Chapter 7

The Paradox of Democratic Representation. On Whether and How Disagreement Should be Represented

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> The paradox is that representative democracy may help, by its insidious educative power, to sustain and promote a culture that is, in sectors and particulars, more directly democratic, more constitutionally delicate, and more beautifully illustrative of moral indeterminacy than the political system itself; while in the encouragement given to independence of spirit in the twofold sense, it may attain its highest justification. (Kateb, 1981, p. 368)

Introduction

If it is right, as many argue nowadays[1] (Dryzek, 2000; Elster, 1998; Habermas, 1998; Benhabib, 1996; Gutmann and Thompson, 1996; Cohen, 1989; Manin, 1987), that deliberation can be seen as a response to pervasive and persistent reasonable disagreement about justice and hence as a way of legitimizing political and legal decisions in conditions of reasonable pluralism,[2] a difficulty remains: who is deliberating (Gargarella, 1998, p. 274)? Theories of deliberative democracy typically conceive of deliberators as representatives and not as citizens.[3] The question that arises then is how to make sure our representatives' deliberation can represent our deliberation, how to make sure their disagreement can represent our disagreement. Similarly, when political equality is invoked to justify majority decisions and explain their authority in the face of disagreement[4] (Waldron, 1999, pp. 114, 165; Singer, 1972, p. 32ff.; Besson, 2003a, pp. 237-240), the appeal is to the equality of citizens; it is they who will be bound by decisions they disagree with and should therefore be able to regard themselves as these decisions' authors. The difficulty is that most of the time majority decisions are not made by those who are subjects to the law, but by their representatives.

There is, in other words, a *prima facie* problem of *political equality*[5] and *lack of inclusion* contrary to one of the basic tenets of democracy[6] (Aristotle, 1988, III: 1275b13-b21, VI:1317a40-1318a10; Habermas, 1998 and Dryzek, 2001, pp. 651,

662): when representatives are the ones to deliberate and take decisions, not all those affected by these decisions, and who might be in disagreement with them, can take part in the deliberation and in the vote that leads to the final decisions, although these decisions are meant to settle their disagreements.[7] True, as some deliberative democracy theorists have argued, more deliberation in more institutional and non-institutional forums will help constitute a stronger public sphere and hence ensure more implication of the citizenry in their representatives' decisions and hopefully more responsiveness on the part of those representatives as well. It will not, however, elude the present difficulty:[8] what matters here is who takes part in the final deliberation and the final vote[9] (Goodin, 2003b, pp. 1-2), and hence who gets a hearing rather than just a voice.[10] Since all matters are only rarely exhaustively discussed in the public sphere before being transferred for deliberation to representatives (Phillips, 1995, p. 43) or at least hijacked by parties,[11] it is the legitimacy of representation that should be sought and not only the legitimacy of deliberation itself;[12] any consideration of deliberative democracy is incomplete without consideration of how inclusive deliberation and hence representative structures are (Saward, 2000, p. 10).

This is no doubt an old chestnut. The tension between direct participatory and indirect representative democracy has been a recurrent theme in the history of political theory. Still, the conditions of widespread and persistent reasonable disagreement about justice which prevail in contemporary politics exacerbate its difficulty (Gargarella, 1998, p. 270; Kymlicka, 1995, pp. 129-130). Some authors even contend that disagreement can be adduced against representative institutions and justify the adoption of a purely participatory model of democracy.[13] While Rousseau's views have for long been disparaged as idealistic and bizarre, a number of thinkers have recently begun to resurrect these views and to challenge the substitutability of representation for direct participatory democracy[14] (Barber, 1984, pp. 145-146). This approach is now under revision, however. Representation is not only an inescapable and necessary dimension of contemporary politics and thus, for pragmatic and prudential reasons, related to the size of the polity or to the division of labour. What recent proponents of direct participatory democracy also ignore is that representation is a desirable and justifiable mode of government (Young, 1997; Urbinati, 2000 and 2002; Kateb, 1981; Plotke, 1997). It is more than a second-best approximation or substitute for direct democracy or even for democracy *tout court*.[15] In fact, more and more voices can be heard every day in favour of the democratic legitimacy of representation, and not only, as until recently, on the part of neo-Schumpeterian theorists of electoral democracy[16] (Kateb, 1981; Plotke, 1997, p. 18; Young, 1997, p. 352; Urbinati, 2000 and 2002).

The problem is, however, that a systematic and comprehensive defence of the democratic legitimacy of representation has not been provided yet.[17] The general, and mostly pragmatic, adhesion to representation does not mean that the democratic legitimacy of representation can be taken for granted. Representation cannot simply be associated with the exact "reflection of the underlying ideal of debate, deliberation and voting among the members" of the polity, as Waldron would have it[18] (Waldron, 2002, p. 7 fn. 3). This all the more so given all the misgivings democratic representation commonly provokes in our political

systems.[19] Demands for more presence of members of minority or disadvantaged groups among representatives become more insistent every day (Young, 1990, 1997; Phillips, 1995; Williams, 1998; Gargarella, 1998). It has become more difficult nowadays in the face of pervasive moral and political conflicts to argue that a few representatives who represent fixed interests can determine what is good and right for everyone than it was in the 17th century[20] (Burke, 1899; Hamilton, 1961, n. 35, pp. 220-221). As Mansbridge rightly argues, the more conflicts and disagreements there are, the more the demand for political equality grows within representation mechanisms.[21] Representing the whole of society does not yet mean full political equality and inclusion in the modes of representation itself.[22].

As a result, an argument for the democratic legitimacy of representation and hence of representatives' decisions in the face of reasonable disagreement has become a missing link in recent "legisprudential"[23] accounts. It is the case, for instance, of Waldron's *jurisprudence of legislation*, which rightly claims that democracy, and participatory majoritarianism in particular are the only ways of taking legitimate legal decisions in conditions of widespread reasonable disagreement.[24] Without an argument for the democratic legitimacy of representation, however, these theories of legislation are bound to attract, and have already attracted critiques of their idealization of democratic participation (Eisgruber, 2002, p. 41ff.; Kavanagh, 2003, p. 470) and objections based on the commonplace view of representation *qua* perverted, purely interested, elitist and over-politicized mode of decision-making (Setala, 1996, p. 40; Müller, 1992, p. 156ff.). It is crucial therefore, on the one hand, to present arguments for the democratic legitimacy of representation in the context of conflict-ridden conditions of decision-making and, on the other, to suggest institutional reforms of current modes of representation that take reasonable pluralism more seriously.[25] This is what one may refer to as the *challenge of disagreement*.

To take up this challenge, the present essay is structured as follows. In the first section, I will present some elements of a plausible conception of democratic representation. In the next section, I will examine the challenge disagreement raises for representation, by first posing the challenge itself and then by presenting one of its most common answers: descriptive group representation. In the third section, I will discuss two counter-challenges one may raise against the challenge of disagreement: the paradox of democratic representation and the counter-challenge of diversity. In the fourth section, I will develop a revised conception of representation that takes both the challenge of disagreement and the two counter-challenges seriously and argue that this revised account of representation is in fact necessary for the relationship of representation to take place. Finally, in a last section, I will discuss the consequences of this revised account of representation both for the protection of deliberation and political equality and for the justification of representation itself. A *caveat* is in order at this stage. For reasons of scope, the present argument will largely remain at a theoretical level despite the difficulties this raises.[26] It should be clear, however, that the test of such a disagreement-based account of representation lies in the institutional measures one may take to implement it in practice (Pitkin, 1972, pp. 239-240; Müller, 1992, pp. 158-159; Scanlon, 1977, p. 98; Beitz, 1983, pp. 69-70).

The Contours of Democratic Representation

Before examining the challenge disagreement sets for representation, and discussing ways of meeting it and of justifying democratic representation in the face of reasonable pluralism, it is important to present briefly the notion of representation as well as its scope, before introducing its five main constitutive elements.

Notion and Scope

Representation is a normatively laden and heavily contestable concept of which there can be many different plausible conceptions[27] (Ragowski, 1981, p. 395ff.). This is because, as Arendt elegantly puts it, "the question of representation, one of the crucial and most troublesome issues of modern politics ever since the revolutions, actually implies no less than a decision on the very dignity of the political realm itself" (Arendt, 1970, p. 239).

The *general* idea that democratic decision-making revolves around the deliberation and decision of a few representing the many has now become one of the major creeds in democratic theory. As I explained in the introduction, representation is not only an inescapable and necessary dimension of contemporary politics, but also a desirable mode of decision-making. First of all, representation is regarded as *necessary* and this mostly for pragmatic and efficiency reasons[28] related to the size of the polity[29] or to the division of labour (Sieyès, 1963; Manin, 1997, p. 3). No person can be present at all the decisions or in all the decision-making bodies whose actions affect her life, because there are so many and they are so dispersed. Besides, these bodies could not hold all those affected with all the conflicting opinions, interests and perspectives they might have. Secondly, representation is also, however, a *desirable* and justifiable mode of government in contemporary pluralistic conditions (Young, 1997; Urbinati, 2000 and 2002; Kateb, 1981; Plotke, 1997). This has to do mainly with the channelling and resolution of conflicts (Hobbes, 1999; Sieyès, 1963; Dunn, 1999; Ankersmit, 1996 and 2002; Loughlin, 2003) and hence with the facilitation of deliberation (Arendt, 1973, p. 226ff.; Pitkin, 1972, pp. 212-213; Young, 1997, p. 353). Representation eases deliberation by reducing the number of discussants and hence the number of conflicting opinions, interests and perspectives in conflict (Müller, 1992, pp. 155, 157-158; Müller, 2002, p. 109; Habermas, 1998, pp. 210ff., 222ff.; Young, 1990, p. 263; Young, 1997, p. 353), but also by establishing a gap between representatives' deliberation and citizens' decision or vote, and hence by granting more time for reflection and deliberation among citizens, among representatives and among citizens and representatives (Urbinati, 2000; Kateb, 1981; Young, 1997). More arguments will be presented for the justification of representation in the course of this essay[30] (Pitkin, 1972, p. 86).

