[19]

Attendance and speech are the structural forms of democratic participation. They are prior to, and the precondition for, any democratic decision. They entail both passivity and activity while denoting the plastic dimension of speech that actually presumes both outward expressiveness and inward reflection, talking and listening.[20] They highlight the difference between isolation and solitude, and between mere presence and a deliberative kind of presence.[21]

In any event, directness does not mean that all talk. A "direct" presence does not necessarily entail a vocal presence. This was even more so in Sparta (which until the end of the eighteenth century was taken to be a model of direct government and the good republic[22]), where the physical presence of citizens in the assembly meant standing and listening passively, and finally resolving (by shouting) without any explicit articulation of either consent or dissent. Historians believe that the rule that "anyone who wished" could address the ekklesia remained only an ideal in Athens too where direct democracy still produced an elite: "A minority came to dominate the field of politics and the majority of citizens never trod the speakers' platform."[23]

Mogens Herman Hansen lists three kinds of citizens in Athens: "the *passive* ones" who did not go to the assembly; the "*standing* participants" who went

to the assembly, but listened and voted, and "did not raise their voice in discussion"; and the "*wholly active* citizens" (a "small group of initiative-takers, who spoke and proposed motions").[24] Hansen challenges the myth that all Athenian citizens could gather together in the ekklesia and deliberate, since the gathering place, the Pnyx, could hold only about 6,000 people, and in fifth- and fourth-century Athens there were many more citizens.[25] If we compare Athens to contemporary democracy, we can say that our right to vote corresponds to Athenian standing participation, to abstain from voting corresponds to passive citizenship, and representation corresponds to wholly active citizenship. Perhaps Mill had these parallels in mind when he argued that voting is a "public function" or *duty*, not a right to be performed at will, and when he advanced proposals to fund electoral campaigns with public money and to make the ballot free and accessible to all.[26] Pericles paid Athenians a day salary to discourage passivity in dikasteries; similarly, Mill wanted to remove all obstacles to voting. Pericles tried to make standing participation convenient; Mill wanted to make it not *in*convenient.

However, what is most important to consider in order to understand what democratic directness meant in Athens' deliberating institutions is the role played by wholly active citizens. Did the absence of representation make Athenian citizens speak their minds directly?[27] There are two models of directness that ancient history has bequeathed to us: that of Sparta and that of Athens. Rousseau, who advocated isolated individual reasoning and silent voting, regarded Sparta, not Athens, as the best republic. By contrast, Mill (and before him, Madison), who advocated public discussion and deliberative process, judged Athens superior.

Rousseau believed that in a well-ordered republic, each citizen should make up his mind alone, without entering into a dialogue with his fellow citizens. He interpreted solitude as isolation and, not unlike Plato, saw Reason (the general will) as a force able to speak equally to all as long as external influences, such as passions and opinions, did not interfere. Rousseau had so little confidence in individual disinterestedness that he was unwilling to leave individual citizens to the mercy of their own or others' impulses. His admiration for the virtues of the ancients was as deep as his disdain for the weakness of the moderns. But instead of choosing, like Montesquieu and Madison, the constitutional stratagem of a mechanical balance of opposing forces, he adopted an obstructionist strategy. He disassociated citizens from one another in order to keep them safe from the risk of partiality and thus to avoid imposing the general will upon them through coercion. Hence, he rejected delegation because it entailed citizens' relying on others' judgment and misjudgment, and the assembly becoming a stage for demagogues.

Rousseau related directness to reasoning and the will and related indirectness to action that could be performed by chosen magistrates.[28] Because reasoning had to avoid collective deliberation, direct political action meant only voting, not debating. It is truly striking that *The Social Contract* stresses the communal moment of political participation without contemplating public speech. This means that for Rousseau, the deadly risk to political autonomy came from citizens' interaction with one another rather than from their passivity. Thus, in his republic, *all* were standing participants, but *none* was a wholly active participant—citizens were neither speakers, nor activists of parties and movements, nor opinion makers or receivers. Rousseau's well-ordered society lacked the intermediary sphere of public opinion. It was a society of silence. It should come as no surprise, then, that he dismissed both Athenian democracy and representative democracy. In his mind, the most negative aspect of representation was that in making public deliberation necessary, it violated the basic principle of judgmental individual autonomy. Athens had the same defect in his eyes. Indeed, even if its citizens did not delegate their sovereign power, they nevertheless practiced some form of *mediated* participation insofar as their assembly was actually run by the orators.

Rousseau's perception was far from inaccurate. In the Athenian ekklesia, the speakers did not speak *on behalf of, for,* or *in the place of* someone who was de jure physically absent, and in this sense they were neither trustees nor delegates. However, one should not be too quick to conclude that the orators did not represent anybody or anything. Indeed, they were masters of the art of rhetoric. Despite the contemporary myth of the polis as the place of a disinterested and dialogic exercise of public reason, private and class interests did not in fact remain outside the ekklesia. Moses I. Finley has deemed "commonplace" the idea that Athenian citizens divorced "personalities from issues," participation from interests. For them, too, "politics were instrumental." Although they did not have "structurated political parties," they did have corporate and antagonistic interests.[29] Aristotle depicted Athenian political life as a theater of an endless struggle between the oligarchs (who never disappeared) and the demos.

Given these premises, it is not entirely correct to say that the orators spoke their own minds. They spoke their minds to promote some interests, and in this sense they spoke *for* someone or something, even if nobody gave them any mandate. Moreover, we know that the great orators used to deliver their speeches only on important or exceptional occasions. In ordinary times, and on ordinary policy, they used "to speak" *through* "their identifiable expert-lieutenants" who 'represented' their opinions and acted in their place.[30] In Athens, direct democracy produced an elite despite the fact that it did not elect representatives. And even if in the ekklesia anyone who wished could

"make a denunciation," a petition, or a law proposal, nevertheless political leaders shaped citizens' opinions.

It should come as no surprise, then, that Rousseau dismissed both Athenian democracy and representative democracy. Despite their manifest differences, they shared the quality of indirectness. Public discussion characterized the kind of mediated politics that Rousseau attributed, correctly, to both and motivated his rejection. Deliberation in the assembly involves a kind of dissension that goes well beyond conflicting opinions for him. Speech promotes the fragmentation of the general will and makes it hard for citizens to escape the interference of passions and interests.[31] Eloquence, particular interests, and disagreement on the interpretation of the general will go hand in hand.

Rousseau's perception was correct. Public deliberation, not simply voting, characterizes democracy, which does not regard the sovereign body as a homogeneous collective unity. In a democracy, a plurality of opinions makes speech the main instrument for reaching decisions. Taking Rousseau seriously, we can say that representative democracy is a living confutation of a rationalist vision of politics. Its assembly, Mill understood, generates consent that is always provisional.

What makes modern democracy secure and lasting is the sense of endlessness that the debating character of the decision-making process transmits to citizens, the voters as well as the representatives. Disagreement (and thus plurality of political opinions) and free speech were the two elements that made Athens so different from Sparta, and that, in Rousseau's view, characterized representative democracy. It is not by chance that although Athens lacked representation, theorists of representative democracy such as Mill chose it as their model. Athens and modern democracy are similar insofar as both involve an indirect form of political action. That form is public speech.

