

Substantive Representation in a Post-Democratic Environment

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Abstract. Political and economic internationalization and globalization, the rise of sub-national self-governing regions and spheres, governance replacing government and many related processes change the role and context of the nation-state, the protector of mass democracy. The concept of (*substantive*) representation, representation as 'acting for,' can help develop answers to the threat that this 'loss of polity' poses to equal and universal access to decision-making, i.e., the ideals behind mass democracy. Examining the reasons why the two most prominent conceptions of representation – substantive and descriptive – would be valuable, I argue that we can only make an uncontroversial case for substantive representation. I show that currently popular cures for 'loss of polity' cannot be construed as new versions of or alternatives for mass democracy. Finally, I discuss two ideal-types of more reasonable interpretations of the ideals behind mass democracy.

Key words: political theory, representation, democracy.

The role and context of the nation-state, the protector of mass democracy, is changing - in Europe more so than elsewhere, perhaps, but the phenomenon is becoming increasingly common. Processes of political and economic internationalization and globalization, as well as the creation of sub-national self-governing regions and spheres bind the hands and limit the reach of the state. The replacement of classical hierarchical government by egalitarian governance and the replacement of democratic by efficient modes of control gnaw at the domain and grip of mass democracy. The rise of subpolitics, institutionalized deliberative democracy, stakeholder participation and so on also signal adaptations of the formal political structure to the evolution of economic and political reality, away from sovereign nation-states towards a more fragmented society with unequal access to the *loci* of power. National electorates may still control national parliaments, but both now control the terms of social cooperation far less directly, far less exclusively, and therefore far less effectively.

Against this background of 'loss of polity,' the disappearance of the single, unequivocal and all-embracing political community, I argue that one of the defining elements of liberal democratic societies, representation, can help us develop viable answers to its most important drawbacks, chief among which is the threat to mass democracy, a cornerstone of the modern polity.

Mass democracy understood as equal and universal access to decision-making is a means to an end, the end being characterized by the idea that "no person is insignificant" (Bush 2001). Mass democracy demands representation of all, but representation is a complex concept. Focusing on the two most prominent interpretations of representation, substantive representation (roughly, the representation of interests and views) and

descriptive representation (the representation of sociological traits like gender, colour or craft), I discuss the reasons why either one would be valuable. I conclude that we can only make an uncontroversial case for substantive representation, only in the context of mass democracy, and only in the sense that mass democracy is one possible environment in which substantive representation may be feasible. I then argue that currently popular cures for ‘loss of polity’ cannot, except with considerable imagination, be construed as new versions or vessels of mass democracy. Finally, I discuss two ideal-types of more feasible interpretations of the ideals *behind* mass democracy: adaptations of deliberative democracy, and a basically inegalitarian construction I call consultative elitism. Although ideal-types, neither one turns out to be really ideal.

I. THE RISE AND FALL OF MASS DEMOCRACY

“Ein Gespenst geht um in Europa.“ At the dawn of the 20th Century, few foresaw the rise of mass democracy. Even fewer would have believed that a political decision-making procedure based on a widely dispersed right to elect representatives and be elected as a representative could survive until the end of that century. Previous experiments in democracy had, after all, not inspired great confidence in the system.

If we look for factors explaining this improbable success story, we shall probably find that one idea had very little to do with it: a sudden belief in the universal and equally distributed goodness and rationality of all humankind. Other explanations are more likely: the extension of the right to vote in response to threats of social disorder, even revolution, from the side of those previously excluded; extension of suffrage even as a counterrevolutionary act – for instance where conservatives supported the women’s right to vote, expecting women to be more pliable than hot-headed socialist working class men. More important, two systemic factors are involved: constraints and limits to democracy. Democratic decision-making systems operate under a long series of formal and informal constraints inhibiting the direct translation of non-reflexive immediate preferences into policy: representation rather than direct democracy, selection of ‘fit’ representatives by parties, general elections every three to ten years rather than referenda for every single issue, constitutional rights, qualified majority constraints on constitutional change, legal constraints on anti-constitutional parties, and so on. In addition, there are limits to mass democracy – areas where democracy was never introduced, from the choice of the ruling coalition to suffrage for the youngest, for (most) non-nationals, for neighbours across the state border whose lives are affected by what happens within a country’s borders.

How important each of these factors (or any other) is in explaining the emergence and survival of democracy is first of all an empirical question, and secondly - in the present context - an irrelevant one. What matters here is that democracy cannot be explained by a sudden Kingdom Come faith in universal wisdom, and that there is reason to believe that ‘mass democracy’ is more wrapping than gift, more rhetoric than substance. Mass democracy appears to be less massive and less democratic than the term suggests. There

are, admittedly, many definitions and interpretations of the term democracy, yet all share two idea(l)s: those of *universal* and of *equal* access to power, thus distinguishing democracy from feudalism, tyranny, monarchy, elite and mob rule and the like. If then we compare the theory of mass democracy to the practice, there is good reason to be less surprised by the rise of democracy. The ideal of equal access to power is realized only once every few years during the hours of a general election, the ideal of universal access to power has never been fully realized - and as announced above, both ideals are increasingly victims of 'loss of polity.'

'Loss of polity' is shorthand - some might say code - for the cumulative effect of a series of not necessarily related processes reducing the actual power of the nation-state (with power understood simply, perhaps simplistically, as the ability to make another do what she would otherwise not do). It is the effect, loss of polity, that is interesting in the present context, rather than the causes, but both are worth clarifying.

As to causes: three types of transformation processes are reducing the state's role. First, there are international processes 'from above': cultural and economic globalization and migration, but also (partly in response) the increasing number, task and authority of international organizations from treaty organizations to judicial institutions, none of which existed roughly a century ago, when international cooperation was almost by definition limited to promises of non-interference and military assistance against interference. While international cooperation increases the power of the collective, self-binding reduces that of the individual members.

Second, political institutions and authorities emerge alongside, parallel to, nation-states. This is one of the more popular interpretations of the evolution of the European Union, whose ever increasing numbers of directives, permissions and subsidies enter the member-states less and less at the national level through national administrative institutions, but do so more and more directly at the sub-levels of regions, provinces and municipalities. Over the past decade, cooperative ventures of states on both sides of the Pacific, in South-America, and in Africa, have budded, with members expressing the ambition of developing them in ways similar to the European Union, thereby hoping to promote trade and welfare and to increase the price of internal conflict. Finally, the continued existence of traditional structures of cooperation and authority in places where the nation-state never really took hold (Africa, the Arabic world, parts of Asia) can also be construed as a parallel drains on the power such states could at least theoretically have.