Despite the general adhesion to the principle of representation, democratic representation remains a *complex ideal* with a variety of forms. Although it is a significant and widely used concept, its precise meaning remains contested (Pitkin, 1972, Introduction, and Pitkin, 1989, pp. 132-133; Manin, 1997, Introduction).

What I reconstruct here as the standard case of representation is based on the convergence in the writings of a wide range of theorists, not all of whom may subscribe to every aspect of the definition I give. Representation, broadly defined, is a *process according to which some people, the "representatives", usually only a few, stand for and act so as to bind the "represented", usually more or even all those affected people who cannot be physically present* (Pitkin, 1972, pp. 8-9; Urbinati, 2000; Müller, 2002, p. 107). More precisely, one may summarize the core phenomena that count as representation as the process (i) according to which the constituency, first, authorizes the representative to stand and act for it, mainly through elections, (ii) according to which, then, the representative stands and acts for the constituency so as to bind it and (iii) according to which, finally, the representative is held accountable[31] by the constituency, mainly through re-elections,[32] but also through other modes of periodical or even constant control.[33]

According to this definition, the relationship of representation is best described as a process[34] (Young, 1997, p. 358ff.). Representatives and their constituency should be in constant dialogue about the deferred political decision from the moment of authorization to the moment of accountability. They should indeed all act as agents in order for true and democratic representation to take place; representatives should represent and be held accountable, while represented should authorize and then hold accountable. Without an active constituency which holds representatives accountable, there is no representation *stricto sensu* but mere domination (Kuper, 2004, Ch. 3; Plotke, 1997, p. 27ff.; Pitkin, 1972, pp. 231-232). This explains the importance of the impulse to political participation and to the development of a rich public sphere which, in sufficient deliberative conditions,[35] should be generated by the spatial and temporal gap opened by representation between deliberation and decision.[36] Representation is indeed "deferred democracy" (Young, 1997, pp. 355-357) according to Young, that is to say a democracy in which the moment and location of deliberation (by representatives) are distinct from the moment and location of the decision or electing vote (by constituents).[37] It is in this democratic deferral and spatio-temporal gap therefore that the "indirectness" of the relationship of representation resides rather than at the level of active participation of citizens, which is an essential element of representation as well (Urbinati, 2000). The relation of mutual agency and dialogue thus created then leads to the differentiation and mutual constitution of represented and representatives.[38] By becoming an agent of the representation relationship it establishes, the constituency constitutes itself as a political entity and participant (Ankersmit, 1996, p. 56). This initial self-constitution then becomes mutual constitution and hence progressive differentiation in the course of the representation relationship and of the dialogue thus initiated.[39]

Five Constitutive Elements

If representation is a matter of persons choosing other persons to represent them, the identification of the relationship of representation can be broken into five independent questions:[40] Who is represented?; Who are the representatives?; How are they chosen?; What do they represent?; and How do they represent?.

Who is represented? Usually, representatives represent *citizens*, i.e. the individual members of the political entity at stake.[41] They can represent them as a whole people or else represent them as sub-groups of the whole people in different political entities. Two interesting issues are worth discussing in this context.

First, the relationship between *individual and group representation*. Although representatives usually represent individuals who elect them, i.e. their constituency, it is not rare to encounter the representation of groups *qua* constituency. It is the case for party representatives, but also of the representation of groups of interest or of other social groups. Besides, most of the time, representatives represent many different layers of individuals or groups within their constituency; a socialist woman will represent socialist voters and women socialist voters.[42]

Second, the relationship between *one's constituency's interests and the people's as whole*[43] (Pitkin, 1972, p. 215ff.). A further difficulty relates to the choice that has to be made by a representative, in case of a conflict of interests, between her constituency's interests, on the one hand, and the people's as whole, on the other. According to Burke, representatives represent the people as a whole rather than those who elected them (Burke, 1899). In practice, however, things are never that clear. In the European Parliament, for instance, some MPs claim they represent Europeans as a whole, whereas others claim to represent their own constituency, i.e. voters in their own European country (Schmitt and Thomassen, 1999).

Who are the representatives? This is certainly one of the most contested questions in theories of representation. One usually opposes the descriptive model of representation, according to which representatives should represent their constituency by resembling those represented as much as possible, preferring the substantive model of representation, according to which, on the contrary, representatives should represent their constituency symbolically only[44] (Pitkin, 1972, Ch. 4 and 5). In the descriptive model, representatives should mirror their constituency ("Darstellung" in German) and *not only* stand and act for it as in the substantive model ("Stellvertretung" or "Repräsentation" in German).

Of course, it is impossible for a small group of representatives to mirror the entire diversity of the wider population in every detail of their individuality (Müller, 1992, p. 156). Some proposals have been made, especially in the 18th century, for *microcosmic representation* of this kind (Adams, 1951, p. 205; Mirabeau, 1834, I, p. 7; Mansbridge, 2000, pp. 105-107; Pitkin, 1972, Ch. 2). The problem is, however, partly one of size of the representative assembly (Goodin, 2003a) and partly one of costs (Mansbridge, 2000, p. 107). The most that can realistically be intentionally described in practice are broadly distributed common characteristics,[45] such as a person's life experience, identity or activity where she has affinity with others (Young, 1997, p. 362). What is usually meant by descriptive representation is therefore *group representation*, such as representation of women or ethnic, religious or cultural groups.[46]

It is interesting to note that according to Pitkin and others, descriptive representation is purely passive and aims at gathering information rather than at deliberating and decision-making (Pitkin, 1972, pp. 61, 81, 90; Parkinson, 2003a, p. 189). Although this view may hold purely theoretically, it does not have any practical relevance. Usually, indeed, descriptive representatives actively promote the interests of those they represent, both in a creative manner when new circumstances arise and in a manner responsive to them[47] (Mansbridge, 2000, p. 107). Representation is a constitutive relationship through which identities and opinions are mutually forged rather than merely mirrored and then defended (Saward, 2003; Ankersmit, 2002). Descriptive representation does not therefore exclude substantive representation, but merely adds onto it[48] (Mansbridge, 2000, p. 101; Parkinson, 2003b).

How are the representatives chosen? This third question is intrinsically related to the first one – or at least was in ancient times.[49] One usually distinguishes three modes of selection of representatives: election, lot and random sampling. While it should be clear how an election and its different variants work, selection by lot or sampling is less evident.

Whereas in an election, people choose their representatives, the selection of representatives by lot or random sampling shares the characteristic of submitting the determination of representatives to others than those represented. While the selection of representatives by lot leaves it to chance to determine who should be representative among all or some of the represented, selection by sampling is the task of a few citizens who choose randomly from samples of the population.[50] All three modes can therefore be ordered in a decreasing order of democratic legitimacy: the more choice the citizen has in the determination of her representatives, the more influence she can be said to have in the final deliberations and vote[51] (Manin, 1997, p. 83). Although selection by lot is somehow more legitimate than arbitrary sampling, it only makes sense in a homogeneous society in which all citizens have very similar interests and perspectives and in which the political equality that matters is the equal chance of holding office rather than equality in consenting to power (Manin, 1997, pp. 34-41).

What do the representatives represent? At first sight, representatives represent the people affected by their decisions. The difficulty is that given the extreme diversity of all individuals constituting the citizenry, it is impossible to represent them in all their individual features. All it is possible to represent therefore are common aspects of citizens' individualities (Müller, 1992, p. 156; Young, 1997, p. 362). One usually finds mention of the representation of people's interests, opinions or perspectives, but there may be many others.[52] Although all these characteristics are related to one another in some ways[53] and are often inseparable at the particular level,[54] they are conceptually distinct.

Before anything, two *caveats* are in order. First, although the object of descriptive representation can be different from the object of substantive representation, it is not necessarily the case.[55] There is a difference indeed between the object and the agent of representation. Second, if the object of representation amounts to the constituency's opinions, there is not much the representative can do beyond following a mandate, but things are different when the object of

representation consists in the constituency's best interests or in its general perspectives, as then both dependent and independent approaches of representation may apply.[56] There is a difference indeed between the object of representation, i.e. what a representative stands for, and the activity of representation, i.e. what the representative does when she stands for those represented.

It is worth examining each of the potential objects of representation in turn. The presentation will be brief, however, as these elements will be addressed again later in the essay.