Speech is a means of mediation that belongs to all citizens, linking and separating them at the same time. Speech interjects individual ability into politics and lifts the veil of unanimity and sameness. It gives meaning to voting, which presumes evaluation and discrimination among articulated options. As Mark A. Kinshansky has perceptively remarked, the distinctiveness of the Spartan assembly rested in the lack of individuation of its resolving procedure. Shouting served to expressed assent, not public judgment: "The shout was a ritual of affirmation and celebration. As a process, it was both anonymous and unanimous. It was the very opposite of voting."[32]

Thus, it is not indirectness per se that distinguishes representative democracy from direct democracy. Rather, what makes the former truly different is the character and broadness of its mediated politics. Representative democracy lacks *simultaneity* in political deliberation and decision making. Recal-

ling Hansen's division, one can say that "standing participants" and "wholly active citizens" do not operate in the same time and space dimension. Simultaneous standing, deliberating, and deciding is achieved only by the representatives. The assembly is the only place where the kind of political indirectness belonging to the ancient ekklesia exists. Contrary to direct democracy, the attendance of "standing participant" citizens (the voters) in a representative democracy is *wholly* mediated: not only speech, but time and space as well are mediating factors. The particular relation between electors and their representatives consists of the lack of coextensiveness and the time elapsing be- tween the speaking/hearing moment and the rectifying/voting moment.

Quite appropriately, thus, representative democracy has been described as *deferred* democracy.[33] Here, petitions and legislative proposals are not discussed and acted on one by one by standing citizens when orators bring them up. The vote of standing citizens is split into two moments: one is future oriented (the package of promises and proposals made by candidates) and one is retrospective or past oriented (the actual outcome achieved by the elected representatives).[34] In both Athens and a modern democracy, the "standing participants" limit themselves to listening and voting. But in contrast to Athens, judgment and resolution in a modern democracy take place at separate times. The deferred dimension of modern democracy makes it necessary to develop an articulated public sphere capable of creating symbolic simultaneity: citizens must feel *as if* they are standing, deliberating, and deciding *simultaneously* in the assembly. Accordingly, as Stephen Holmes has pointed out, Mill maintained that freedom of speech is not only a negative right of the individual, but the precondition for representative government to function legitimately.[35]

Unique to modern democracy is the intermediary network of communication that fills the gap between speaking/hearing and rectifying/voting. Such communication can reunite the *actual* dimension (parliament) and the *deferred* dimension (voters) so that representative democracy might enjoy what made Athenian democracy exceptional—the simultaneity of "standing" and "acting": "The newspapers and the railroads are solving the problem of bringing the democracy of England to vote, like that of Athens, simultaneously in one *agora*."[36] A deferred agora requires participation to supplement representation. Periodic participation in electoral campaigns, "free and public conferences" between representatives and their constituencies, and regular participation in local government are crucial for helping citizens exercise control over "wholly active citizens." Thus, all citizens can become "wholly active citizens."[37]

These devices conform to the fact that representation is—and needs to be—on a continuum with participation. A representative can be an advocate

who turns the whole nation, not merely the assembly, into a public forum. The representative is an intermediary who can expand the space for political discussion beyond governmental institutions and at the same time bring political decisions to the people's attention for scrutiny. The representative takes the claims and ideas of the people to the assembly so debate there expands and is enriched. Yet, for this to happen, society cannot be a silent place. Advocacy in parliament both requires and stimulates advocacy in society.[38]

Although scholars still read Mill as a pre-Schumpeterian and hardly a democrat, he would never have subscribed to the idea that voters "must understand that, once they have elected an individual, political action is his business and not theirs."[39] In fact, his agora paradigm assumes representation as a complex institution that encompasses several layers of political action that fill "the interval between one parliamentary election and another"; and they replace a spatial agora that no longer exists with a temporal one.[40] Representation is a "course of action" rather than a "simple act"—a practice of political interaction among citizens that goes well beyond voting.[41]

Thus, the difference between direct and indirect democracy does not lie merely in the fact that only the former presumes a wholly active participation on the part of all citizens. More interesting, it lies in the way the form of standing participation—which is common to both—is performed. Only in a representative democracy does popular voting have the character of a credit and great role is assigned to trust. Trust, control, and accountability are more or less effective depending on the degree to which citizens can be *like* the "standing participants" in the Athenian ekklesia.[42]

I would say, then, that in relation to the legislative process, the difference between direct and representative democracy pertains to the form of indirectness attained: synchronic in the one case and diachronic in the other. This difference is evident once we consider the way citizens perform as "standing participants." Whereas in Athens the citizens' *visibility* was immediate and needed no particular effort on their part, save to go to the Pnyx, in a representative democracy their *standing* itself is symbolic and needs to be constructed and nurtured. Thus, speech acquires a broader significance because it is a kind of medium that in order to do its mediating work, it has to give body and configuration to the "standing participants." One can say that in a representative democracy, words 'give life' because citizens (with their variety of claims and opinions) need to make themselves heard if they want to make themselves visible and to communicate with the wholly active citizens sitting in the assembly.

This is an extremely important conceptualization because it entails that representation is more than merely instrumental. One of the most frequent criticisms ancient philosophers and historians made was that in Athens, citizens attending the assembly were at the mercy of the orators. The destiny of

the city was in the hands of skillful rhetoricians, the impact of whose character was even more important than the decision-making power of the people. As Thucydides wrote of Pericles's Athens, "The democracy existed in name, but in fact the first citizen ruled."[43] Public discourse, it has recently been observed, easily turned the orator into a demagogue, while the people had practically no chance to shield themselves from the power of speech.[44]

Representation allows citizens to shield themselves from speech. It gives them the chance to reflect by themselves, to step back from factual immediacy and to defer their judgment.[45] Representation creates distance between the moments of speech and decision and, in this sense, enables a critical scrutiny while shielding the citizens from the harassment of words and passions that politics engenders. This is what gives representation a "moral distinctiveness," what makes it not simply prudentially necessary but also valuable in itself.[46]

II. THE AGORA MODEL AND PROPORTIONAL REPRESENTATION

The acknowledgment of a structural relationship between representation and deliberation brought Mill to maintain that in a "good" democracy, the assembly needs to be like an agora in which citizens' "voices" are represented proportionally. Mill derived the justification of proportional representation from the two powers he assigned to the assembly—control and discussion. Concerning control, the assembly could check the executive by shedding "the light of publicity" on its acts, compelling their "full exposition and justification" and, if needed, by censuring and dismissing politicians from office. The representative agora had to be "an organ of popular demands," a place in which "adverse discussion" on "public matters" could "produce itself in full light." The power of control aimed at securing "the liberty of the nation."[47] Mill cautioned that this power would decrease in proportion to the assembly's increased identification with the majority that supported the executive. To preserve its power of control, the assembly had to function as the public forum of the whole country where "not only the general opinion of the nation" but "every interest and shade of interest" had its say and causes were "passionately pleaded" so as to compel others to listen and to produce justifications. Through proportional representation, Mill translated the democratic principle of equality into an argument for political liberty. He thus advanced a notion of democracy that was quite original in his time, when democracy was generally identified with equality or, in de Tocqueville's words, with a regime dominated by the blind "passion of equality."

The antityrannical argument of liberty as "security for good government" was the weapon Mill used against a majoritarian interpretation of democracy—whether in the form of "pure" or direct democracy (Rousseau's model) or representative democracy "by a mere majority of the people" (James Mill's model).[48] The core of his theoretical justification for representative democracy lies in his objections to these two models. His principled insight has not lost its value.

Mill aimed his first and more radical criticism at the deductivist structure of Rousseau's system and at his father's, systems that presumed an axiomatic identification between political liberty and the unity of the body politic. While naturally in agreement with direct democracy, that axiom had a devastating effect on James Mill's strategy for defending representative government.