Note that the states left relatively unaffected by parallel and international power drains are the (would-be) superpowers or hegemons that can afford limited cooperation. The third and final process affects even some of these states: the internal redistribution of power. An obvious example is the creation of sub-national (border-crossing or internal) self-governing regions, usually with an ethnic, religious or cultural character - a process that may sometimes prevent secession and keep a state together, at least in name. More recent is the evolution of cooperative structures of relatively consensual, egalitarian governance, structures in which "private parties" like NGOs, enterprises participate as

more or less equal partners alongside the representatives of the state - sometimes even regional or local governments participate as equal partners of central authorities. Other examples of the internal redistribution of power include the replacement of democratic by efficient modes of control (Jun and Blühdorn 2006), the rise of subpolitics (*pace* Beck 1997), institutionalized deliberative democracy or stakeholder participation. All of these bind the hands and limit the reach of the state and signal an adaptation of *formal* political structures to the evolution of economic and political reality, away from sovereign nation-states towards a more fragmented society with unequal access to the *loci* of power (Wissenburg 2008). And there's the rub.

These three processes not only affect the power of the state as a set of administrative and executive central institutions, they also change the character of the state as a polity, i.e., as uniting all members of society and all their cooperative ventures inside one arena where either social intercourse is directly coordinated or from which authority is delegated to distinct social spheres. It would be an exaggeration to say that any one state (short of a totalitarian regime) ever approached this kind of perfection - but it is clear that the processes sketched move societies further away from it: they result in fragmenting responsibility for policies and states of affairs over numerous, often anonymous and opaque institutions, in hiding or deleting points of access to control and decision making, and in the splitting or even fragmenting of citizens' loyalties and identities (which might help to explain the rise of reactionary populist movements in Europe and the former USSR). It is these results that I refer to as 'loss of polity.'

Since the state is not only the ultimate protector and definer of mass democracy, but also its object, loss of polity undermines the import and relevance of mass democracy. While electorates still control parliaments, parliaments' control over the terms of social cooperation is diminished: it is far less direct, far less exclusive, and therefore far less effective.

There is reason to deplore this development. Democracy as equal access to power is, for one, the rule rather than the exception in a non-normative, logical sense: to count as rational, it is the deviation from equality, for instance the deviation from equal access to power, that requires a defence, i.e., proof that relevant differences between individuals exist. Democracy is, in addition, closely connected to the classic, even ancient Stoic, Christian and liberal half-normative, half-positive ideal of fundamental human equality and our equally distributed potential for reason. Finally, democracy is linked to basic moral values like responsibility and accountability. Contrary to overoptimistic rational choice analyses, we can hope but not expect that no one ever suffer from social cooperation, and hope but not expect mutual advantage in every individual exchange and project - but we can believe that no one deserves not to have a say in what touches his or her life, that no one deserves to be unheard or to be sacrificed or injured without proper explanation.

II. THE COMPLEX CONCEPT OF REPRESENTATION

We owe to Hannah Pitkin a standardized language of (political) representation. In her seminal *The concept of representation* (1967), she first of all pointed to the surprisingly close connections between political representation and other forms of representation (in law, literature, art, thought, etc.). To avoid confusion, I shall from now on use the term representation to refer to political representation only, unless explicitly indicated otherwise.

From the point of view of political scientists and theorists, Pitkin's most important contribution is her description of three conceptions of the concept of representation: descriptive representation as 'standing for,' symbolic representation as 'standing for,' and representation as 'acting for' – which I shall call "active" or "substantive representation."¹ The basic distinction is that between standing for and acting for: in the first sense, the representative physically 'reflects' the represented; in the second sense, representation is reflection of ideas instead. The further distinction between symbolic and descriptive representation is based on what the representative (flag, king or MP) stands for: the represented itself, or information about the represented (Pitkin 1967, 99) – the 'meaning' of that which is represented.

One might say that Pitkin also introduces a fourth conception of representation when she argues for an understanding of active representation as acting in the best interest of the represented ('representation of interests,' substantive representation), rather than on the direct preferences of the represented (representation of preferences) – although Pitkin herself thinks of this distinction as one between a valid and a non-valid interpretation of the concept.

In addition to her taxonomical contribution, Pitkin offers at least two other important ideas of a more normative nature. First, there is the argument just referred to in favour of substantive representation and against that of preferences. Pitkin sees this distinction as more fruitful and realistic than the classic free/constrained agent scale (or mandate/independency controversy; cf. Pitkin 1967, 144). Here the constrained agent is a mere delegate, the arm of the represented, his actions owned by the represented, his behaviour governed by the represented, in sum, a mere extension of the represented, whereas the free agent, at the other extreme of the scale, is as fully autonomous as possible – think of the guardian of a severely mentally handicapped person. In the end, she argues, the question is not which type of agent is the 'best' representative (i.e., what is the best interpretation of representation) but rather what it is that should be represented. The free/constrained agent dichotomy tends to obscure that there are, in fact, two issues at stake, not one: there is the question of the meaning of the concept of representation, and there is fleshing out a *particular* conception. Pitkin does the latter by arguing that representation, as making

[1] I use the terms conception and concept, in line with Rawls (1973) and Gray (1980), in a relatively stringent way: conceptions are logically consistent interpretations of an overarching concept.

present what is somehow not present (cf. Pitkin 1967, 92 ff.), is only taken seriously when the representative understands and respects the represented as a human being endowed with moral capacities, reason and so forth. Only then can the representative be truly responsive, truly in discourse with the represented and his or her claims.

Secondly, Pitkin offers a forceful argument in favour of active representation as the politically most important (normatively best) conception of the concept. While admitting the relative merits of descriptive and symbolic representation, she maintains that it is active representation that catches the deeper meaning of representation. Ultimately, disputes about the non-representativeness of a legislature relate not to the legislature as a symbol, nor to its composition in terms of sex, age, colour or creed – but to ‘non-response,’ to the voice of the represented remaining unheard: to their interests and ideas being excluded. Note one possible implication of this perfectionist line of thought: since it is substantive exclusion that matters, not formal exclusion, the actual degree to which (for instance) a legislature reflects the composition of the electorate is in itself irrelevant to any question of good representation. Even a plea to limit the class of potential representatives (e.g. to adults, adult males, wise old men, anyone with a university degree, the nobility) can be consistent with good (substantive) representation.