First of all, people's *interests*. This is the most common object of representation which is often simply described as "acting in the interest of the represented" (Pitkin, 1972, p. 209; Kuper, 2004, Ch. 3). The concept of interest stems from the objective theory of values. It amounts to what is in the objective interest of a person, i.e. what is important to her life prospects, rather than to her subjective interests, choices, desires or preferences. In the representation context, what is at stake are the interests of many people, i.e. the nation's or the constituency's public interests. As such, it is important to distinguish these interests from three other things. First, the interests of the public ought to be distinguished from the *common good*, that is to say the amalgam of standards that has priority over individual interests because it is fundamental to the way of life of the group.[57] Second, what is in the public interest differs from what is *good for all*, i.e. whose benefits can be shared by all constituents. Third, public interests are different from the *aggregate of subjective individual goods* as in the utilitarian calculus of what produces the most preference-satisfaction overall, regardless of the distribution of satisfaction. Although it remains contested, the benefit to a numerical majority of people is to date the least contestable indicator of the interests of the public (Kuper, 2004, Ch. 3; Mansbridge, 1981, p. 468), provided all perspectives are somehow given a voice in official and non-official deliberations (Müller, 1992, pp. 156-57).

Second, people's *opinions* or *ideas*. They amount to any judgement or belief about how things are or ought to be, and the political judgements that follow from these judgements or beliefs (Young, 1997, p. 364). They are based on principles, values and priorities, since these bear on a person's judgement of what ends should be pursued. Opinions may be about what one takes to be one's objective interests and the means to achieve them, but they should not be confused with them; there may be opinions over other principles or values than objective interests and the representation of objective interests need not depend on the opinions of those whose interests it is, although they will have to depend on the opinions of those who defend these interests. Contrary to interests, which can become public through the game of the majority, and to perspectives which usually stem from social and hence shared structures, opinions and ideas remain individual. Of course, they can be affected by social perspectives and hence become more common, but it is rarer. This fact makes them relatively indeterminate and their individual representation more complex (Arendt, 1973, p. 227). Besides, according to Arendt, it is often difficult to represent opinions because most of the time they are the result of a political confrontation and expression which does not always take place before the representatives' deliberations (Arendt, 1973, p. 268). Opinions which can be represented therefore are those rare ones which have been expressed in the public

before representatives' deliberations and those which are usually held commonly by many people.[58]

Finally, people's *perspectives* or *standpoints*. Perspectives involve the ways people interpret issues and events and produce judgements and beliefs, because of their structural social locations and experiences (Young, 1997, p. 365). These structural locations result from group differentiations and collective cultural attributions, such as age, gender, race, religion, etc. Perspectives affect one's opinions and interests, but should not be confused with them. It is possible to share a common perspective without having the same opinions, the same interests or even the very same perspectives on particular issues. Perspectives are worth representing, because they are not necessarily shared by all representatives and often need to be present for fair and balanced decisions to be taken. They are easier to represent than individual opinions as they are usually part of a social being and attitude, that is to say something that need not be expressed to be recognized and that is usually collective and less indeterminate.

How do the representatives represent? This last question should be carefully distinguished from the first one; once we know who the representatives are with respect to their relationship to the represented, it is important to establish how they should represent them. Of course, both issues are often related, but their relationship is not a necessary one.[59]

One usually opposes representation *qua* delegation (representation as mandate) to representation *qua* trusteeship (representation as independence).[60] When representatives are regarded as delegates, they are bound by the instructions of those represented as in a mandate relationship. When, on the contrary, representatives are associated with trustees, they are given free rein to make decisions according to their best judgement, within the limits of course of the object represented (interests, opinions or perspectives) and their accountability to those represented. One of the main difficulties with these two models is that they describe the representation relationship in a manichean way. It is rare indeed to see either representatives or those represented as the only ones responsible for a decision (Pitkin, 1972, pp. 154-155). Part of the problem is that representation is not so much a matter of agency as one usually understands it. There is indeed no principal and agent, but two groups of political agents so to speak (Kuper, 2004, Ch. 3; Plotke, 1997, p. 31; Young, 1997, p. 358ff.); both sides of the relationship of representation are needed to ensure that all interests and perspectives are taken into account, on the one hand, and thoroughly discussed and hence understood, on the other. The relationship of representation may indeed be, as I explained earlier, divided into a relationship of authorization, first, and of accountability, second.[61]

The Challenge of Disagreement

Now that I have presented the main elements of the conception of representation that constitute this essay's starting point, it is time to turn to the challenge that persistent and widespread reasonable disagreement raises for democratic

representation. To do so I would like, first of all, to restate and develop this challenge and, secondly, to present the main answer it has been given so far: descriptive group representation.

The Challenge

As I explained in the introduction, deliberation and majority rule are usually seen as the solutions to widespread and persistent reasonable disagreement about justice and matters of principle. The problem, and the challenge this sets to our current conceptions of democratic representation, is that those who deliberate and vote to settle our conflicts are representatives and not those who disagree in the first place. True, some degree of exclusion is inherent to representation, but the challenge retains its sting: if representation is a necessary and desirable way to deliberate and vote, then the disagreements we would have deliberated and voted on, had we not been interrupted or had we been able to start deliberating at all, should be represented. This is what I have called the *challenge of disagreement*. Of course, this intuition is not entirely new and disagreement is already partially represented in practice.[62] The point is, however, to unpack and rationalize this practice and understand whether and to what extent exactly disagreement should be represented.

Why should disagreement be represented? There are different reasons for requiring sufficient representation of our disagreements and more generally of our diversity in our representatives' deliberations and votes.

First of all, *representatives' horizontal disagreements*.[63] Our disagreements are very rarely exhausted before the buck is passed on to our representatives. Since most of our disagreements are not settled before representation takes place (Phillips, 1995, p. 43) or even only arise alongside representatives' disagreements as some topics only appear in parties' packages or once representatives have started to deliberate,[64] there is no one crystallized opinion, principle or interest to be represented but a multitude of conflicting perspectives about what this opinion, principle or interest should be (Mansbridge, 2000, p. 100). According to some authors, our disagreements are suppressed by our electoral choices and translated into horizontal disagreements among representatives; the latter's settlement should therefore be taken to solve our disagreements.[65] True, representatives tend to disagree reasonably as much as citizens (Pitkin, 1972, p. 212ff.) - and there is no reason why they should not, since disagreements about objective interests or among opinions are inescapable among reasonable people, whether citizens or representatives (Pitkin, 1972, p. 212). Their disagreements can, however, be very different from ours (Manin, 1997, p. 204; Pitkin, 1972, pp. 212-213). One may therefore question their legitimacy in deciding for all citizens on that basis.[66] It is important, in other words, that all points of view in conflict be represented both in further deliberations among representatives, on the one hand, and in the voting process, on the other.[67] First, all points of view should be represented in the deliberative process to ensure full information and insights on the issues discussed. Second, they should also be represented in the aggregative process so that the resolution of conflicts can take all interests and perspectives into account.

Second, *representatives' and citizens' vertical disagreements*. Citizens often disagree reasonably with their representatives, for instance about the setting of the agenda, and this disagreement constitutes an intrinsic part of their relationship of representation. It is indeed through this constant dialogue that the dialectic between authorization and accountability can take place and that both representatives and represented can be agents of representation.[68] Since the quality of representatives' deliberation and decisions depends on this vertical exchange and dialogue between representatives and citizens (Pitkin, 1972, p. 212; Kateb, 1981, p. 361), the more informed and complete the latter is, the better it is. It follows therefore that the more citizens' horizontal disagreements are represented within their representatives' horizontal disagreements, the more constructive their vertical disagreements will be. Vertical disagreements that feed into representatives' horizontal disagreements will in turn stimulate citizens' horizontal disagreements.

How should disagreement be represented? Now that I have clarified why disagreement should be represented, it is important to establish more clearly what it is that should be represented in order to represent disagreement. "Representing disagreement" sounds indeed more like a slogan than like a practical form of representation.

First of all, then, the *particulars*, *sources* or *fact* of disagreement. To say that disagreement should be represented means that those people who disagree should be represented. As I explained earlier, however, we know that we cannot represent people in all their particulars and it is the same with disagreement: we can represent it in general, but cannot actually stand for all their particulars. The three potential objects of disagreement representation, i.e. the particulars, sources and fact of disagreement, correspond to a decreasing degree of specificity of the object represented.[69] *Particulars* of disagreement include interests and opinions in conflict. As it is difficult, however, to represent all interests and all opinions in conflict, some authors have argued, albeit in other words, for a representation of some of the *sources* of disagreement, i.e. the different perspectives or standpoints on the basis of which people forge their opinions and conceive of their interests (Young, 1997, p. 365ff.). Perspectives can be regarded as sources of disagreement in the sense that perspectives influence the development of opinions and interests that conflict. True, there may be other sources of disagreement than social pluralism and the plurality of perspectives, such as moral pluralism in particular. However, social perspectives can be said to be the most easily describable and representable source of disagreement. Besides, as perspectives tend to be socially forged, there are less perspectives to represent than conflicting opinions, in order to represent the same disagreements. Another benefit of representing perspectives is that the disagreements need not have been completely spelled out to be represented. Although standpoints are fewer than opinions in conflict, they remain very numerous. Some authors have therefore argued that what should be represented is the sheer *fact* of disagreement rather than the exact parameters of that disagreement.[70] This can be done by representing some but not all interests, opinions or perspectives in conflict so that the fact of disagreement is made present.