According to James Mill's theorem, the interest of a democratic government coincided necessarily with the general interest; the general interest was identical to the interest of the majority because the "laborious many" were less likely to misuse political power than were the few (in any event, their misgovernment would result from ignorance, not "sinister interests"); and, as a consequence, each could represent the interests of others without neglecting, abusing, or exploiting them.[49] The theory of representation as a "mirror" fits James Mill's model perfectly. In his vision, the parliament should accurately reflect a uniform citizenry that chooses a "certain number of themselves to be the actors *in their stead*."[50] The benefits of representation would vanish "in all cases in which the interests of the choosing body [were] not the same with those of the community."[51] Representation did not represent claims or ideas but, rather, what people held in common, that is, their potential to pursue their well-being. It worked as a *simplifier* of interests and an *assimilator* of subjects because the more industrious were assumed to promote the interests of others by promoting their own. This 'Chinese box' model worked particularly well with dependent people: women's interests were included within their husbands' and fathers' interests; workers' interests within their employers'. Voting was a means for protecting the majority, not for promoting political equality. Finally, no one could act as an "advocate" for anyone else because "the laborious people" could allow no segmentation if "sinister interests" were to be avoided. Despite his defense of representative government, James Mill ended up restating Rousseau's theory with this crucial difference: now the sovereign people were the majority.[52]

James Mill's model undermined representation by defining it as aggregate interests instead of individuals' ideas and claims and by linking it to objective truth instead of opinions. His assembly was a place where the representatives of the "laborious people" arrived at an objective estimation of their interests. A difference of opinion could arise only if the representatives lacked knowl-

edge or defended "sinister interests."[53] In James Mill's assembly, causes "passionately pleaded," as well as disagreement, were out of place. A defense of the assembly as an agora required instead exactly the idea that majoritarianism obfuscated: that representation is personal, that its task involves more than producing a majority, and that the representative is an "advocate."

John Stuart Mill countered his father's doctrine with a more individualistic foundation for democracy. For him, democracy does not mean that people are involved as bearers of interests that differ only in quantity and thus can be aggregated but that people are involved as individuals holding ideas and opinions on their interests and their position in relation to the society and the demos. Mill's conception of representative government comprised both the principle of equality and the principle of individual expressiveness, that is, liberty. It revived Aristotle's idea that the basis of democracy "is that each citizen should be in a position of equality," which means the "position" of *each citizen* needs to be considered, not what aggregates the citizens.[54] The normative distinctiveness of democracy is not that the majority—"a flock of sheep innocently nibbling the grass side by side"—rules but that each citizen consciously shares in the life of the country. The institutional power of control in a democracy is vested in a collective body that (through its representatives) ought ideally to profit from the voice of "every citizen."[55]

The individual nature of the vote makes debate in the assembly inevitable. It also strengthens the argument that proportional representation, *ideally*, ensures that *every voice* will be heard. Proportional representation, for Mill, is not a political calculation that generates an accurate mathematical average of social interests. Whereas universal suffrage guarantees that all citizens are treated equally, proportional representation tries to make sure that the specific condition of the individual citizen is not ignored. The former needs to be blind to differences; the latter is conscious of them.

Yet, proportional representation is not a form of differential treatment because it does not distribute political voice unequally to unequals. Its regulative principles are equality and the intensity of individual preferences. Proportional representation supports minorities not because it favors them. Indeed, it does not give a minority *more* than its numerical due. Rather, it guarantees that all have the same chance to choose representatives. It does not follow a "compensatory" logic because compensation presumes that the stronger will remain stronger and treats the weaker with benevolent charity.[56] It is therefore misleading to think that proportional representation implements the Aristotelian principle of proportional equality.[57] Instead, proportional representation takes seriously the principle underlying universal suffrage: that every individual has the right to an equal vote (or voice). Proportional representation also recognizes pluralism in the first instance, whereas majori-

tarianism first recognizes the majority and then tries to deal with the reality of pluralism through "compensatory" treatment. Proportional representation reflects a philosophy that takes equal opportunity seriously.

Mill's important intuition was that the legitimacy of majority decision rests on the stipulation that people have the chance to express themselves in order, potentially, to influence and eventually reverse legislation.[58] By making themselves heard, minorities remind the majority that it is just one possible majority. Thus, proportionality provides an equal opportunity to participate in the race and an equal opportunity to be represented. Indeed, we can say that a proportional electoral system does not make losers. More than a race it is a form of participation in creating the representative body. It is a means by which electors 'send candidate to the assembly'. The distinction between "the right of representation" and "the right of decision" is captured well here because the equal prospect of success should refer first to the possibility of acquiring representation.[59]

Thus, Mill's agora model requires proportional representation because it presumes democracy as a system whose political process must be judged from the point of view of "all"—those who are in the majority and those who are in the minority—and because it presumes a final decision is achieved through a debate whose participants present the "whole" of "every opinion which exists in the constituencies" and "obtains its *fair share of voices*."[60] In criticizing the majoritarian model, Mill spoke openly of the "slavery of the majority," and, despite his 'elitist' aim, his conclusions captured the link between democracy and proportional representation. A majoritarian democracy is a "government of privilege" and, as such, contradicts the democratic principle of equality.[61] In a government where the majority "alone possess practically any voice in the State," the *political* counting of voices is deemed identical with the *arithmetical* counting of votes—which means that only the majority counts.[62]

Arithmetical democracy pays most attention to the role of the majority because it stresses the moment of decision rather than the entire deliberative process. Mill did not deny that "the minority must yield to the majority, the smaller number to the greater" when decisions are taken. But he forcefully opposed the idea that counting should mean that only the majority is counted. When the representative body vote, "the minority must of course be overruled."[63] But, as I have already shown, the assembly does not limit itself to voting, and debate cannot occur without a plurality of opinions. Representation is not only a tool for "accommodating" interests and forming majorities. Control and public judgment are no less important than effective government.[64] As Jane Mansbridge has observed, "The more a democracy approaches the 'unitary' state of common interests, the less it requires political equality."[65] In

a pluralist and, even more so, in an inegalitarian society, opportunity to participate particularly matters to participants.

The conception of the assembly as a deliberative body rather than a silent congregation that simply votes is one of the main contributions to modern democratic thought made by eighteenth- and nineteenth-century theories of representative government.[66] It is also one of the central themes of *Considerations on Representative Government*. Mill helped to revise an old tradition that cut across ideological lines and enjoyed a solid reputation in modern political thought. Disdain for rhetoric and admiration for the Spartan assembly went along with the decline of the humanist tradition. Speech and the art of disputation were esteemed in Machiavelli's time, but not in the time of Descartes and Hobbes. Sparta, with its laconic assembly, was a model for James Harrington and for Rousseau, but not for Machiavelli (or Mill).[67]

The dichotomy between a deliberative republicanism and a rationalist republicanism bore fruit in the post–French Revolution era, when the conceptualization of representative government was perfected. In Mill's time, the English conservatives who opposed a democratic transformation of the state referred explicitly to the rationalist tradition. In spite of his antirepublican stance, for instance, the "reactionary" Willian Mitford relied on Rousseau and Harrington to support his antidemocratic ideas.[68] Mill contributed in reviving the deliberative tradition of republicanism. Furthermore, he suggested that representative democracy should not be defined as a system in which people govern indirectly, but as a system in which political action has to pass public scrutiny and control. While the majority makes the laws, debate and judgment give the majority moral legitimacy and make people feel secure because they see that both the majority and the minority can contribute to the legislative process. As Bernard Manin has recently argued, discussion and disagreement for theorists of representative government were the consistent outcomes of an egalitarian premise: discord among opinions should not terminate "through the intervention of one will that is superior to the others."[69] Thanks to deliberation, the common good can be seen as a cooperative construction of the whole community and as the outcome of ongoing persuasion and compromise that never ends in a permanent verdict.