Over the course of the years, both Pitkin’s categorization and her normative theses have been the subject of deserved critique. Her three or four conceptions of representation, for one, are less clearly distinct than they appear to be. For instance, the conceptions of descriptive and symbolic representation only seem to make sense against the background of the third, active representation. Consider the political symbol of symbols: a flag hanging in a legislature. Contrary to Pitkin, one could argue that a flag either does or does not carry information: it either sends out a call for unity, a message of shared culture and history – or it just hangs there. In the first case, it reflects the composition of a country, it perhaps even represents substantive ideas (shared values and interests); in the second case, it just hangs there as a piece of colourful cloth hiding an ugly stain on the wall but not making something present that is not somehow present. Or, from another direction, one could argue that Pitkin introduced descriptive representation as a kind of straw man, merely to be aimed at and shot down in the end as being a confused mix of two more really distinct ideas – symbolic and active representation.

As for Pitkin’s normative theses, since the sheer amount of literature on political representation makes an adequate overview of the critique impossible, I shall limit myself to three (presently) interesting lines of comment. I shall not, for instance, discuss objections from the side of empirical political science, to the effect that Pitkin’s categories are virtually impossible to operationalize and therefore of little help to empirical research into the quality of democracy. Perhaps this says more about the theoretical relevancy of empirical political science than the other way around.

First, there is George Kateb’s (1981) discussion of direct versus representative democracy, where he argues that to construe these two as opposites, as if only direct democracy is truly representative and representative democracy basically exclusive,

is to misconstrue representation. The real opposites are representation and exclusion. In a representative democracy, the represented are not excluded – but, to use Pitkin's phrase once more, made present where they are not present – in fact, cannot be present: modern democracies are often too large to let the whole electorate gather under a tree. Direct democracy is just one mode and method of representation among others – the real question is which of these methods can best reflect what truly matters about people: their mere presence, or their ideas.

Secondly, and predictably, a large number of theorists have pointed out that Pitkin too easily, too optimistically, discards descriptive representation. Protest by groups that feel excluded (i.e., non-represented), like pensioners who see their pension decrease year after year, or disabled who feel persecuted by social security agencies, may signal 'bad' representation yet cannot be seen as arguments against the possibility of adequate active representation. But there is more.

For one, as Anne Phillips (1995) for instance argued, the constant and systematic exclusion of one group from among the representatives (people of colour, persons of the other gender) may justify protest even when the represented would be meticulously precise and sincere in representing, even championing, the interests of the excluded. Exclusion from representative functions – whether formal or informal – signals exclusion from full membership of the community: it is like, or perhaps is, being classified among the infants, the insane, the feeble-minded, cattle and other 'things' that apparently cannot speak for themselves.

A further reason to distrust Pitkin's dismissal of descriptive representation is that the chosen few may not even be capable of representing the excluded, simply because they do not live their lives, do not share their experiences, do not know their perspective on life: as the song goes, 'it's different for girls.' Although this argument is dangerous (it's different for everyone, whatever 'it' may be), it is not without merit.

Finally, the most obvious comment of all: Pitkin's model has too few dimensions. She recognizes the mandate-independency dilemma, although translated into terms of the best interpretation of substantive representation, but she silently passes over e.g. the problems involved in representing diverging opinions of different individuals on separate subjects, or those in representing one's own voters versus the interests of a nation, platform, ideology or party. Moreover, Pitkin's interpretation of representation remains coloured by its background: mass democracy. She offers no analysis as to who is, or should be, or can be, represented – a question that may make all the difference in the world for the substance of substantive representation.

Returning to the question of alternatives to mass democracy that still represent all and deny no one's significance, we face a problem, viz., the absence of one unique clear-cut criterion of good representation, even if we throw out symbolic representation – by many considered to be a red herring in the school of conceptions of representation. We have a choice to make between (further) conceptual reductionism and pluralism. The first comes down to claiming that there can either be only one correct interpretation (conception)

of the concept of representation (monism) or that where two conceptions contradict one another, at least one or even both must be false. Note that this does not necessarily imply realism or neoplatonic idealism; the claim is epistemological not ontological. The alternative is pluralism: two or more conceptions may contradict one another without any of them necessarily being wrong. On this view, the overarching concept is called 'complex.' Representation is such a complex concept – its different conceptions can all be valid interpretations of the concept.

Let me illustrate the complexity of representation with an example derived from Temkin's analysis of the complex concept of equality (Temkin 1993). Imagine God and the devil discussing Job's faith. Rather than testing one Job, God suggests three Jobs for a fair test: Job1, Job2 and Job3. Job1 is miserable all through his eight decades of life: physically handicapped, covered with swears and dirt, dressed in rags, and generally unattractive. Job2 is doubly miserable during the first half of his life (more handicapped, more dirty, poor, unattractive etc.) but has a life of bliss for the remaining forty years. Job3 is the reverse image of Job2: blissful until he hits forty, then twice as miserable as Job1. Job1 is a socialist, as is Job2 until he is cured; Job3 is irreversibly liberal. Job2 and Job3 are politicians, Job1 an ordinary voter. Jobland being a three-person state with a one-person parliament, Job1's vote is crucial for the Sanhedrin elections. For a long time, Job1 votes for Job2 – that is, until liberalism takes over Job2's body and he no longer voices Job1's concerns. At that moment, Job1 changes his vote and elects Job3 to the Sanhedrin: Job3 may be a liberal, but is at least someone with whom Job1 can identify – and hope that, being new to being cursed, Job3 will at least understand Job1's plight which Job2 is now likely to forget (being by definition in a state of eternal bliss) – occasionally, Job3 may even voice some of Job1's anxieties.

Job1 chooses substantive representation for the first forty years, descriptive or perhaps symbolic representation for the rest. The two (as personified by Job2 and Job3) are mutually exclusive. Job1's reasoning is reasonable – we can understand it, we can identify with it, we can accept it. In other words: we can accept both types of representation as valid and consistent with our intuitions, yet the two are incompatible and lead to different results. Representation, then, even when modelled in a simple example as this, is a complex concept.