Second, *individual* or *group disagreement*. When representing either of the three elements distinguished before, it is important to know whether it is individual or group disagreement one wishes to represent (Gould, 2000, p. 185). Disagreements may indeed result from conflicts of individual interests, opinions and perspectives, but also - and the two are often related as they usually take place among individuals - from conflicts of group interests, opinions and perspectives.[71] In fact, individual disagreements are rarely, and maybe sadly so, isolated from group disagreements in practice. Of course, to concentrate on group disagreement tends to dangerously simplify the grounds of disagreement and even to acknowledge the existence of pre-constituted constraints on individual opinions and perspectives.[72] It remains, however, that in the context of democratic representation, group disagreements are the most relevant disagreements. First of all, group disagreements are easier to represent than individual disagreements given the extreme individual diversity one would have to represent in the latter case.[73] Secondly, when disagreement representation is reduced to the representation of conflicting perspectives rather than opinions, the relationship to group representation becomes clearer, since individual perspectives are in large parts determined by individuals' belonging to social groups (Young, 1997, p. 365; Phillips, 1995, p. 6).

A Common Response: Descriptive Group Representation

All this explains why group representation and descriptive group representation is the most common response to the challenge of disagreement. In the following, I will, first of all, argue in favour of the descriptive representation of disagreement. I will then discuss three different dimensions of the implementation of the descriptive representation of disagreement in practice.

From disagreement representation to descriptive representation. While it should be clear that disagreement representation can only realistically occur in practice through the representation of group disagreements, it remains to be established why the representation of disagreement is better ensured by descriptive representation, albeit not exclusively so.[74] In other words, what is it that requires, for instance, that the representation of the difference of perspectives between men and women is ensured by having both male and female representatives deliberate and vote over these matters? Some of the reasons for this overlap with reasons for descriptive group representation *tout court*, but a second group of reasons are specific to the issue of disagreement representation.[75]

First of all, *descriptive representation* tout court. Different arguments have been made for descriptive group representation. Primarily, it is a concern for presence, memory or voice which has been proposed (Young, 1997; Phillips, 1995; Williams, 1998; Mansbridge, 2000). The recognition of distinct groups' interests and standpoints is indeed facilitated by the presence of members of these groups among the representatives (Mansbridge, 2000, pp. 119-122). This is also sometimes referred to as the *consciousness-raising function* of descriptive representation (Phillips, 1995, p. 176). Secondly, descriptive representation also

increases the visibility of diversity thus stimulating deliberation (Goodin, 2003a and 2003b; Gargarella, 1998; Urbinati, 2000 and 2002). This is also sometimes referred to as the *perspective-expanding function* of descriptive representation (Phillips, 1995, p. 53).

Second, *descriptive disagreement representation*. The two arguments for descriptive group representation *qua* disagreement representation are related to the two prongs of the justification of the disagreement challenge discussed before. First of all, *horizontal disagreement among representatives*. When representatives are members of the different groups whose different standpoints and differences of opinion lie at the origins of horizontal disagreements among citizens, they can represent these different standpoints and opinions better than members of other groups (Mansbridge, 2000, p. 100). Some groups cannot indeed even realize what other standpoints could be and how to get to them (Young, 1997, pp. 366ff., 369ff.). This applies to the deliberative as much as to the aggregative functions of representation (Mansbridge, 2000, pp. 103-105). Second, *vertical disagreement among representatives and citizens*. The presence of descriptive group representatives eases the representation of the points of view at stake in horizontal disagreements among citizens and hence the vertical communications between representatives and citizens, as well as the settlement of their vertical disagreements (Mansbridge, 2000, p. 99).

The implementation of descriptive disagreement representation. Now that the grounds for descriptive group representation in the context of the representation of disagreement have been clarified, it is important to turn our attention to the implementation of descriptive disagreement representation.

First, *the groups to be represented*. Not all groups of affinities can be descriptively represented given the issue of size that underlies representation (Phillips, 1995, pp. 46, 171; Young, 1990; Young, 1997, p. 362). Besides, not all groups have reasons to be represented either. Authors usually mention historical disadvantage, political marginalization or some kind of political relevance of the groups at stake (Young, 1997, p. 349; Tully, 1995, pp. 4-6). The issue arises then of how to identify these groups. All we have are the groups' claims (Phillips, 1995, p. 169) combined with a certain degree of collective recognition. In the context of the representation of disagreement, however, the groups selected for representation should be those whose members' perspectives provoke differences of opinions and disagreements relevant to the issues the representative system must solve[76] (Mansbridge, 2000, p. 103; Mansbridge, 1981, p. 474; Williams, 1998, pp. 50-51). The identification of those groups therefore relies on the visibility of disagreement and hence on the factual observation of differences of opinions and/or perspectives among groups, thus reducing the level of indeterminacy.

Second, *the dimensions of disagreement to be represented*.[77] Once we know which groups should be represented, it is important to determine which dimensions of disagreement should be represented.[78] Within the context of descriptive group representation, it is impossible to represent not only all the individual particulars of disagreement, but even all the collective ones. What they can represent by virtue of their difference, however, is of course the sheer fact of disagreement, but also more

interestingly, the sources of disagreement and in particular conflicting group perspectives[79] (Young, 1997, p. 365ff.). In this respect, it is important to emphasize that group representation cannot and should not be associated with essentialism.[80] Women should be represented by women in the context of disagreement representation, not so much because there are allegedly purely and essentially feminine interests and opinions which any *one* woman and only a *woman* can represent. Ideas are not necessarily gendered and when they are, they are too diverse to all be represented and this through descriptive representation in particular. The reason for having women representing women is, as Young argues, that women represent other women's standpoints or perspectives and a shared experience of marginalization (Young, 1990, p. 184; Young, 1997, p. 369ff. See also Williams, 1998, pp. 5-6). As Phillips explains, it is indeed possible to share an experience without having the same experience (Phillips, 1995, pp. 52, 176).

Finally, *the amount of descriptive group representatives*. One often speaks of statistical or proportional representation to identify descriptive representation, thus indicating that, in order to mirror the wider population, group representatives should be elected in proportion to the importance of the group in the entire population.[81] However, according to some authors, descriptive group representation does not require proportional representation, but only a threshold presence in the deliberation (Phillips, 1995, pp. 47, 67ff.; Kymlicka, 1995, p. 147). Such a presence is, indeed, sufficient to comply with many of the reasons for descriptive representation and in particular the consciousness-raising and perspective-expanding functions of descriptive representation. What it underestimates, however, is the importance of having as many representatives as possible of the same group to achieve the best representation of as many facets as possible of group membership and hence of perspectives. It also neglects the importance of having a critical mass of representatives of one group of perspectives for deliberative synergy to take place and hence to convince others.[82] Finally, it is at odds with the necessity to have a proportional number of representatives for the conditions of legitimacy of the final vote to be fulfilled (Mansbridge, 2000, pp. 104-105).

The Counter-challenge

After presenting the challenge of disagreement and one of its most common responses, descriptive group representation, it is now important to assess two of the obstacles which seem, at first sight at least, to limit both the desirability and the possibility of representing disagreement:[83] the paradox of democratic representation and the counter-challenge of diversity.

The Paradox of Democratic Representation

One of the justifications often given to representation is diversity and the need to overcome political conflicts (Sieyès, 1963; Loughlin, 2003; Dunn, 1999) or at least to channel them in order to facilitate or even enable democratic deliberation

(Arendt, 1973, p. 226ff.; Pitkin, 1972, pp. 212-213; Young, 1997, p. 363; Habermas, 1998, pp. 210ff., 222ff.; Müller, 1992, pp. 157-158). Some have even called this element of facilitation of deliberation the great *opportunity of representation* (Müller, 1992, p. 157; Müller, 2002, p. 109; Habermas, 1998, pp. 210ff., 222ff.). In these conditions, it would make no sense, at first sight at least, to try to make deliberation totally inclusive and to aim at full equality by mirroring diversity and thus freezing disagreement.[84]

This position is instantiated at one extreme end of the spectrum by reference to Hobbes' first examination of representation in political theory; according to him, the sovereign should be the only representative of a divided people, which can only thereby be considered a political unit (Hobbes, 1999, Ch. 19, pp. 129-130 and Ch. 30, pp. 114, 121). This conception of representation was then adopted and expanded by Sieyès who saw representation as a fundamental fact of modern society and political representation as a permanent necessity in any large and populous country in which it was virtually impossible to unite the voice of the people directly (Sieyès, 1963; Loughlin, 2003). More recently, many authors have revived this position and developed it further; representation is regarded as a cultural phenomenon (Saward, 2003) which constitutes the represented *qua* political entity as much as the representative (Plotke, 1997, p. 30). Some also speak of representation as differentiating those represented into a true and unified "people" or a "constituency" as opposed to merely mirroring them (Young, 1997, p. 359; Ankersmit, 2002; Loughlin, 2003; Ankersmit, 1996, p. 44).

The puzzle thus generated may be referred to as the *paradox of democratic representation* (Young, 1997, p. 353): the *democratic* element requires that all subjects be given full and direct participation in the deliberation and decision-making process (Aristotle, 1988, III:1275b13-b21, VI:1317a40-1318a10; Dryzek, 2001, p. 651), while the *representative* element is the institutional response to the impossibility of entirely respecting the latter when organizing democratic deliberations (Müller, 1992, p. 155). The more representation aims at imitating direct participation and full inclusion, the more disturbing the paradox therefore becomes (Young, 1997, p. 353; Ankersmit, 1996, p. 347; Loughlin, 2003).