We can now fully grasp the relevance of linking a talking assembly to the two main principles of democracy: control (which provides security) and equality. Control implies the anti-Platonic notions that no one possesses the "right" solution in political matters and that human knowledge is fallible.[70] Fallibility implies the recognition of various opinions and equality of opportunity. As Anne Phillips has recently argued, popular control is not simply a matter of prudence (self-protection from the monopoly of power), it is also a value in itself because it presumes equality.[71]

Control and equality imply that every citizen should be able to count on "a *point d'appui*, for individual resistance to the tendencies of the ruling power; a protection, a rallying point, for opinions and interests which the ascendant public opinion views with disfavor."[72] In this sense, one can argue that political exclusion in representative democracy would take the form of *silence*, of not being heard or represented. The task of resisting against this modern form of exclusion is what makes representation not simply instrumental: "Including those previously excluded matters *even if* it proves to have no discernible consequences for the policies that may be adopted."[73]

III. ADVOCACY AND DELIBERATION

As a point d'appui, representation acquires the feature of "advocacy." Advocacy has two components: the representative's "passionate" link to the electors' cause and the representative's relative autonomy of judgment. On one hand, advocacy gives representatives firm convictions and thus nurtures a spirit of controversy. (Mill spoke of sympathy joining "friends" and "partisans" against their "opponents."[74]) On the other hand, it steers partisan convictions down the path of deliberation and, ultimately, toward decision. Advocacy testifies to the structural tension of democratic deliberation: diverse (and seldom rival) interests, subjective visions, and aspirations compete in an open political space with the goal of reaching a decision that is not supposed to serve partisan interests or end deliberation.

Different interpretations of democracy result mainly from the different ways theorists view consent. Rousseau's model of direct democracy entails gradually overcoming the sources of disagreement because a diversity of interests obstructs the general good. The representative model stresses discussion and maintains that antagonistic interests and opinions do not impede policies that are in the general interest.

The contemporary debate on deliberative democracy centers more or less on the same division. Some theorists propose a conception of deliberation that is reminiscent of a Platonic dialogue, since interlocutors are allowed to hold 'incorrect' ideas provided they give up the passions that would impede the attainment of truth. (Thrasymachus had no alternative but to leave the stage.) They see deliberation in terms of the outcome expected to reduce differences by correcting "distorted" interpretations of the public good.[75] I would call this a consensus model of deliberative democracy. Other theorists are not troubled by the persistence of differences because they see them as necessary for deliberation to occur. They avoid the rationalist "vice" by rejecting the "dichotomy between reason and desire." They emphasize

the critical moment, or the process, more than rational consensus on a final definition of general good.[76] I would call this an agonistic model of deliberative democracy.

Mill's theory of representative democracy belongs to the latter model. It anticipates some of the main themes of contemporary democratic theory, in particular the agonistic component and antirationalistic notion of deliberation.[77] Mill shared a sincere aspiration for the general good, but he also interpreted it as a regulative principle. With respect to the "identification of interest between the rulers and the ruled," he assumed that such an identification could hardly exist; in fact, it did not. If it did, representation, and perhaps government itself, would be unnecessary.[78] In this sense, we could say that the general interest does not lie before public debate. The general interest does not have a definitive location precisely because it cannot be defined once and for all.[79] It is the "direction" toward "the interest of the people. Not that vague abstraction, the good of the country, but the actual, positive well-being of the living human creatures who compose the population."[80]

In his parliamentary speeches, Mill restated Tocqueville's idea that while democracies are "perpetually making mistakes, they are perpetually correcting them too, and that the evil, such as it is, is far outweighed by the salutary effects of the general tendency of their legislation."[81] The advantage of democratic deliberation consists of the habit of self-revision and self-learning that it fosters and the energy it produces.[82] It does not claim to yield better results than other decision-making procedures. Rather, by leaving the door open to emendation, it imbues politics with a healthy sense of possibility. This acknowledgment of fallibility makes democracy the most reasonable regime and the one most consistent with the human condition: "It is not one of the faults of democracy to be obstinate in error. . . . The better way of persuading possessors of power to give up a part of it [is] by reminding them of what they are aware of—their own fallibility."[83]

Although there is no alchemic transformation of 'plurality into unity', the world of deliberation does not simply lead people to change their minds for instrumental reasons.[84] It also transforms people's disposition toward the object of deliberation and the ideas of others. Deliberation enriches knowledge, disposes the individual mind to make public use of reason, refines citizens' "powers of intelligence and combination," and encourages citizens to pursue their claims through friendly rivalry.[85]

From a theoretical point of view, the tension between commitment to the electors' cause and a representative's autonomous judgment, which animates advocacy, exemplifies the character of representative democracy. Democratic "advocacy" requires steadfast commitment to agreed-upon procedures; it

does not favor outcomes that are "true" or "definitive" so much as congruent with the shared principles of political equality that deliberation presumes. The constitutive character of these principles limits advocacy, whose rationale is that no decision is sheltered from disagreement. Making the interpretation of general interest mutable in order to make it more consistent with the democratic principles binds it to a cooperative searching process.

This seems to be a plausible answer to the question of how agonism can generate policies that serve the general interest. In objecting to Mill's theory of advocacy, Melissa S. Williams notes that conflict "produces nothing of itself"; therefore, it can hardly transform people's opinions.[86] Yet, accustoming people to seek solutions through open discussion strengthens their loyalty to democratic procedures because these procedures are responsible for the rivalry that people come to value. As Albert Hirschman has persuasively remarked, democratic debate and antagonism play an unseen and unplanned unifying role in that they "produce themselves the valuable ties that hold modern democratic societies together and provide them with the strength and cohesion they need."[87]

This reasoning makes sense of Mill's belief that an increased number of voices in the assembly would actually produce reconciliation and also better laws. For every group to further its ideas when there is no strong majority party, each must compromise with the others, thus attenuating its partisan claims and giving its positions broader scope.[88] On the other hand, a two-party system seems prime to favor politics that reflect partisan interests in a less compromising way.

The theory of representation as "advocacy" acquires its relevance within this agonistic model. It is deceptive to oppose advocacy to deliberation (as if passionate commitments prevent debaters from being open to changing their ideas and compromising their claims in response to others' arguments). Nor would it help to depict the political arena as containing a split between advocacy and deliberation.[89] What we learn from Mill is that such readings rely on an incorrect premise: the assumption that the role of the advocate and deliberation are mutually exclusive.

In defining representatives as advocates, we have to see them not merely as partisans but as deliberators. Even though representatives do not deliberate when acting as advocates (one could say that representatives are advocates and deliberators in turn), nevertheless they consciously speak with deliberation in mind. Without deliberation, there would be no reason for advocacy. Advocacy is not blind partisanship; advocates are expected to be passionate and intelligent defenders. An advocate who is exclusively a partisan is not an advocate. And deliberators who are exclusively rationalizers are not

deliberators—even if they produce rational justifications. A good representative democracy needs neither fanatical (or bureaucratic) representatives nor philosopher kings but, rather, deliberators who judge and in turn plead causes "passionately" in accordance with the principles and procedures of democratic government.