III. MASS DEMOCRACY AND REPRESENTATION

Can we defend descriptive and substantive representation as instruments of equal and universal access to power for all? As we just saw, each separate conception of representation requires a separate defence. For each such defence we have three options.² Descriptive and substantive representation may be:

2] I assume that a fourth possibility, hypothetical value given a context, is included in the third.

- (1) *Intrinsically* valuable, i.e., ethically desirable ‘as such’, meaning that standing for or acting for are ‘absolute’ goods;
- (2) *Categorically* valuable, i.e., desirable against the background of mass democracy, but not, for instance, in a theocracy; and
- (3) *Hypothetically* valuable: desirable within representative democracy, but only under circumstances, only where it is ‘fitting’ (cf. Cupit 1996). I shall take representative democracy in a very broad sense as majority decision-making by elected representatives, with or without all possible extra’s like qualified majorities, deliberation, feedback loops, etc.

Is representation, first of all, *intrinsically* good, good as such, an absolute good? The fact that it takes three non-synonymous expressions to pose this question already indicates how complicated the question is, particularly because of the complexity of and confusion surrounding ‘intrinsic value.’ It may indicate value regardless of valuers, value regardless of being actively valued, value independent of its results or effects, and a long series of other things (cf. Wissenburg 1998, Van Hees 2000). An important aspect all these conceptions share, however, is that they describe a kind of final value. If *x* is intrinsically valuable in whatever sense, then there is no room for further argument - what makes *x* intrinsically valuable is by definition not something that is in turn valuable for a deeper reason.³ By implication, *x*’s intrinsic value must be beyond dispute - if *x* were a person, *x* would have to be ‘of impeccable character.’ Representation, whether substantive or descriptive, is not an *x* of that kind: representation has a bad reputation.

Representation, if we may believe Plato (cf. Lock 1990), is falsification, cheating, insincerity; it is second-hand presence, pretending to be what one is not; it is acting - in the way an actor in a play does, or a child denying guilt after committing a transgression. One may disagree with Plato and the general tendency in philosophy to distrust all non-philosophers’ attempts at reflecting reality. Yet his objection is a forceful one in that it reminds us of several ways in which representation may be undesirable, and by implication of several criteria that forms of representation have to meet before they can be qualified as desirable or even tolerable. Representation hides the truth: the representative’s own identity, for one - how can it be ‘intrinsically’ good to hide one thing and create the illusion of another? Representation plays the truth: it is not whatever is represented but interprets it - what is wrong with the represented that it needs representation; hence, what aims - or whose aims - does representation serve?

Perhaps we do not even need Plato to cast doubt on the impeccable moral character of representation. Ordinary language itself already indicates that we distrust representation: we can use the adjectives ‘good’ and ‘bad’ for it, qualifications that indicate that representation is a means to an end, not an end in itself. Imagine for instance

3] Although there may be other reasons why *x* is valuable as well as reasons why that-which-makes-*x*-intrinsically valuable is *also* valuable for other reasons - but the *also* is a contingent factor.

a national-socialist bureaucrat who argues that the Jews hate themselves and that it is the wish of the Jews to be gassed. There is no account or interpretation of 'acting for' that would qualify this as 'good representation,' nor any according to which the mere fact that the Jews are represented here can be interpreted as good. Similar arguments can be made, *mutatis mutandis*, for descriptive representation. However good the performance, the act of representation, may be, it remains a representation. It will always have to be defended and measured against the real thing for which it stands (if that is possible at all, given Plato's critique). In our case, this means that we cannot defend representation but in the context of the desire to warrant universal and equal access to power.

Moving on to the possible *categorical* value of representation, then, we should note that neither substantive nor descriptive representation is necessarily linked to mass democracy. Neither form of representation is a necessary or sufficient condition for equal and universal access to power, nor does either one necessarily serve equal and universal access to power, nor, finally, is equal and universal access to power always desirable. Hence, neither one can be a categorically desirable instrument of mass democracy.

Consider first substantive representation. There are ultimately two categories of reasons why substantive representation of all (and all equally) might be desirable: because it may contribute to good government, however defined, and because it may contribute to stable government. Let us start with the former argument.

As the critics of democracy have maintained since Plato, democracy (or universal and equal substantive representation) and good government are not synonymous. A benevolent despot's policies can be as good, a tyrant's policies as bad as the democratic reflection of all substantive interests - and in Mill's book, democracy might even do worse. If substantive representation and equal and universal access are connected by ties of necessity, then neither one is necessarily desirable. But they are not: equal and universal access to the tyrant or the benevolent despot, who may or may not desire to be a substantive representative of the people, is as imaginable as, say, representative democracy, and is just as much a necessary or sufficient condition of good government. Finally, substantive representation is not sufficient to guarantee equal and universal access. It can, after all, be interpreted as any reflection of ideas, from a necessarily selective representation of opinions and (best) interests that matter (i.e., that meet a certain standard of substantive quality) to 'unreflective' mirroring of actual preferences at any given moment in time. Not every one of these interpretations guarantees either equal access, or universal access, or both.

Representation as acting for might, secondly, contribute to stable government. It is not impossible that a defence in terms of stability will in the end boil down to a particular interpretation of good government: the survival of the body politic can be desirable because it contributes to further, substantive goals like the effectiveness of government, a stable basis of expectation, peace and security. What matters here, however, is the Machiavellian or *realpolitische* interpretation of stability, an equilibrium of powers, as a goal in itself. From this positive as opposed to normative perspective, substantive representation turns out

to have equally contingent ties to mass democracy. It can, for one, be used to represent weighted substantive interests, weighted relative to the power of political forces.

Mass democracy with its ideal of equal and universal access attaches the same weight to each individual, reflecting the popular notion in contract and bargaining theories of “roughly equal power” (cf. Rawls 1999a) in a potential war of all against all. The assumption here is that individuals can form coalitions to counter domination and that every possible coalition can be blocked by another coalition, hence that no coalition or individual can ever dominate in politics for more than a limited period of time. It is against this background that the rise of mass democracy can be explained as Realpolitik: once one coalition discovered the politically non-represented masses, managed to organize part of it and proved its power, the dynamic of mass organization ultimately made inclusion of every individual both expedient and inevitable.