The Counter-challenge of Diversity

Even if the concept of representation were to tolerate the expression of any diversity and full inclusion in principle, it would be impossible (Goodin, 2003a; Young, 1997, p. 353), or at least too costly (Mansbridge, 2000, pp. 105-107) in the present conditions of widespread and extremely complex diversity to represent all the dimensions of the disagreements at stake. This objection was Hamilton's, but it has been put forward again recently (Hamilton, 1961, n. 35, p. 218). As Goodin argues, indeed, it would be paradoxical if the problem of size, which is often used to justify representation (Pitkin, 1972, p. 87; Mill, 1991a; Urbinati, 2000 and 2002), was not to become in turn a problem for descriptive group representation itself (Goodin, 2003a). Hence what I will refer to as the *counter-challenge of diversity*.

There are different facets to this counter-challenge. First, beyond the important individual differences, there are in the context of group differences too many distinct groups requiring representation (Goodin, 2003b, p. 188; Sunstein, 2002, p. 175). Second, these groups are too heterogeneous internally (Goodin, 2003b, pp. 186-188; Phillips, 1995, pp. 145, 176, 52, 55-56). Finally, the dimensions of difference are cross-cutting and multiple (Goodin, 2003a; Gargarella, 1998, pp. 270-271; Phillips, 1995, p. 9). Not all of these three facets of the counter-challenge cut some ice, however.[85] Whereas the first issue may be conceded in the context of representing all politically pertinent conflicting perspectives in a society, the next two difficulties are not as important as they seem. It is indeed a consequence of my account of the objects of representation in general that the representation of disagreement should be limited to the representation of collective perspectives. As a consequence, both the amount of internal heterogeneity and of cross-cutting dimensions of difference are much more reduced than claimed.

The Representation of Disagreement Reconceptualized

Despite the gravity of these counter-challenges, it is important not to fall into the opposite trap and to see representation as a purely substantive and independent function entirely cut off from the represented. Even authors like Sieyès or Burke, who emphasize the unity-producing role of representatives, assume that representatives need to demonstrate a certain heterogeneity (Burke, 1899; see also Manin, 1997, p. 186). Disagreement can and should therefore be represented, but it must be reconceptualized in view of the paradox which affects the relationship between disagreement and representation (Arendt, 1973, p. 236; Young, 1997; Urbinati, 2000 and 2002; Mill, 1991a; Phillips, 1995; Williams, 1998). In this effort to reconceptualize the representation of disagreement, I will, first of all, discuss this second paradox in the relationship between disagreement and representation. I will then present a multidimensional and mixed model of representation which reconciles the differentiating requirement of representation with the requirement of inclusion and presence of diversity.

The Paradoxical Relationship between Disagreement and Representation

Reconceptualizing the representation of disagreement is not only a matter of finding a way out of the paradox of democratic representation and hence of striking a compromise between two conflicting demands of democracy, i.e. deliberation and inclusion. It is also, paradoxically, about enabling the basic functions of representation and hence of deliberation. In fact, without the descriptive representation of disagreement, the very deliberations and questioning within and outside main institutions, which representation is claimed to enable or at least improve by channelling conflicts and deferring democracy, cannot take place.[86]

The deferring and differentiating relationship of representation through the dialectic of authorization and accountability cannot be constituted without the stimulation of a certain interest and participation on the part of those represented

(Urbinati, 2000 and 2002; Young, 1997, p. 358ff.). This active participation of citizens depends in turn on the quality and perceived legitimacy of the horizontal disagreements among representatives and hence of vertical disagreements among representatives and citizens. The latter is necessarily related to the descriptive representation of citizens' horizontal disagreement for two reasons. First of all, citizens will only be interested in taking part in representation's exercise in mutual learning and civilization if their conflicting opinions, interests and perspectives are taken into account before being debated further by their representatives, and hence only if they feel part of their representatives' disagreement.[87] Secondly, it is only if their disagreements are part of their representatives' disagreements that they will engage actively in vertical disagreements and deliberations with them.[88] Vertical disagreements that feed into representatives' horizontal disagreements will then stimulate citizens' horizontal disagreements, thus creating a virtuous and reinforcing circle of disagreement and deliberation (Kateb, 1981, pp. 360-361; Kuper, 2004, Ch. 3; Ankersmit, 1996, p. 56).

Disagreement, which is to be channelled by representation and deferred in order to further deliberation, turns out therefore to be required by representation and deliberation themselves (Arendt, 1973). But how can one paradox reply to another?[89] Williams, one of descriptive representation's most recent advocates, mentions two opposed approaches of representation depending on whether they are more expressive or suppressive of disagreement (Williams, 1998, pp. 9, 50-54, 243). Given the resolutely discursive and expressive orientation of the account of representation defended here, disagreement can be turned into a resource for representation itself (Williams, 1998, p. 243).

The Revised Model of Disagreement Representation

Despite the crucial role of diversity in representation, the identity and mirroring objection remains untouched. Since representation is to create unity out of diversity and to contribute to the constitution of its own constituency through differentiation and mutual learning, the more representation aims at imitating direct participation and full inclusion, the more acute the paradox becomes (Young, 1997, p. 353; Ankersmit, 1996, p. 347; Loughlin, 2003). There are at least[90] two ways, however, of institutionalizing and organizing the descriptive representation of disagreement so as to reduce the amount of identification between representatives and represented and hence to circumvent the paradox, without, however, giving up disagreement's descriptive presence:[91] on the one hand, a balance of descriptive and substantive representation and, on the other, a balance of the models of representation *qua* trusteeship and *qua* delegation.

A balance of descriptive and substantive representation. A mixed model of descriptive and substantive representation, or more precisely a minimally descriptive model of representation,[92] can provide representation with the necessary degree of diversity to represent disagreement, without, however, aiming at mirroring existing social segmentations and hence undermining representation's differentiating effect. There are two alternative ways of reaching this result.

First of all, *representing the sources rather than the particulars of disagreement.* As I argued earlier, the representation of disagreement should focus on the *sources* of disagreement, and more particularly on *group* or *collective sources* of disagreement such as conflicting perspectives or standpoints which influence individual and collective opinions and hence induce disagreements (Young, 1997, p. 369ff.). Very different individuals with very diverse opinions and interests can share common perspectives and hence be part to the same disagreements. Besides, since conflicting perspectives lie at the origins of disagreements rather than constitute their outcomes, representing them does not equate to mirroring people's opinions and identities (Young, 1997, p. 366). On the contrary, it leaves sufficient leeway to the differentiating and constitutive effect of representation (Young, 1997, p. 369) and to genuine and unconstrained deliberation among representatives, among representatives and citizens and in turn among citizens themselves.[93] Conceived in this way, the descriptive representation of disagreement distances itself from the search for identity between representatives and represented and hence meets the first counter-challenge. The difficulty is, however, to meet the counter-challenge of diversity.[94]

Second, *representing the fact rather than the sources of disagreement.* Rather than represent the sources of disagreement thanks to the descriptive representation of group perspectives, the representation of disagreement could be reduced to the representation of the *fact* of disagreement, as Goodin argues (Goodin, 2003a). This could be done, for instance, by reducing the requirement of proportional representation to a mere presence threshold of one representative *per* group[95] (Phillips, 1995; Kymlicka, 1995). It could also be achieved by only descriptively representing some groups and some perspectives.[96] This is already the case in many countries in which the most relevant groups, and not all, are represented.[97] Finally, representing the sheer fact of disagreement could be done by representing some dimensions, opinions or perspectives of individual disagreements rather than group disagreements.[98] Thus, representing the fact of disagreement presents the advantage of dealing not only with the puzzle of democratic representation, but also with the counter-challenge of diversity (Goodin, 2003a).

This minimalist account of the descriptive representation of the sources or the fact of disagreement could not only complement ordinary substantive representation, but it could also usefully be associated with what one could call *reflexive* representation.[99] This mode of internal representation corresponds to Kant's idea of "enlarged mentality" (Kant, 2001, p. 216) and to Arendt's idea of "representative thinking" (Arendt, 1973; Arendt, 2001; Beiner, 1983); it requires from each representative that she projects herself in her own internal deliberation into the place of others (Arendt, 2001, pp. 19-20), rather than leave the confrontation with diversity to external and interactive deliberation.[100] Without some kind of minimal descriptive representation, however, reflexive representation cannot be as diversified as required by the representation of disagreement (Goodin, 2003a and 2003b, pp. 186-188; Eckersley, 2000, p. 128; Gargarella, 1998, pp. 261-262). Besides, it might also be necessary to give representatives the impetus for making other perspectives imaginatively present (Goodin, 2003b, p. 171; Gargarella, 1998, p. 262; Eckersley, 2000, p. 128). Ideally, then, it is a mixture of both the modified descriptive and reflexive forms of representation that should be used to represent disagreement. This is what Eckersley calls *diverse representation* (Eckersley, 2000, pp. 128-129).