Thus, an "advocate" is not asked to be impartial like a judge, or to reason in solitude like a philosopher. Unlike a judge, advocates have ties to their 'clients'; their job is not to apply the rule but to define how the facts fit or contradict the rule or to decide whether the existing rule conforms to principles that society shares or a "good" government should adopt. Unlike a philosopher (and like the politician), advocates have "to conform to the wishes of an electorate in order to win." The philosopher owes a justification only to his principles. He is not seeking external consensus: "A philosophical justification cannot refer to the interests and passions of a particular group"; it "must be rational, or at least reasonable."[90] On the contrary, the relationship between candidate and electors does "not require the electors to consent to be represented by one who intends to govern them in opposition to their fundamental conviction."[91]

Far from transcending the specific situation of citizens, deliberative reasoning rests on the premise that specificity needs to be known and acknowledged. Therefore, "understanding" and "seeing" are the faculties at work in deliberative speech just as they are in forensic speech. They express the complex nature of advocacy, which should adhere to its cause but not be driven by it. Good advocates believe in their cause but understand the reasoning of others to the point of being able to reconstruct it in their minds. They must "feel" the force of others' arguments in order to envision the path toward the best possible outcome.[92]

Advocacy relies heavily on personal ability and character. So although every citizen can become a representative in theory and de jure, citizens select those whom they judge to be better advocates. They do not choose randomly or feel it is enough that the candidate belongs to their group (they, in fact, discriminate within their own group). So proportional representation excludes an organic conception of representation that would be representation as a transcription of a pre- or nonpolitical identity.[93] Proportionality also excludes a vision of society as a corporate federation of groups that it would work to preserve.[94]

Advocacy, like election, entails a selection because we seek to get the best defendant, not a copy of ourselves.[95] It is not people's identity *as such* that seeks for representation, but their ideas and claims as citizens who suffer, or are liable to suffer, injustice *because of* their identity. In Mill's time, for ex-

ample, "laborers" were not looking for "mirrors" in the assembly. They wanted advocates because they did not enjoy equal consideration as citizens as a result, in part, of their social and economic condition. They looked for representatives who were *sympathetic* to their cause, who "felt," whether directly or indirectly, their actual experience of subjection. If "the question of strike" was ignored by parliament—we read in *Representative Government*—it was because workers did not have representatives who shared their views and could effectively advocate their cause. "The leading members of the House" might have been qualified to understand workers' claims, but since they did not *share the workers' conviction*, they did not understand effectively and consequently were not able to attract the attention of the assembly.[96]

Electors, one might say, do not seek an existential identification with their representatives; they seek an identity of ideals and projects.[97] This is even more so with minorities, which want an advocate, not a rubber stamp, because their goal is "resistance to the tendencies of the ruling power" to refuse their claims and equal consideration. This confirms what I mentioned at the beginning—representation is future oriented; it is not a mere registration of a given social configuration. Its *political* and *idealizing* function frames the character of advocacy that entails, on one hand, representatives needing to share the visions and ideals of their constituencies but also needing to enjoy a certain degree of autonomy.[98]

Advocacy can be seen as an alternative to the dichotomy of representative as delegate or representative as trustee. Mill's strongest argument against the representative as delegate had to do with corruption. Delegation would lead to corruption because it would transform the main political function of the state—legislating—into an instrument for advancing corporate interests, thus jeopardizing political liberty and equality.[99] Proportional representation was consistent with the two anticorruption measures. Ideally, the whole nation could be made into a single district so that votes would not be wasted and the national perspective not obfuscated. It also gave representatives a "certain discretion to choose a course of action" within the limits of the main claims and ideas they were elected to represent.[100] This, however, was a relative, not an absolute, autonomy.

The idea of advocacy made Mill a spurious Burkean. Given the actual cleavages of class interests, Mill reasoned, filling the assembly with disinterested representatives would not guarantee minorities a voice. As for Burke, the representative (a trustee) ought to be responsible to the whole nation regardless of the pluralism that constituted the nation itself. Unlike Burke's trustee, however, Mill's representatives fulfilled their responsibility if they regarded

their service as an opportunity for "substantial" groups to have their claims expressed by an advocate who *interpreted* the public interest from the point of view of those in disadvantaged conditions, and in order to redress them:[101] "In some cases, too, it may be necessary that the representative should have his hands tied, to keep him true to their interest, or rather to the public interest as they conceive it."[102] Representatives function as advocates insofar as they can judge the condition of their constituency from the point of view of the "'real' interest" of the whole country. In this sense, they are asked "to subordinate to reason, justice, and the good of the whole" the claims of their constituency.[103]

The figure of the representative-advocate is peculiar to a democracy whose civil society does not fully embody democratic principles. Thus, representation encompasses two perspectives. On one hand, it is defensive and transformative insofar as it considers social inequality in order to counter and redress it. On the other hand, it aims at independence from material and social circumstances and refers to qualities that are representative of the democratic community. The former ensures that disadvantaged groups and citizens are not penalized and excluded from the deliberative process. The latter projects an egalitarian notion of political community in which representation would finally depend on individual citizens' free choice.[104] On one hand, representation is pragmatic; on the other hand, representation is a regulative ideal.[105]

Thus, the theory of representation as advocacy entails a notion of citizenship that is egalitarian in principle but still takes power relations into account. Because its normative principle is political equality, it aims to give voice also to positions of subordination. This theory rests on a conception of citizenship that unifies the two basic equalities that have characterized democracy since the classical age: *isopsephia* (equality of voting that gives all citizens the right to equal participation) and *isegoria* (the equal chance to speak that gives all citizens the opportunity to express their opinions publicly and to be heard [or represented] equally).[106] While the former implies a simple conception of equality (one citizen, one vote), the latter does not exclude the use of diverse devices. One might say that thanks to the equality of voice, difference gives substance to equality. Proportional representation is a "special manner" by which citizens try to resist an imbalance in political power (which is a form of domination no matter how large the dominant class is). But proportional representation also expresses different visions for molding democratic society. It is this understanding that gives salience to the recognition that democratic deliberation is a form of democratic advocacy.

NOTES

1. Jane J. Mansbridge, *Beyond Adversarial Democracy*, with a revised preface. (Chicago: University of Chicago Press, 1983), 279-81. Mansbridge questioned the accuracy of the idea that direct democracy allows for more participation and more control than indirect democracy: "Small size does increase the average individual's power within his or her own group, but it also reduces the group's power vis-á-vis the rest of the world. But direct analysis of outcomes suggests that the interests of the poor are better protected in larger units."

2. See, respectively, Hanna Fenichel Pitkin, *The Concept of Representation* (Berkeley: University of California Press, 1967), 86, and Hans Kelsen, *General Theory of Law and State*, trans. Anders Wedberg (Union, NJ: Lawbook Exchange, 1999), 289.

3. John Dunn, *Western Political Theory in the Face of the Future* (Cambridge: Cambridge University Press, 1993), 28.

4. Nostalgia may foster resignation, but it may also encourage a realistic disenchantment toward what is actual. This was the accomplishment of Hegel's task of ideological normalization: he situated the ancient republics at the height of an uncontaminated perfection to make them innocuous and their ideal meaning powerless. Constant adopted a similar strategy, although his militant anti-Jacobean passion led him to declare ancient democracy undesirable instead of simply unattainable, old instead of simply ideally eternal.

5. As an example, recall the 1960s and 1970s theory of industrial democracy, a revival of the nineteenth-century ideal of cooperation combined with the early twentieth-century experience of factory councils. Radical democrats thought it possible to reconcile capitalist ownership with worker control of the factory by applying to the sphere of the economic the logic of the political sphere where all are entitled to a vote regardless of their unequal social status and property holding; for example, see Carole Pateman, *Participation and Democratic Theory* (1970; reprint, Cambridge: Cambridge University Press, 1997).

6. "Representation is incompatible with freedom because it delegates and thus alienates political will at the cost of genuine self-government and autonomy." Benjamin Barber, *Strong Democracy: Participatory Politics for a New Age* (Berkeley: University of California Press, 1984), 145.