However, the contractarian assumption of roughly equal power is incorrect, particularly in a world where borders are porous: it is for instance, and regardless of legal, political and economic obstacles, always easier for employers to move to another country than it is for the employed. Where the contractarian assumption is invalid, where some coalitions are less easy to block than others, the stability of the polity is better served by a system of substantive representation that reflects these differences in power - financial, technological, spiritual and other. It follows that substantive representation is not sufficient to guarantee, nor necessarily serves, equal and universal access to power.

In conclusion then, substantive representation through mass democracy is not categorically desirable for three reasons: (1) substantive representation does not necessarily imply equal and universal access to power; (2) since equal and universal access through substantive representation does not necessarily contribute to good or stable government, it is not necessarily desirable; and (3) we can imagine alternatives to mass democracy that guarantee substantive representation.

Similar lines of argument can be brought in against descriptive representation as categorically valuable. Descriptive representation can but need not guarantee equal access to power: if properly interpreted, it should include representation of differences in power. It - obviously - does not necessarily or sufficiently contribute to good government, unless good government is defined in purely formal terms as descriptive representation and nothing more - and that would amount to a *petitio principii*. Finally, for the same reasons that substantive representation fails to do so, descriptive representation need not contribute, and is insufficient, to guarantee stability. To see this, it is enough to imagine a divided society: Catholics in a Protestant nation, Muslims in a Christian or secularized nation, serious academics on a bible belt school board, women in an 1840s parliament, and so on: their presence may be an affront to the rest.

Thus, if substantive and descriptive representation by means of mass democracy are valuable things, they can only be so *hypothetically*, i.e. under the right circumstances or side-constraints, say, when no majority wants anything immoral, and when the will of the majority poses no threat to the survival of the polity. In the remainder of this section, I

shall try to give a more positive swing to this observation by formulating more definite criteria for the desirability of both forms of representation.

Starting with descriptive representation, I have already discussed a number of reasons why Pitkin's conclusion that descriptive representation can easily be replaced by substantive representation is flawed. 'Non-descriptive' representatives may be physically unable to identify with the represented, it was argued, and their existence may create the impression that the non-represented are denied full membership of the polity. Moreover, as argued earlier in this section, if the two were interchangeable, the descriptive representative would by definition be a good substantive representative, and vice versa - which is also a good reason, by the way, for rejecting the counterhypothesis that substantive can be replaced by descriptive representation.

Yet in defence of Pitkin it must be said that these objections are less strong than they appear to be. The argument from experience is ultimately an argument in favour of a more adequate (substantive) representation of ideas and interests, while the argument from membership is actually an argument for the representation of a group's legitimate claim to full membership, i.e. another idea suitable for substantive representation. The two arguments are neither arguments directly in favour of 'standing for,' nor directly against 'acting for' - rather, they are arguments based on belief in the principal desirability of 'acting for,' yet pointing to practical obstacles for the adequate or effective representation of ideas.

These two are only examples, of course, of normative arguments pointing to the practical restrictions of the theoretically desirable conception of representation as acting for. By the same token, we could introduce a long series of descriptively non- or underrepresented categories in, say, parliaments - non-academics, non-whites, Muslims, homosexuals, etc. The point however is that 'representativeness' as such, the degree to which representative bodies reflect the sociological composition of a polity, is utterly irrelevant from a theoretical perspective. The degree of reflection becomes interesting only when it becomes a political problem - when discomfort about perceived or experienced non-representation surfaces.

As arguments in favour of 'standing for,' all these objections derive their force from the practical shortcomings of substantive representation. They support the desirability of descriptive representation as contingent rather than hypothetical, i.e., as contingent on the failure of substantive representation - while making the prior assumption that substantive representation is valuable.

The only thing that can save descriptive representation is a normative argument straightforwardly defending it as hypothetically valuable. However, such an argument is conceptually impossible. Normative arguments necessarily refer to the value of things. Values are ideas; they are the substance to which the term 'substantive' in 'substantive representation' refers. If there is a positive argument for descriptive representation that does not require the prior failure of substantive representation, it will have to be *realist* argument, arguing for a kind of representation that properly reflects the composition of a

polity in terms *other* than their values as such – i.e., in terms of the popularity of specific values: the number of people supporting them, the intensity with which they do so, the significance they have for the smooth running of society. What this boils down to is a defence of descriptive representation as a means of reflecting of the perceived distribution of *power* in society. While that need not imply a cynical view of social cooperation – accounting for the actual distribution of power in the legitimization of policies may well be a morally valid concern – it cannot support descriptive representation in the context of mass democracy, since we expect that to imply *equal* and universal access to decision-making, not as the perpetuation and affirmation of the *insignificance* of some citizens relative to others.

This then leaves us with only one possibility for an affirmation of mass democracy: because of the hypothetical desirability of substantive representation. So when is substantive representation through mass democracy desirable? We may, again, expect little help from political realism: there, the representation of ideas is only interesting if it contributes to stability. Whatever arguments in favour of substantive representation that goal may support will be arguments in favour of the representation of *relevant* voices and ideas only, i.e. the powerful. For the realist, the powerless are of no consequence; hence universal and equal access to political decision-making is redundant.

What remains are normative arguments. Textbook defences of (mass) democracy mention hosts of functions of democracy: adequate information on the preferences and desires of citizens and on alternative policies, the creation of legitimacy and legitimate authority, opportunities for accountability, and so on. However, functions and arguments are not the same. The functions just mentioned can be equally well performed by systems other than mass democracy - for again, the powerless are of no consequence and universal and equal access is redundant. What we need is a reason why the powerless, the ‘insignificant,’ would matter, in particular, why their opinions and ideas matter.

The significance criterion (“no person is insignificant”) reflects two philosophical traditions dating back to Stoicism: (inclusive) egalitarianism and (exclusive) anthropocentrism. Egalitarianism is the belief that, in relevant respects, humans are equal (which calls for a defence of equality) or, formulated more carefully, that since it is rational to treat like cases alike, it is artificial inequality that needs to be justified. Anthropocentrism argues that not everything is equal: there is a relevant and fundamental difference between human beings on the one hand, rocks, trees and animals on the other, a difference that makes humankind superior and turns the non-human world into means to human ends. Ever since John Stuart Mill, we refer to the combination of egalitarianism and anthropocentrism as ‘the plan of life,’ shorthand for self-consciousness, rationality, sense of future, sense of good and bad, sense of pleasure and pain, and other reasons for moral concern, the mix of which would be typical of humans only.