This mixture of descriptive and substantive representation in the context of the representation of disagreement offers another advantage. As Sunstein has recently argued, too much diversity in a deliberative body may induce polarization and hence less deliberation (Sunstein, 2002; Goodin, 2003a). However, as I argued earlier, some descriptive representation of diversity may help enhance mutual questioning and curiosity and thus improve deliberation (Sunstein, 2002, pp. 186, 192). Furthermore, as Goodin argues, it might be better for the quality of deliberations not to have a full descriptive representation of disagreement as people tend to cut deals in such circumstances (Goodin, 2003a; Sunstein, 1988, p. 1587; Phillips, 1995, pp. 24-25). If, on the contrary, they realize the existence of disagreement through its descriptive representation, but also realize at the same time that not all perspectives in conflict are represented, they will be inclined to be more cautious and respectful of others' interests (Goodin, 2003a). Finally, the fluidity ensured by this mixed model of representation tends to prevent the danger of "balkanization" most critiques of descriptive representation have emphasized (Phillips, 1995, p. 21ff.; Mansbridge, 2000, pp. 122-123; Young, 1997, pp. 349-351; Williams, 1998, pp. 5-8; Squires, 2000).

A balance of trusteeship and delegation. As I explained earlier, one usually opposes representation *qua* delegation to representation *qua* trusteeship. One of the main difficulties with these two models is that it is actually very rare to see either the representatives or those represented as solely responsible for a decision. Usually, all are to a certain extent, as they must be able to influence and convince each other in open conditions of deliberation (Pitkin, 1972, pp. 154-155; Kuper, 2004, Ch. 3; Plotke, 1997, p. 31; Young, 1997, p. 358). This is what Urbinati refers to as *advocacy* in the representation relationship (Urbinati, 2000 and 2002), in order to distinguish this model from pure delegation without authorization and pure trusteeship without accountability.

It is crucial that representatives have a certain autonomy and can act as they judge best in new circumstances, while also taking citizens' relevant perspectives and interests sufficiently into account. It is indeed through this link that representatives can stimulate the participation of citizens and the dialectic of representation without, however, mirroring too exactly their constituents' opinions and hence hindering the mutual differentiation and civilization which the enhanced participation and deliberation are to achieve. Disagreements among citizens should be able to influence the deliberations of representatives, but the latter's disagreements or the disagreements they cause among citizens or among representatives should also be able to influence citizens' disagreements in return.[101] In fact, representatives' decisions should amount neither to mere compromises of their constituents' conflicting perspectives and interests[102] (Urbinati, 2000 and 2002, p. 83), nor to the recognition of a common good beyond conflicting perspectives, by reason of the cognitive virtues of representative deliberation.[103]

The Implications of the Revised Conception of Representation

Adequate modes of representation, which take disagreement on board, not only succeed in reconciling representation and disagreement. They also, paradoxically enough, provide an even *better protection of political equality and deliberation* in some cases than direct democracy alone.[104]

First of all, *the enhanced amount and quality of participation and deliberation.* The quality of deliberation increases through the distance that representation establishes between the deliberation and the decision. By interrupting disagreements and deliberations and deferring decisions until later, representation increases the quantity and quality of deliberations (Urbinati, 2000 and 2002; Young, 1997, p. 358ff.). This is of course only as long as deliberations include most points of view in conflict among citizens (Williams, 1998, pp. 8-9). As I argued earlier, indeed, it is only when disagreement is represented that citizens will develop sufficient interest to disagree further on these issues among themselves and then to disagree with their representatives, thus triggering the participation and deliberation that representation requires. Then, in turn, vertical disagreements that feed into representatives' horizontal disagreements will stimulate citizens' horizontal disagreements, thus intensifying the effect of disagreement and deliberation. This revised conception of representation enables more disagreement within and outside the institutional forums to arise from the representation of disagreement.[105] This contributes in turn to solving the issue of citizens' chronic apathy[106] (Kuper, 2004, Ch. 3) and circumventing representation's depoliticizing effect (Arendt, 1973). With their disagreements represented, citizens feel involved in debates and start disagreeing afresh among themselves and with their representatives on the basis of the new opinions thus produced. This then extends the scope of disagreement to all the agents of representation and thus changes the nature of disagreement (Manin, 1997, p. 222). Once disagreements are adequately represented, representation therefore becomes *disagreement-generative*, an outcome which Kateb celebrates,[107] and thus induces more and better deliberation.[108] One may say therefore that thanks to the adequate representation of disagreement and hence to the triggering of citizens' involvement *qua* agents of representation, the deferred effect of representation can be stimulated and the degree and quality of democratic deliberation increased. This way, representation gains in legitimacy by comparison to direct democracy alone.[109]

Second, *the enhanced political equality*. The protection of equality is also increased through the different degrees of political deliberation and control introduced by representation (Urbinati, 2000 and 2002), provided of course disagreement is adequately represented. Simple majorities cannot exclude minorities as easily as in a direct democracy; it takes a majority to elect and authorize representatives, another for these to act and still another to make them accountable. The deferred nature of the decision and the increased scope of deliberation also leave more time and space for diverging opinions and perspectives to make themselves heard and maybe to convince and change majorities until decision-making. Although the descriptive representation of disagreement cannot be as inclusive as the direct participation of all, the lack of complete inclusion is compensated by the correctives representation provides to the excesses of majoritarianism. One may say therefore that representation may become more consistent with political equality in some cases than direct democracy alone (Urbinati, 2000 and 2002).

It follows therefore from what I have said of the enhanced protection of participation, deliberation and political equality that the revised account of representation provides additional arguments for the *democratic legitimacy of representation* itself. This is particularly important as there has not been a complete normative justification of representation and of its intrinsic democratic value to date (Urbinati, 2000 and 2002; Young, 1997; Plotke, 1997; Kateb, 1981 and 1992, pp. 36-56). Reassessed and revised as suggested, representation becomes more than a necessary and inescapable mode of government; it constitutes a desirable and justifiable model of democratic decision-making in conditions of reasonable pluralism. In the proposed model, representation increases participation and deliberation by deferring democratic decision and thus by establishing a gap between representatives' deliberation and citizens' decision or vote; this provides more time for reflection and deliberation among citizens, among representatives and among citizens and representatives[110] (Urbinati, 2000; Kateb, 1981). This is what gives representation, what Kateb calls, its own *moral distinctiveness* (Kateb, 1981). As Plotke rightly contends, "representation is democracy" and "the opposite of representation is not participation" (Plotke, 1997, p. 19) but exclusion; true representation requires inclusion and participation to increase the quality of democratic deliberation. Participation and representation are two necessary dimensions of modern democracy and should be understood as intrinsically related in the complex constellation of democracy (Arendt, 1973, pp. 236, 278). In these conditions, representation's democratic legitimacy may be said to have been redeemed by the very phenomenon it aimed at dealing with: disagreement.

Conclusion

For a long time, democratic representation has been regarded as a default and pragmatic solution to the difficulties of practical democratic governance. In fact, it has become such an inescapable part of the political landscape that people simply take its legitimacy for granted. The constant reference to a non-inclusive model of decision-making to settle our reasonable disagreements ought, however, to have been *accounted for and justified* in current theories of legislation, on the one hand, or at least *institutionalized* in such a way as to ensure sufficient representation of our conflicting perspectives, on the other.

This is what I referred to in this essay as the *challenge of disagreement.* To meet this challenge, I argued that disagreements, or more precisely the conflicting perspectives that induce disagreements, should not only be represented, but that they should be descriptively represented through group representation. This is not only a matter of presence and visibility of the diversity of perspectives in conflict, but also of effective communication and deliberation among representatives and among representatives and citizens. Of course, the challenge of disagreement was

not as straightforward as expected and its discussion raised many paradoxes and puzzles. To start with, given the conception of representation *qua* deferred relationship used in this essay, representation cannot afford to mirror constituents' identities and full diversity. This is what I have called the *paradox of democratic representation*. Besides, a second *counter-challenge of diversity* has also been put forward that relates to the practical impossibility of representing all particulars of disagreement descriptively.

My response to these two counter-challenges has been to present another paradox. Representation itself requires sufficient descriptive representation of disagreement to stimulate the dialogue and participation through which only the relationship of representation can be launched. Paradoxically, then, adequate descriptive representation of disagreement amounts not only to a requirement of political equality, but also of representation itself. Of course, any descriptive representation of disagreement will not be able to comply with the differentiating requirement of representation, on the one hand, and the counter-challenge of diversity, on the other. In response, the proposed account conciliates both descriptive and reflexive elements and adopts a half-independent mode of representation. What is represented is the sheer fact of disagreement rather than its particulars, and at the most some of the main group perspectives at the origins of the relevant disagreements.

In fact, this revised model of representation not only reconciles the differentiating and constitutive dimensions of representation with the requirement of inclusion and diversity. The challenge of reasonable disagreement has also provided us with the occasion to *relegitimize representation democratically*. Thanks to the stimulation of participation and deliberation ensured by the descriptive representation of some dimensions of disagreement, the proposed account of representation guarantees a better protection of political equality and deliberation in some cases than direct and purely participatory democracy. Of course, this essay's argument should not be understood as a disavowal of direct democracy. The point of my argument was to show the inescapable necessity of representation, and as far as possible try to legitimize it in the context of reasonable pluralism. The point was not, however, to do this by contrast to direct democratic participation, which retains a *prima facie* advantage in terms of the guarantee of political equality and inclusion. In fact, I would suggest, both forms of governance should be *combined in a semi-direct system*, so that the benefits of representation and deferred democracy can be complemented by those of direct democracy and full inclusion. This is what one should hope to achieve in the European context in particular. The indirectness of representation does not reside in the lack of participation of citizens, but in the spatio-temporal deferral it creates between deliberation and decision. The time has come to go beyond the sterile distinction between participation and representation and, to borrow Plotke's words, to "try to improve representative practices and forms to make them more open, effective, and fair" (Plotke, 1997, p. 19).