7. Pitkin, *The Concept of Representation*, 84.

8. For a lucid defense of the realist school, see Giovanni Sartori, *The Theory of Democracy Revisited* (1962; reprint, Chathman, NJ: Chathman House, 1987), 102-15.

9. George Kateb, *The Inner Ocean: Individualism and Democratic Culture* (Ithaca, NY: Cornell University Press, 1992), 36-56.

10. David Plotke, "Representation Is Democracy," *Constellations*, 4 (1997): 19, and Iris Marion Young, "Deferring Group Representation," in *Nomos XXXIX, Ethnicity and Group Rights*, ed. Ian Shapiro and Will Kymlicka (New York: New York University Press, 1997), 352.

11. In fact, the idea of a moral distinctiveness of representation is not new (e.g., see *Federalist 10*), but it has mostly been lost to contemporary democratic theory.

12. See Adam Przeworski, *Democracy and the Market: Political and Economic Reforms in Eastern Europe and Latin America* (Cambridge: Cambridge University Press, 1991), 18.

13. Mark Kishlansky, *Parliamentary Selection: Social and Political Choice in Early Modern England* (Cambridge: Cambridge University Press, 1986), 225-30. In his fascinating reconstruction of the transition from "selection" to "election" in seventeenth-century England, Kishlansky shows that the institutionalization of the electoral form of selection brought ideology

into politics thus engendering a process of identification between the candidate and his constituency: "Unity now meant the agreement of the like-minded."

14. George W. F. Hegel, *Philosophy of Rights*, ed. and trans. T. M. Knox (London: Oxford University Press, 1967), 200-1. Hegel's definition, however, referred to corporate representation, not individual ("democratic") representation.

15. Simon Sterne, *On Representative Government and Personal Representation* (Philadelphia: Lippincott, 1871), 25, 50, and John Stuart Mill, "De Tocqueville on Democracy in America [II]," in *Collected Works*, vol. 18, *Essays on Politics and Society*, ed. John M. Robson (Toronto: University of Toronto Press, 1977), 165.

16. Amy Gutmann and Dennis Thompson, *Democracy and Disagreement* (Cambridge, MA: Belknap Press, 1996), 154.

17. Charles R. Beitz, *Political Equality* (Princeton, NJ: Princeton University Press, 1989), 137.

18. Young, "Deferring Group Representation," 352-53. Young refers to Robert Dahl, *Democracy and Its Critics* (New Haven, CT: Yale University Press, 1989), 225-31.

19. Mogens Herman Hansen, *The Athenian Democracy in the Age of Demosthenes*, trans. J. A. Crook (Oxford: Blackwell, 1993), 267, 150, and Aristotle, "The Constitution of Athens," in *Aristotle and Xenophon on Democracy and Oligarchy*, ed. J. M. Moore (Berkeley: University of California Press, 1986), 41.3.

20. I would not hesitate to view these as a universal form of human communication, peculiar to our relations to others as well as to ourselves. Socratic dialogues and Petrarca's lyrics are among the most exquisite examples of the phenomenology of the discursive life as an act of reciprocation, of giving and taking words.

21. Hannah Arendt, *The Life of the Mind* (San Diego, CA: Harcourt Brace Jovanovich, 1978), 1:184-85. Distinguishing solitude from isolation, Hannah Arendt identifies the former with the act of thinking itself. She sees it as a condition in relation to which "soundlessness" means intimacy, not, however, "speechlessness."

22. Elizabeth Rawson, *The Spartan Tradition in European Thought* (Oxford: Clarendon Press, 1969), 220-67.

23. Hansen, *The Athenian Democracy*, 267.

24. Ibid., 268 (emphsis added).

25. Ibid., 130-32.

26. Mill, *Considerations on Representative Government*, in *On Liberty and Other Essays*, ed. John Gray (Oxford: Oxford University Press, 1991), chap. 10. Mill opposed the use of private money in electoral campaigns because it encouraged passive citizenship and made representatives into mere delegates or agents.

27. Bernard Manin, *The Principles of Representative Government* (Cambridge: Cambridge University Press, 1997), 8-41. It should be noted that the absence of representation did not entail absence of elections—but in Athens, elections served to fill administrative, not legislative, functions.

28. Rousseau did not reject elections; in fact, the magistrates of his ideal republic were elected. What he rejected was the delegation of sovereign power. His rationale rested on his distinction between *action* and *will*. The former amounted to instrumental doing and therefore could be delegated; the latter amounted to the intention that leads to and shapes the doing and cannot be delegated without undermining citizens' intentional power over the action. To use a trivial example, it makes sense for me to delegate you to buy an ice cream for me, but it would be odd to let you decide whether I want an ice cream.

29. Moses I. Finley, *Democracy Ancient and Modern* (New Brunswick, NJ: Rutgers University Press, 1985), 97-98, 75.

30. Ibid., 79.

31. Jean-Jacques Rousseau, *The Social Contract*, in *The Basic Political Writings*, ed. Donald A. Cress (Indianapolis, IN: Hackett, 1987), 4.2. "But long debates, dissension, and tumult betoken the ascendance of private interests and the decline of the state."

32. Kishlansky, *Parliamentary Selection*, 10-11.

33. Young, "Deferring Group Representation," 355-57.

34. On the relationship between future-present-past in elections, see Manin, *The Principles of Representative Government*, 178-79.

35. Mill, *Considerations on Representative Government*, 241-42, 247-48. "Popular sovereignty is meaningless without rules organizing and protecting public debate." Stephen Holmes, "Precommitment and the Paradox of Democracy," in *Constitutionalism and Democracy*, ed. Jon Elster and Rune Slagstad (Cambridge: Cambridge University Press, 1988), 233. Holmes correctly remarks that in Mill's representative government, the institutional arrangements are not simply "depressants" but also "stimulants" because they guarantee the opposition's ability to express itself freely (p. 232).

36. Mill, "De Tocqueville on Democracy," 165. Finley stressed the 'absurdity' of this parallel because the agora cannot be symbolic, and was not in Athens. For him, this was "a false analogy" between the modern public sphere and the ancient ekklesia put forward by Mill. *Democracy Ancient and Modern*, 36.

37. Mill, *Considerations on Representative Government*, 370.

38. For instance, Mill was convinced that women's claim for suffrage could win a political consideration in the chamber only if the social movement for universal suffrage was in place. He sought outside support for advocacy in the parliament.

39. Joseph A. Schumpeter, *Capitalism, Socialism, and Democracy*, 3d ed. (New York: Harper Torchbooks, 1950), 295.

40. Mill, *Considerations on Representative Government*, 413.

41. Ibid., 370. A similar point was made by Young, "Deferring Group Representation," 357-58.

42. On the role of trust, control, and accountability, see Holmes, "Precommitment and the Paradox of Democracy," 195-240; Anne Phillips, *The Politics of Presence* (Oxford: Clarendon Press, 1995), 155-58; and Manin, *The Principles of Representative Government*, 203-4.

43. Thucydides, *The Peloponnesian War*, ed. Moses I. Finley (London: Penguin Classics, 1972), 2.65.11-13.

44. Harvey Yunis, *Taming Democracy: Models of Political Rhetoric in Classical Athens* (Ithaca, NY: Cornell University Press, 1996), 43-46.