In an enlightening discussion of the plan of life doctrine, Robert Nozick (1974) showed the combination of the two theories to be inconclusive in one important respect: if we humans believe ourselves to be morally superior to the rest of nature due to one

or more characteristic – characteristics that, since we share them, make us humans fundamentally equal – then an alien creature could claim moral superiority to us in virtue of a further, as yet unidentified, characteristic. And in fact, this – or an attitude very much like this – is precisely what kept philosophers from defending mass democracy until, in the course of the 20th Century, reality had long overtaken them. On one version of the anti-democratic argument, humans may be equal in their capacity for having a plan of life (if we may reinterpret e.g. classic liberalism in such Millian terms), yet they differ in their abilities to realize this potential. Hence, women, ruled as they are by dark passions, children, not yet grown to full rationality, and dependents, whose careers and lives are not of their own making, differ sufficiently from independent grown men to justify the political exclusion of the former to the advantage of the latter. The second, older version of anti-democracy argues that by nature, humans differ among themselves: some are born to rule, others to grow potatoes – in other words, a special natural capacity for politics exists that either cannot be changed from potential into actual in some people, or that simply lacks in them.⁴

The philosophical debate on (representation in) democracy, then, is inconclusive: although modern science has shown most obstacles to universal political participation to be repairable, and although political reality in Western liberal democracies has invalidated the old discussion, support for universal and equal access to political decision-making remains contingent on the absence of convincing arguments for ‘relevant’ intra-human inequality – and for admissible alternatives to equal and universal access. The least we can argue for, on the basis of the plan of life doctrine, is equality of respect, i.e., ‘one man, one voice’: a universal and equal right to speak for one’s interests, and an obligation on the side of the rulers to listen to that voice. To argue for equality in more respects – guaranteed influence, a real vote, an equal number of votes, etc – requires proof that one qualifies; to argue for more universality requires proof of equality. The plan of life doctrine, in brief, offers no specific support for mass democracy – it does not exclude it as (onto)logically impossible or ethically objectionable, but neither does it offer clear principles for the circumstances under which it would be possible or desirable. The doctrine is and remains, until proof to the contrary is formulated, equally compatible with the existence of a ruling class of Nozickian aliens from outer space or a benevolent aristocracy or enlightened despot.

The plan of life doctrine does, however, support the idea of substantive representation as such, more precisely, the idea that majoritarian representative decision-making is a context in which substantive representation is ‘fitting.’ Since what matters about humans, what differentiates them from the rest of creation, is their capacity for a plan of life, it is the

4] It is interesting to note that both arguments for political inequality and the argument for fundamental human equality can all be traced back to one source: Socrates, who in his dialogue *Meno* (Plato 1978, 82b ff.) proves that a slave, despite his lack of education, *knows* and *understands* Pythagoras’ theorem (support for rational equality and social obstructions to actual equality) – while in the *Politeia* (Plato 1974, 412b ff.) he argues that some are by nature more capable of realizing their potential for philosophy (rule) than others.

plans of life that need to be represented, more, and rather, than the individuals themselves. Note however that even here the victory for mass democracy is limited: if it is plans of life that matter, even those of the powerless, then their preferences as such do not matter since they do not necessarily express what is 'really,' on reflection and after due consideration, in the best interest of an individual's plan of life. Obtaining adequate information on preferences may be a function of (mass) democracy, what makes it ethically admissible is not the reflection of those preferences but the system's ability to on the one hand translate them into 'real' interests, and on the other shape real existing preferences to conform to these interests, to what individuals' plans of life are really about. Note that despite the rather unfamiliar choice of words, this reflects some of the ideals of deliberative democracy as opposed to purely 'formal' democracy of the general election type, the former being more 'fitting' to guarantee equal and universal access of ideas to the decision-making process.

IV. UNIVERSAL AND EQUAL ACCESS VERSUS 'LOSS OF POLITY'

There are grounds for not taking the ethical desirability of mass democracy for granted; as argued above, there are also quite practical reasons to fear for its viability. The appropriate context for mass democracy, the sovereign and relatively self-sufficient nation-state, if ever it existed, seems to evolve into a fuzzy context characterised by what I called 'loss of polity.' Political power becomes more fluid and uncontrollable, and – as I shall now argue – democracy does not appear to be an appropriate means of regaining control.

A direct consequence of 'loss of polity' is that even in formal terms, equal access to power for all ceases to exist, and that there no longer is universal access, either direct or indirect, to all the forums and political arenas where our future, our freedoms, our options are determined. In fact, in many places there no longer exists one unique clearly identifiable forum where the democratic formulation and ultimate assessment of policies takes place. Universality and equality are disappearing. Given that what matters is the representation of ideas, substantive representation, this is not necessarily a disaster – provided the new decision-making processes are representative in this latter sense.

Politics without a clear polity works flawlessly only where win-win-situations can be created, situations in which everyone, or at least enough actors with enough power, can profit from the same policy. A classic example is the environment: environmental policies are most successful where ecology and economy both profit, where e.g. cleaner production goes hand in hand with cheaper production. Unfortunately, like coal and oil, win-win-situations are a depletable resource. When they are gone, what remains are the real political conflicts in which interests are diametrically opposed and any solution will produce losers. This forces us to look at worst-case scenarios: what can happen in the worst case – what does it mean to have lost grip on power but more importantly, how to get a grip again?

If we ask ourselves if any of the possible solutions discussed so far offers a democratic grip on power – the answer must be negative. Equal and universal access to power requires either one forum or a clear and distinct hierarchy of forums where ‘the voice of the people’ can be expressed; without such clarity, access will again be distributed unequally and incompletely. None of the realistic solutions just sketched offers this kind of clarity.

As an alternative to institutional solutions, i.e., more and better forms of consultation, one might suggest that instead citizenship offers hope: it is, after all, not the formal and informal structures but how one uses them that determines whether individuals have a grip on power (cf. Wissenburg 2004, 2008). Ever since Alfred Marshall (cf. Marshall 1997; see also Benhabib 2002) it is customary to distinguish between three forms (political, economic and social) and two types of citizenship (liberal and republican). Ever since Dobson (2000, 2003), green political theorists have added ecological citizenship to the list of forms - and they will soon add post-cosmopolitan citizenship to the types. There is a substantial difference between the first three conceptions and the fourth.