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Notes

1 See also Besson, 2003b on the legitimacy of deliberation and especially voting after deliberation.

2 In this essay, I understand reasonable disagreement about justice as a consequence of reasonable pluralism, i.e. the pluralism of opinions about justice and matters of principle that flows from the burdens of reason generated by different social and cultural backgrounds (social pluralism) or the plurality of values (moral pluralism).

3 Of course, ideally, all those subject to a decision should have a say in the decision-making process and hence in deliberation (Dryzek, 2001, p. 651; Habermas, 1998), but in practice, most deliberative democracy theories target forums where all citizens are rarely present and where representatives are the ones taking decisions (Goodin, 2000, p. 82). See Parkinson, 2003a for a discussion of the legitimacy problem this raises for deliberative democracy theories.

4 Note that, for reasons of space, I am assuming that both the argument of deliberation and the argument of political equality are correct.

5 It is the equality to participate rather than the equality to vote and elect one's representatives, and hence to consent to power, which is at stake here. See Manin, 1997, pp. 34-41.

6 Note that I am assuming in this essay that democracy understood in this way is a desirable ideal. I distance myself, however, from the deliberative view according to which the outcome of a *procedure to which all agree* may be regarded as a sufficient *ersatz* to the participation of all to that procedure and hence as sufficiently democratically legitimate (see e.g. Müller, 1992, pp. 155, 158 on the representative procedure).

7 I am concentrating in this essay on legislative or parliamentary representatives, although my argument could also apply *mutatis mutandis* to other political representatives, to the exception, of course, of judges who cannot be said to represent *stricto sensu*. This choice stems from the general *legisprudential* orientation adopted in this book.

8 Deliberative democracy theorists seem to have underestimated the issue of the legitimacy of representation as they have concentrated most lately on extending the scope of deliberation in non-institutional forums such as the public sphere in particular: see e.g. Dryzek (2000, 2001); Mansbridge (1999); Habermas (1998); Müller (1992, p. 155ff.). See, however, Parkinson (2003a, pp. 190-191) who addresses

the issue of representation in conjunction with the extension of the spheres of deliberation. See also Squires (2000, p. 104) and Saward (2000) who argue that representation in official and institutional forums not only requires, but also nurtures deliberation. Note that I take Goodin's (2003b) proposal of "democratic deliberation within" or "reflexive democracy" to apply to representatives (see also Dryzek, 2001) and as such I will discuss his proposal in the context of my reconceptualization of representation in conditions of reasonable disagreement.

9 It is important to recall that there is more to democracy than deliberation and in particular the issue of determining who deliberates, but also who votes. See Besson (2003b) on the importance of developing a deliberative voting ethics. Contra: Dryzek (2001, p. 665).

10 See Goodin (2003b, p. 178) criticizing Dryzek (2001); Habermas (1998); Bohman (1996). Paradoxically, some authors, like Pettit (2004), propose to "depoliticize" democratic deliberation even more, mainly for epistemological reasons. See, however, on the limitations of such arguments, see Waldron (1999); Gaus (1996).

11 See Manin (1997, Ch. 6) on the further level of complexity added to representation by the emergence of parties. For reasons of clarity, I will not dwell on this issue in detail in this essay and will concentrate on the relationship of representation itself. See for the same move, Young (1997); Urbinati (2000 and 2002). In short, parties represent one form of disagreement stimulated by commonly held opinions and perspectives dictated by party membership; some people will disagree on a new social statute, for instance, along the lines dictated by party membership. It is important, however, to keep in mind that these disagreements do not exhaust political disagreements, although they have become omnipresent and tend to encompass or even replace other disagreements (see Manin, 1997, on the setting of the agenda by parties in so-called "audience" democracy).

12 See Gargarella (1998, p. 274) on the complementary relationship between deliberation and representation and the absurdity there is to wanting to fix issues of democratic legitimacy through deliberation only. (See also Parkinson, 2003a, p. 186.) As we will see, deliberation and representation are complementary; although it is important to address the issue of the democratic legitimacy of deliberative representation separately from the legitimacy of deliberation itself, I will argue that the legitimacy of representation requires and in fact nurtures deliberation (see Mill, 1991a, pp. 241-242, 247-248, and more recently Urbinati, 2000, and Mansbridge, 1999, on the necessity to conceive representation as surrounded by deliberation). Note, however, that some of the underlying assumptions of deliberative democracy still need to be reassessed in the light of the specificities of disagreement and group representation; the very notions of reasonableness and impartiality may indeed already exclude some of the group perspectives (Williams, 2000; Young, 1996).

13 See e.g. Rousseau (1997, III:15) who contends that the only legitimate form of representation is fully descriptive. See, however, Wintgens (2001, pp. 274-276) for a representative reinterpretation of Rousseau.

14 See also Hirst (1990); Pitkin (1989, pp. 150-151). See Urbinati (2000); Plotke (1997, pp. 25-27) on this growing interest for direct participatory democracy as opposed to indirect representative democracy. Note that I refer to "direct participatory" and "indirect representative" democracy to quote the use of these terms in this context; as we will see, later, however, the indirectness of representative democracy does not lie in the absence of participation, but in the spatio-temporal gap between deliberation and decision.

15 Representation was not democratic from its origins (Manin, 1997, p. 1ff.; Manin, Przeworski and Stokes, 1999, p. 4; see e.g. Hobbes, 1999) and is not democratic *per se* (Pennock, 1968). In any case, it has been associated for a long time with democracy – hence the title of this essay. It is important therefore to see whether the "principles of representative government" which apply unchanged in contemporary democracies (Manin, 1997, p. 236) can really be regarded as democratic, especially with respect to political equality and deliberation as stated in the disagreement challenge discussed in this essay. In what follows, therefore, I will use "representation" and "modes of representation" to refer to democratic representation, unless otherwise stated.

16 As we will see later in this essay, this increased interest for representation should not be confused with a disparagement of democratic participation; both dimensions are important in modern democracy and representation cannot be thought of without participation.

17 Note that I am not concerned in this essay with other forms of legitimacy than democratic legitimacy (see also Urbinati, 2000 and 2002). As such, I will not discuss epistemological modes of legitimization of representation in general and of descriptive representation in particular, such as those founded on impartiality (e.g. Gargarella, 1998, pp. 261-262; Arendt, 1968, pp. 241-242). In the same line, my interest for the descriptive representation of disagreement is led by a concern for political equality and democratic inclusion rather than by a rationalistic concern for the truth and impartiality of political decisions; the inclusion of diversity matters *per se* even if, as Phillips argues, "it proves to have no discernible consequences for the policies that may be adopted" (Phillips, 1995, p. 20). In fact, it is because we disagree about moral but also epistemological issues that procedural legitimacy and in particular equal participation are even more important.

18 See also Waldron (1993, p. 49) in the context of his right-based critique of judicial review by contrast to democratic participation: "We should distinguish between a court's deciding things by a majority, and *lots and lots of ordinary men and women deciding things by a majority*" (emphasis added).

19 I am concentrating in this essay mainly on the representative system at work in many modern Western democracies and in particular in European democracies. See on the contemporary crisis of democracy, Manin, 1997, Ch. 6.

20 See Gargarella (1998, pp. 270-271) on the increase of pluralism.

21 See Mansbridge (1981, pp. 466, 469-470) who argues against Kateb's (1981) apology of representation.

22 This is where I think Gargarella (1998, p. 262ff.) errs, when he argues that Burke and the American Founders shared the idea of "full representation" with promoters of descriptive representation. The most they shared was the democratic ideal that all those affected should be represented, independently of the ways to represent them.

23 On the new jurisprudential approach that concentrates on the legitimacy of legislative law-making and calls itself *legis*prudence by contrast to *juris*prudence, see the essays collected in Wintgens (2002).

24 See e.g. Waldron (1999 and 2002b) where the representative issue is only very rarely directly addressed, although it is omnipresent in the background. The only exception is Waldron's (2000) article on the disagreement-related importance of the size of legislative assemblies. Note that, although the amount of representatives is related to their ability to represent disagreement, I will concentrate here on the relationship between represented and representatives itself.

25 Note, however, that I lack the space in this essay to get into the detail of these institutional reforms. See on such attempts, the contributions in Manin *et al.* (1999).

26 It is important to remember in particular that other elements of the political system contended might affect the representative practice and hence the implementation of the proposed model of representation. For instance, the Swiss consociational model of democracy influences the way in which disagreement may be represented and this even though the Swiss representative model is proportional (see Lijphart, 1984, pp. 22-23). The consociational model encourages compromises and cannot easily accommodate nor benefit from disagreement. For the same concern in the European context see Magnette (2003). Note that this essay's argument concentrates mostly on national representation and cannot encompass all the fascinating dimensions the revised account of representation could have in the post-national sphere (see e.g. Kuper, 2004, Ch. 3).