45. The need to safeguard the electors' autonomous judgment induced some contemporary democratic constitutions to look for a further shield besides representation. For instance, the Italian constitution states that electoral campaigns must stop two days before elections take place. This suspension applies both to parties and to the media. Beneath this procedure of silence, there is Rousseau's idea that popular sovereignty entails the sovereignty of each citizen's judgment (I owe to Jon Elster the suggestion of looking for the "shielding" strategy of silence in contemporary constitutional democracies).

46. Kateb, *The Inner Ocean*, 36-56. Sartori adds an important corollary: through its *intermediary* role, representation "reduces power to *less* power" because "nobody is in a position to exercise an absolute (i.e., limitless) power" in a representative democracy. *The Theory of Democracy Revisited*, 71.

47. Mill, *Considerations on Representative Government*, 282.

48. Ibid., 302.

49. James Mill, "On Government," in *Political Writings*, ed. Terence Ball (Cambridge: Cambridge University Press, 1992), 7.

50. Ibid., 8 (emphasis added), and Pitkin, *The Concept of Representation*, 60-91.

51. James Mill, "On Government," 27.

52. James Mill, *Analysis of the Phenomena of the Human Mind*, 2 vols., ed. Alexander Bain, Andrew Findlater, George Grote, and John Stuart Mill (London: Longmans, Green, 1878), 2:187. "The People, that is, the Mass of the community, are sometimes called a class; but that is only to distinguish them, like the term Lower Order, from the aristocratic class. In the proper meaning of the term class, it is not applicable to the People. No interest is in common to them, which is not in common to the rest of the community." See also Joseph Hamburger, *Intellectuals in Politics: John Stuart Mill and the Philosophic Radicals* (New Haven, CT: Yale University Press, 1965), 45-63.

53. Carl Schmitt, *The Crisis of Parliamentary Democracy*, trans. Ellen Kennedy (Cambridge: MIT Press, 1994), 2-6. Schmitt's observation that the theorists of "government by discussion" saw free discussion as an instrument for discovering "the truth" is pertinent to James Mill or Bentham, not John Stuart Mill.

54. Aristotle, *The Politics*, ed. and trans. Ernest Barker (Oxford: Oxford University Press, 1994), 6.1317a49-50.

55. Mill, *Considerations on Representative Government*, 244.

56. Beitz, *Political Equality*, 157. It is puzzling that contemporary majoritarians prefer plural voting (which Mill used to protect intellectual minorities) to "favor the members" of "minority" groups rather than proportionality. In doing so, they miss the fact that "number" needs to be considered equally—for the majority as well as for the minority. "Double" or plural voting for the weak means accepting as a given an unfair electoral system and then proposing "compensation." Would it not be better to address the cause of electoral injustice rather than "compensating" its unjust outcome? In Mill's scheme, which is egalitarian, minorities do not ask for compensation but, rather, for equal treatment.

57. Beitz, *Political Equality*, 156. Beitz writes that whereas "the aim of quantitative fairness is to give public recognition to the equal political status of democratic citizens, the aim of qualitative fairness is the promotion of equitable treatment of interests." Hence, a system of plural voting is better than a proportional system. It seems to me that Beitz's argument rests on the fact that he relates proportional representation to the Aristotelian notion of proportional justice. But their logic is different. Proportional equality seems to justify plural voting rather then proportional representation. As Mill showed, the logic of proportional representation takes seriously the "quantitative fairness" of the "equal political status of democratic citizens." If we do not give citizens more than two choices, we cannot reasonably say that the winner represents a majority of various opinions, since citizens have been forced to adapt their opinions to fit either A or B. This is a violation of "quantitative fairness," since we aggregate preferences that would distribute themselves differently within a proportional counting. In Mill's words, proportional representation "secures a representation, in proportion to number, of every division of the electoral body: not two great parties alone." *Considerations on Representative Government*, 310.

58. Mill's "expressive" interpretation of political representation has been stressed recently by Melissa S. Williams, *Voice, Trust, and Memory: Marginalized Groups and the Failing of Liberal Representation* (Princeton, NJ: Princeton University Press, 1998), 47.

59. For a critique of this principle see Beitz, *Political Equality*, 135.

60. Mill, *Considerations on Representative Government*, 305 (emphasis added).

61. Ibid., 303.

62. Ibid., 302, 304.

63. Ibid., 303.

64. Mill's distinction between "talking" and "doing" answers the criticism that proportional representation is not of great advantage because "while proportionality allows all voices to be heard, it does not guarantee that all interests will be proportionally accommodated." Bernard Manin, Adam Przeworsky, and Susan C. Stokes, "Elections and Representation," in *Democracy, Accountability and Representation*, ed. Adam Przeworsky, Susan C. Stokes, and Bernard Manin (Cambridge: Cambridge University Press, 1999), 32n. 5. Disagreement on electoral systems makes sense precisely because the task of representation is not simply to implement policies, even if that is its final goal. A good policy does not compensate for a bad system of representation any more than a good paternalism can compensate for a lack of liberty.

65. Jane L. Mansbridge, "Living with Conflict: Representation in the Theory of Adversary Democracy," *Ethics* 91 (1981): 469. See also Brian Barry, "Is Democracy Special?" in *Philosophy, Politics and Society*, 5th ser., ed. Peter Laslett and James Fishkin (New Haven, CT: Yale University Press, 1979), 162.

66. Manin, *The Principles of Representative Government*, 183-92. James Madison and Emmanuel-Joseph Siéyès played a crucial role in conceptualizing modern political representation.

67. On Harrington's rationalist republicanism, see Jonathan Scott, "The Rapture of Motion: James Harrington's Republicanism," in *Political Discourse in Early Modern Britain*, ed. Nicholas Phillipson and Quentin Skinner (Cambridge: Cambridge University Press, 1993), 148-60.

68. Rousseau, *The Social Contract*, 4.2. When a new law is proposed, if it is a just law, there is no need for discussion because it expresses what "every body has already felt; and there is no question of either intrigues or eloquence to secure the passage into law of what each has already resolved to do." See also William Mitford, *History of Greece* (London: Cadell, 1829), 1:272-75.

69. Manin, *The Principles of Representative Government*, 188-90.

70. Mill, *On Liberty*, in *On Liberty and Other Essays*, 22. Mill's vision of the assembly as an agora is a theme that relates *Representative Government* to *On Liberty*. Indeed, it entails both the Socratic assumption that knowledge is a searching enterprise without an ultimate end and the conviction that consent gives legitimacy to obedience. "To refuse a hearing to an opinion, because they are sure that it is false, is to assume that *their* certainty is the same as *absolute* certainty. All silencing of discussion is an assumption of infallibility."

71. Phillips, *The Politics of Presence*, 27-28.

72. Mill, *Considerations on Representative Government*, 316.

73. Phillips, *The Politics of Presence*, 40.

74. Mill, *Considerations on Representative Government*, 282.

75. Joshua Cohen, "Democracy and Liberty," in *Deliberative Democracy*, ed. Jon Elster (Cambridge: Cambridge University Press, 1998), 199. "Not that the *aim* of such deliberation is to change citizen preferences by reducing their diversity: the aim is to make collective decisions. Still, one thought behind a deliberative conception is that public *reasoning* itself can help to reduce the diversity of politically relevant preferences because such preferences are shaped and even formed in the process of public reasoning itself. And if it does help to reduce that diversity, then it mitigates tendencies toward distortion even in strategic communication."

76. Manin, "On Legitimacy and Political Deliberation," *Political Theory* 15 (1987): 338-68; Iris Marion Young, *Justice and the Politics of Difference* (Princeton, NJ: Princeton University Press, 1990), 102-11; and Nancy Fraser, "Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy," in *Habermas and the Public Sphere*, ed. Craig Calhoun (Cambridge: MIT Press, 1997), 121-30.