Marshall’s citizens are constitutional citizens: they have rights against a government, whereas government has duties to protect but not interfere with the private sphere. ‘Loss of polity’ is both good news and bad news for the Marshallian citizen, but the bad news completely outweighs the good news. On the one hand, individuals and (thereby for instance) environmental associations can profit from a *divida et impera* approach to ‘loss of polity.’ It may become easier to influence distinct political institutions in a fragmented political landscape by playing them out against each other or by threatening their (relatively more sensitive) power basis among a population. Yet the disadvantages outweigh the advantages. ‘Loss of polity’ gnaws at the borders between the public and the private, the foundations of Marshallian citizenship rights. It brings diffusion of not only powers but also of responsibilities - hence, there is a risk that no party can be singled out who is accountable to the public, or responsible for or even capable of listening to and answering citizens’ demands. *Divida et impera* also cuts both ways: parties involved in a game where no clearly dominant player exists can best reach (or approach) their objectives by creating minimal winning coalitions, coalitions that guarantee on the one hand sufficient power to effectuate the coalition’s demands, on the other sufficient stability to keep the coalition together. It is rational to economize as much as possible on the representation of citizens, hence to exclude as many as possible. In other words, ‘loss of polity’ may formally offer opportunities for citizens to raise their voice, be heard and have influence - but no incentives, only disincentives. Constitutional rights have a fairly limited role; it is the citizens themselves who would need to become more reactive, proactive and the very least defensive about their rights.

In green political thought, topics like deliberative, participatory and direct democracy, environmental awareness, individual responsibility, the green consumer, the role of NGOs and so on are ubiquitous. It is only fairly recently that Andrew Dobson combined these and similar topics under one heading (Dobson 2000, 2003): post-cosmopolitan citizenship. Post-cosmopolitan citizenship differs fundamentally from republican and Marshallian

citizenship by among other things including the private sphere, by rejecting territoriality as a basis of citizenship, and by regarding the obligations of citizens not as contractual but as ‘historical,’ i.e., determined by the capacity to influence others’ existence. Yet post-cosmopolitan citizenship, apart from other disadvantages (cf. Wissenburg 2004), is at odds with moral pluralism and the liberal perspective on emancipation as defended here. One may question whether the virtues that post-cosmopolitanism would install in the minds and hearts of citizens are desirable, and whether it is desirable to prescribe any virtues at all, thus immunizing them against critique. This touches on a classical argument in favour of political pluralism: the real existence and irreducibility of a plurality of views on the good life (cf. Rawls 1993, 1999a). It also raises the question why citizens should do the ‘right’ thing only for the right reasons (i.e. out of the correct virtue), rather than to leave room for ‘deviant’ motives (cf. Wissenburg 2001). The argument applies to the value of citizenship in itself as well: one will not be the active and concerned citizen of the republican polity if one does not have to be one - that is, if it was not a necessary condition for the flourishing of community and (sic) individual. Like other Arendtian interpreters of Aristotle, republicans thereby tend to rank political activity as a more worthy, more valuable existence than other occupations - not just other “creative activities” (cf. Rawls 1993) but also and foremost the work of the common man and woman, toiling to make a living from dawn to dusk. By definition, this makes the lives of all those who make society run less worthy: on any conception of the good life other than Arendt’s, an unwarranted attack on the dignity of humanity.

And yet all is not lost: there are still ways to satisfy the criterion of civilization. Substantive representation can still be served in other ways – as can other 20th Century ideals like deliberation, emancipation and protection of fundamental human rights. Substantive representation, after all, does not require equal and universal access to power for all individuals or all preferences. In the context of a politically plural world where equal and universal access to power have disappeared, we can no longer, at least technically, call whatever system of substantive representation that emerges a democracy – but neither was the medieval city with its guilds democratic, and yet it had the potential and sometimes even the practical courage to let each opinion be voiced, each interest be taken into consideration. The same applied to medieval Academia, for that matter. ‘Loss of polity’ by no means excludes substantive representation.

V. TWO FUTURES FOR SUBSTANTIVE REPRESENTATION

Let me briefly summarize the preceding argument. I have argued that mass democracy understood as equal and universal access to decision-making is a means to an end, the end being defined by the significance criterion. This criterion demands representation of all, but representation is a complex concept allowing multiple interpretations. Examining the reasons why the two most prominent conceptions of representation – substantive and descriptive – would be valuable, I claimed that we can only make a case for substantive

representation, only in the context of mass democracy, and only in the sense that mass democracy is one possible environment in which substantive representation may be possible. Descriptive representation is valuable only when substantive representation fails. Finally, I argued that the political basis of mass democracy is disappearing due to 'loss of polity', and that cures to the defects of a fading polity cannot, except with considerable imagination, be construed as new versions of mass democracy.

If we care about substantive representation, about representing the plans of life of all by definition significant individuals, then we will need to devise new representative institutions and new systems of representation. Among the side constraints for such institutions and systems are, apart from (1) a focus on acting for, (2) the exclusion of no one, and (3) recognition of the significance of every individual, two more controversial conditions: (4) they must not require the existence of state or polity (with incorporated ideas like territory, hierarchy) and (5) they must be operational wherever power is exerted. Above, I claimed that such institutions are not logically impossible; in this final section I want to support this argument by introducing two models that may be chosen in future attempts to develop post-mass democratic forms of substantive representation. Before I do this, however, I shall first discuss a worst case scenario.

In (political) realistic terms, we would not expect the rise of new forms of substantive representation, but instead a continuation of classic power politics in the new context of politics without clear polity. As Bernard Crick (2000) argued, politics without equal and universal access is not necessarily politics without any form of representation. It is rational for any ruling elite to consult experts, powerful supporters and powerful opponents – they can provide the information needed to ensure the physical and political viability of policies. Moreover, rational rulers will be open to a dialogue with these parties, both in the hope of gaining support and in the knowledge that the dialogue may result in change or even abandonment of the original plan. This consultation model is compatible with (read: not by far necessarily identical to) what John Rawls (1999b) calls a decent society: a basically just society that nevertheless lacks equal access to power. With its stress on serious consultation, it is also compatible with (but again not necessarily identical with) deliberative democracy. Since it remains rational in a context of 'loss of polity' to gather as much relevant information as possible and to be open to good suggestions, Crick's consultation model will lose nothing of its relevance. Yet since it does not meet the civilization criterion, since it does not guarantee substantive representation – and that still demands in a way equal and in a way universal access to the ears of the rulers – it can hardly count as a post-state alternative to mass democracy.