77. For example, see Cass R. Sunstein, *Legal Reasoning and Political Conflict* (New York: Oxford University Press, 1996), 58-59.

78. Mill, "Rationale of Representation," in *Collected Works*, vol. 18, *Essays on Politics and Society*, 22-23. "Identification of interest between the rulers and the ruled, being, therefore, in a literal sense, impossible to be realized, must not be spoken of as a condition which a government must absolutely fulfill; but as an end to be incessantly aimed at, and approximated to as nearly as circumstances render possible, and as is compatible with the regard due to other ends."

79. Arendt, *On Revolution* (1963; reprint, London: Penguin Books, 1977), 191-94. Arendt made a very similar comparison between truth that "needs no agreement" and thus no persuasion, and truth that requires argument and persuasion; she located the former in the nonpolitical and "despotic power" and the latter in the political life of the polis. This amounts to saying that rationality that aims not at demonstration but at deliberation is not, properly speaking, cognitive reason, but "practical" or pragmatic. See Chaim Perelman, *Justice, Law, and Argument: Essays on Moral and Legal Reasoning* (Dordrecht: Reidel, 1980), 59.

80. Mill, "Representation of the People [II]," in *Collected Works*, vol. 28, *Public and Parliamentary Speeches*, pt. 1, *November 1850-November 1868*, ed. John M. Robson (Toronto: University of Toronto Press, 1988), 67.

81. Ibid., 66.

82. Jon Elster, "The Market and the Forum: Three Varieties of Political Theory," in *Deliberative Democracy: Essays on Reason and Politics*, ed. James Bohman and William Rehg (Cambridge: MIT Press, 1997), 21-22.

83. Mill, "Representation of the People [II]," 64.

84. Elster, "Deliberation and Constitution Making," in *Deliberative Democracy*, 104. Elster has outlined the "hypocritical" strategy set up by the deliberative setting: because opinions become public, "speakers have to justify their proposal by public interest" arguments. Yet, in the end, the speaker cannot be purely hypocritical because "if all appeals to the common interest were hypocritical and were known to be so, they could not persuade anyone and nobody would bother to make them." In sum, 'hypocrisy' is a point of departure, not an end point.

85. John Rawls, "The Idea of Public Reason Revisited," in *Collected Papers*, ed. Samuel Freeman (Cambridge, MA: Harvard University Press, 1999), 378-79. Rawls ascribes to these characteristics of deliberative democracy the capacity to foster "civic friendship."

86. Williams, *Voice, Trust, and Memory*, 47.

87. Albert O. Hirschman, "Social Conflicts as Pillars of Democratic Market Society," *Political Theory* 22 (1994): 206. Bonnie Honig developed a similar argument in her interpretation of Arendt's agonal perspective as one that "involves us in relation not only 'with' but also always simultaneously 'against' others." "Toward an Agonistic Feminism: Hannah Arendt and the Politics of Identity," in *Feminist Interpretations of Hannah Arendt*, ed. Bonnie Honig (University Park: Pennsylvania State University Press, 1995), 160.

88. Jennifer Hart, *Proportional Representation: Critics of the British Electoral System 1820-1945* (Oxford: Clarendon Press, 1992), 33. In the case of Italy, the most progressive laws were passed when there was proportional representation.

89. Phillips, *The Politics of Presence*, 161-63. This is Phillips's view, which proposes a compromise between advocacy and deliberation.

90. Perelman, *Justice, Law, and Argument*, 59, 66.

91. Mill, *Considerations on Representative Government*, 382.

92. Mill, *Autobiography*, in *Collected Works*, vol. 1, *Autobiography and Literary Essays*, ed. John M. Robson (Toronto: University of Toronto Press, 1981), 21-27. Mill acknowledged Aristotle's *The Art of Rhetoric*, Quintilian's *De Institutione Oratoria*, and Cicero's *Orators* as among the most important texts of his intellectual formation.

93. Pitkin, *The Concept of Representation*, 90. If proportional representation is interpreted as map making, then the criticism that it depersonalizes both the voters and the elected is justified

It would banish both authorization and accountability. Will Kymlicka, *Multicultural Citizenship* (Oxford: Clarendon Press, 1995), 134, and Young, "Deferring Group Representation," 358-61.

94. Hegel produced the most consistent theory of corporate versus individual representation in *Philosophy of Rights*, 199-203. Mill engaged in a never-ending polemic against the conservative idea that "not the people, but all the various *classes* or *interests* among the people" should be represented. "Rationale of Representation," 43.

95. Ronald Dworkin, "What Is Equality? 4. What Is Political Equality?" *University of San Francisco Law Review* 22 (1988): 5. As Dworkin puts it, the very moment we claim an equal political say for all citizens, we are also forced to admit that people are different in how they perform politically. Some have more ability or more passion than others and, thus, more chance to pursue their preferences. The link between election and choice is effectively discussed by Manin, *The Principles of Representative Government*, 132-42.

96. Mill, *Considerations on Representative Government*, 246-47.

97. Phillips, *The Politics of Presence*, 133. "But the notion that shared experience *guarantees* shared beliefs or goals has neither theoretical nor empirical plausibility."

98. Ibid., 56, 156. As Phillips acknowledges, in a proportional system, the representative has more autonomy than in a majoritarian one; for advocates to be deliberators, they "have to be freed from stricter forms of political accountability."

99. Mill, "Thoughts on Parliamentary Reform," in *Collected Works*, vol. 19, *Essays on Politics and Society*, edited by John M. Robson (Toronto: University of Toronto Press, 1977), 318-20. Mill thus regarded "the function of a member of the Parliament" as a "duty to be discharged" rather than a "personal favor to be solicited." Against that "evil," he devised two solutions: the proposition that large districts be established so that "local influences of families and corporations would then have more chance of neutralizing one another," and the proposition that the state pay election expenses.

100. Thomas Christiano, *The Rule of the Many: Fundamental Issues in Democratic Theory* (Boulder, CO: Westview Press, 1996), 213-14.

101. On the ambiguous relationship between Mill's and Burke's view on representation, see Williams, *Voice, Trust, and Memory*, 45-53.

102. Mill, *Considerations on Representative Government*, 377.

103. Ibid., 295, 300, 323.

104. Ibid., 246-47, 309-11. These two perspectives prove that, contrary to what contemporary theorists of multiculturalism seem to suggest, Mill did not identify group representation with proportional representation. The former was a strategic answer to a highly exclusionary and divided society; the latter embodied the normative ideal of representative democracy. Proportional representation was based on the individual, not the group. Group representation (e.g., such as the case of the workers) was a device to counter domination. Proportional representation was true self-government because it presupposed that opinions and ideas ought not to be narrowly determined by the prepolitical constraints of group membership, such as economic status or gender. It assumed individuals could make free use of their reason and did not have to identify with a group in order to express themselves. Mill's model of good democracy was Athens because in Athens, he thought, the assembly was an arena in which individual character and ability truly counted, and agonism was truly in place.

105. Jurgen Habermas, *Moral Consciousness and Communicative Action*, trans. Christian Lenhardt and Shierry Weber Nicholsen (Cambridge: MIT Press, 1993), 70-76. Advocacy can amend Habermas's procedural normativism because it encompasses the two levels of democratic deliberation: resisting or neutralizing imbalances of power and justifying this resistance with arguments that appeal to the community's shared political values.

106. As I clarified at the beginning, this does not imply that they should count equally in the moment a decision is taken. The claim that all should have the chance to be heard makes sense if deliberation (discussion) is not identified with decision (voting). See Dunn, *Western Political Theory*, 17-19.

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