A first way to meet this criterion and avoid the exclusiveness of political realism is to formalize processes of consultation and deliberation and extend participation to the powerless, i.e. to translate deliberative democracy to the new context of political fragmentation. In practical terms, this model would suggest more direct public control of international organizations (instead of control through representatives of states), more openness in the processes of preparation of, decision-making on and implementation

of policies, public debates and opportunities for consultation, responsiveness and accountability of global economic and civil actors, dialogues between NGOs and corporations, and so on. Obviously, a development in this direction will keep the classic problems of deliberative democracy theory unsolved, such as how to guarantee public interest and universal participation, how to ensure a quality of deliberative procedures sufficient to transform preferences into considered judgements, how to prevent domination by the rhetorically and financially superior, how to reconcile political consensus as regards wishes, means and goals with viable, effective and efficient policy (cf. Talshir 2004; Jun and Blühdorn 2006). Given 'loss of polity,' attempts at substantive representation through deliberation will also encounter a new problem: that of co-ordination. Nothing except a highly suspicious faith in an objective good guarantees that a deliberative consensus reached in one policy arena – say, Mediterranean trade – will concur with that reached in another – say, that of European environmental policy.

Unlike the deliberative strategy, the second path to substantive representation, that of consultative elitism, does not try to equate equal and universal access to power with equal and universal distribution of power. Consultative elitism is more economic in terms of formalities and institutional reforms: all it demands is that existing political institutions and those developing as a result of 'loss of polity' extend their consultation processes as much as is needed to include anyone potentially excluded. It sees the existence of potentially excluded groups and ideas as a political reality and can use its willingness to represent the actually and potentially powerless as an ethical recommendation. There is also a rational motive behind this *noblesse oblige* attitude – in other words, it is not totally non-self-serving: now that the 20th Century has unleashed the power of mass organization, it has become impossible to drive the spirit back into the bottle (cf. Ortega y Gasset 1932). Wilfully neglecting any group can be suicidal: it can induce them to organize (and in the times of internet, even a small organization can cause a lot of trouble) or drive them into the arms of opponents. The first politician or elite who manages to associate with an excluded but potentially powerful group usually has an advantage (albeit temporarily) over others, but also has to beware of second parties mobilizing other non-represented groups - hence, it usually pays for all rulers to include rather than exclude.

On this model consultation is not the standard operational procedure of political institutions; the initiative for consultation can also lie with the ruled and potentially excluded. This may give consultative elitism an interesting psychological and strategic advantage over the deliberative strategy: in line with Machiavelli's views on opposition, it cherishes and to a degree fosters protest, rather than filtering and perhaps suppressing it by imposing the demands of reasonable and rational debate.

The two models presented here are archetypes, and are, as extrapolations of existing strategies (cf. for instance current debates on the democratization of the European Union, and Beck and Grande's theses (2007) on the European Empire), inherently imperfect: they sketch options for the 21st Century, not existing realities or historical necessities. Our sympathies may lie with one or the other, but for reasons that go beyond the value

we attach to substantive representation and the civilization criterion. What matters, in the present context, is that both satisfy the latter criterion, that both offer viable alternatives to the brave new world of political realism on the one hand, and to the unsatisfactory side of mass democracy on the other.

What I want to suggest then is not that we develop a new perspective on citizenship under conditions of globalization and fragmentation, but instead that we look at another, in modern times often ignored, aspect of citizenship itself: the ruler as citizen. In a politically fragmented world, rulers can sometimes be as difficult to identify as they were in medieval times, if not more so - they may not even recognize themselves as such. The ruler's responsibilities towards the ruled used to be one of the main topics of debate in political philosophy - as the existence of the *Mirror of Princes* genre testifies. In democratic times, however, it has become slightly odd to think of politicians, ministers, governors, high-ranking civil servants or administrators of regimes or supranational organizations as 'rulers.' Although the term is used quite frequently, its meaning nowadays is more what 'minister' used to describe: a servant, an executor of the general will. Any debate on the responsibilities of rulers is usually translated into a debate on different conceptions and degrees of representativeness and responsiveness. It is acknowledged that rulers have other criteria to meet - but with the ruler turned into an employee of the people, this is seen as a matter of professional ethics. In fact, in olden times as much as today, the princes of industry are usually not thought of as political actors even though they also determine who gets what, when and how. If they are seen as ministers at all, the people they administer are first and foremost the shareholders, although modern business ethics also acknowledges their responsibilities towards stakeholders like workers, environment and society as a whole - a point raised before the rise of capitalism as well (De Pizan 1994).

Yet the ruler still exists. No one in a position carrying political responsibility meets his or her supervisor, the people, more than once every four years or so; most never do but only meet the relatively (quite) independent delegates of the people, or the delegates' delegates. People in power wield their power autonomously most of the time - even more under conditions of 'loss of polity,' conditions under which no clear structures of responsibility or control exist. The ruler is a citizen too, even if it is unclear of what he or she is a citizen. He or she is a very special citizen: one in whom powers have been vested no ordinary citizen has and most will never have. With power comes responsibility; the citizen as ruler has a far more extensive opportunity structure than, but is as morally accountable for his or her actions as, any other citizen.

I have sketched a dark picture of the future of citizenship. If uninhibited, 'loss of polity' will result in a 'realistic' approach to the representation of ordinary citizens by citizen-rulers, that is, to the exclusion of the powerless and therefore of inconsequential interests - *pace* Beck and Grande (2007). Of the two alternatives to realism that I discussed, I indicated that institutionalizing new deliberative processes stands a far worse chance of success, and of drawing the realist rulers' interest, than consultative elitism. This is admittedly a pessimistic scenario - and that is exactly what a worst-case scenario is

meant to be. It is also only part of the picture. One conclusion that I did not draw is that citizenship is not valuable - merely that it is difficult to defend in a new and fragmented context. Nor can we infer that even if citizenship in its present form(s) cannot be saved, that its core cannot survive either: representation, and behind that the idea 'that no insignificant person was ever born.'

There are two things worse than a worst-case scenario. One is a truly and thoroughly pessimistic scenario offering no alternatives whatsoever. Although idealism itself is a prerequisite of survival, the other is any idealistic scenario that ignores that (some) humans are not angels. Prescriptive political theories that do not prepare for the worst - their refutation - can never help bring better futures closer.

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