27 See also Pitkin (1989) for a detailed presentation of the history of political representation.

28 Note that some add the refinement of ideas to this list on the model of the Federalist Papers' argument for representation: Madison (1961, p. 82). See e.g. Arendt (1973, pp. 226-227) who contends that representation in politics will pass opinions "through the sieve of an intelligence which will separate the arbitrary and the merely idiosyncratic, and thus purify them into public views." The idea is not an elitist assumption about the lack of deliberative capacities of ordinary people (see Schumpeter, 1947), but rather the view that ordinary citizens are not given the chance to develop those deliberative capacities, a point that goes back to Mill (see Pateman, 1970). Others, however, add to the list of reasons to adopt the representative model of democratic decision-making the Burkean and elitist argument that some people are simply epistemologically more able to recognize and protect objective public interests: Burke (1899) and (Hamilton, 1961, n. 35, pp. 220-221) (see Manin, 1997, p. 94ff. and Gargarella, 1998, pp. 263-264 for a critique of this Burkean epistemological approach of representation).

29 See Arendt (1973, p. 236): "obviously direct democracy will not do, if only because the rooms will not hold all". See also Hamilton *et al.* (1961, n. 35, p. 218). See also Young, 1997, pp. 352-353; Pitkin (1972, p. 87); Dahl (1989, Ch. 13) on the inescapability of the scale problem in a democracy, even in a very small polity. See on the same point, Urbinati (2000) on the *de facto* representation known even in the Athenian allegedly direct democracy for reasons of time and space in the democratic interaction. See also Goodin (2003a and 2003b, pp. 4-5) who contends that new technologies cannot mend the difficulty created by the number of people who are to deliberate and vote.

30 See, however, Urbinati (2000 and 2002); Young (1997); Plotke (1997); Kateb (1981 and 1992, pp. 36-56).

31 Note that in this essay I will use the terms "accountability" and "responsiveness" interchangeably. Strictly speaking, however, accountability is a property of institutional structures, whereas responsiveness is a consequence of interaction within such structures. See Ferejohn (1999, p. 131).

32 See Manin (1997, p. 175ff.) on the retrospective character of elections and the anticipation this creates among representatives. Provided this were true, however, the points of view taken into account would be the majority's and not all those perspectives in conflict (see Gargarella, 1998, p. 272). The same difficulty applies to other non-electoral means of ensuring more responsiveness on the part of representatives.

33 See on accountability through the public sphere, Müller (1992, pp. 156-157); Urbinati (2000); Mansbridge (1999); Parkinson (2003a, pp. 190-191). See Kuper (2004, Ch. 3) for proposals of alternative modes of ensuring responsiveness among representatives both at the national and post-national levels. See, finally, the contributions in Manin *et al.* (1999) for a more detailed discussion of different means of ensuring accountability including but not only through elections.

34 See also, although in other terms, Kuper (2004, Ch. 3); Urbinati (2000 and 2002). See also Harlow (1985, p. 81) on the idea of representation *qua* "buckle between power and people".

35 It remains to see what these conditions for participation to the relationship of representation are, as I will in the fourth section of this essay.

36 See Urbinati (2000) by reference to Mill's (1991a, p. 413) *agora* which encompasses representation, but also a rich public sphere and forms of direct participation and public duties. See also Mansbridge (1999, pp. 227-228) and Parkinson (2003a, pp. 190-191) on a broad "deliberative system" which includes representation forums but also deliberation between such forums and in the public sphere.

37 In this sense, deferred democracy can be summarized by three differentiated elements : deliberation and decision take place in *different places*, at *different times* and are handled by *different people*.

38 See on the idea of representation *qua* creative source of unity and constitution of the represented, e.g. Young (1997, pp. 354-358); Young (2000); Plotke (1997, p. 30); Ankersmit (2002); Saward (2003); Loughlin (2003).

39 As such, it is important to distinguish this conception of representation from a widespread conception based on Pitkin's influential definition of representation. The latter conceives of representation as a mere replacement for what cannot be present without further interaction between the absent and passive constituent, on the one hand, and the present and active representative, on the other. See Pitkin (1972, p. 9); Pitkin (1989, p. 142).

40 Contrary to Pitkin (1972, pp. 90-91), I hold that there are more than two main questions about representation, and, more importantly, that it is possible to reply to each of those questions independently from the answer given to the other ones. According to Pitkin, indeed, it is only possible to discuss what representatives should do, if one chooses a substantive as opposed to a descriptive account of representation. I argue, on the contrary, that it is possible to have either models combined with a delegation or with a trusteeship model of representation. See also Saward (2003) on the importance of understanding representation as both an active and passive phenomenon.

41 An interesting question to raise and which I will have to leave aside in this essay is the extent to which resident aliens should also be represented. They should be, but this cannot be done through the issue of representation, but through extending the franchise of political rights in general.

42 Of course, one may wonder whether she has the choice to represent women or not; the issue is usually approached from the end of the voters rather than from the representatives' view. One may contend, anyway, that given her woman's standpoint, a woman representative cannot avoid representing women.

43 It is important not to confuse this distinction with another contrast between representation *qua* delegation and representation *qua* trusteeship; in both cases, the constituency's interests might have to be represented, but in one case according to a mandate and in the other without any.

44 See since then, Mansbridge (2000). By contrast, see Phillips (1995) who speaks of "politics of presence" by opposition to "politics of ideas"; Williams (1998) who speaks of "self-representation"; Young (1990, 1997) who speaks of "group representation"; Gargarella (1998) who speaks of "full representation"; Ankersmit

(1996, p. 347) who opposes "aesthetic" or symbolic representation to "mimetic" or descriptive representation.

45 Of course, minor and more personal characteristics can also be descriptively represented, but not intentionally and on a large scale. I will return to this issue in the context of the descriptive representation of disagreement.

46 Note that, contrary to what its denomination seems to indicate, the descriptive character of the representative can therefore be more or less *visible* depending on how much the common element to the membership to one group depends on visible characteristics. See Mansbridge (2000, pp. 100-101) on this point. One may think of the representation of classes when they lie at the origins of some of our disagreements; class-based disagreements are as visible and hence as identifiable as any disagreements, but the descriptive representation of classes, by political parties for instance, does not rely on visible characteristics.

47 Part of the problem with Pitkin's evaluation of descriptive representation may be explained by the fact that she concentrates on a microcosmic form of representation which aims at representing all individual specificities and group differences present in society, and this mostly through sampling rather than through election. The same applies to Ankersmit's (1996, p. 28) critique of what he refers to as "mimetic" representation.

48 As a consequence, while descriptive representation implies substantive representation, the reverse need not be true. In this sense, the opposition between substantive and descriptive representation is not entirely logical: while descriptiveness really refers to a *personal quality* of the representatives, substantiveness refers to their *activity* rather than to their personal qualities. See Phillips (1995, p. 5) on the subordination of the "who" represents to the "what" is represented.

49 See Manin (1997, p. 8ff.) on the relationship between the selection of representatives by lot and the dominant type of representation in ancient Athens.

50 See e.g. Fishkin (1991 and 1997) on deliberative opinion polls made of sampled representatives. See also Mansbridge (2000, pp. 105-107) on microcosmic representation by randomly sampling representatives from the population.

51 See also, however, Manin (1997, Ch. 4) on the deficiencies and in particular the aristocratic nature of elections in the selection of representatives.

52 I am excluding, for instance, preferences, desires and subjective interests.

53 It is difficult indeed to distinguish someone's ideas or opinions from her interests, since, although they differ in nature, the ideas or opinions represented will usually be about her interests, i.e. about which should be her personal ends and how best to achieve them. Similarly, a person's perspectives will influence her opinions and her conceptions of her interests.

54 It is difficult to defend someone's interests without thereby acting according to her perspectives. This is actually even an intentional outcome in the case of descriptive representation where representatives should be able to act in their constituency's interests through sharing their perspectives.

55 It is possible to imagine a descriptive representative who represents the interests of her constituency and not necessarily its members' opinions as well, although it is difficult to imagine a descriptive representative not judge from her own perspectives thus not represent her constituency's perspectives (see Young, 1997, pp. 369-373). The reverse is more difficult to imagine, however: how indeed could a substantive representative be trusted to represent her constituency's perspectives or standpoints as well as a descriptive representative? There are possibilities, however, as we will see later and in particular reflexive representation, i.e. substantive representation which stands for diverse standpoints thanks to the faculty of "enlarged mentality" to quote Kant (see Goodin, 2003a and 2003b).

56 It is worth distinguishing these two groups of issues, however, as there is a difference between what you stand for, on the one hand, and how you stand for it, i.e. what you do when you stand for it, on the other.

57 See Mansbridge (1981, pp. 467-468) on the evolution to an adversary conception of the representation of a balance of conflicting interests rather than of a common interest.

58 This is the case, for instance, of the representation by *parties*, which usually represent conflicting perspectives or conflicting opinions which are commonly held by the members of a party.

59 It is important not to confuse these two issues, as it is possible to conceive of a descriptive representative who acts as a trustee and vice-versa. It is true, however, that it helps being a delegate to also be a descriptive representative. It is not, however, because the representation of disagreement is in part descriptive, that it is limited to the collection of information or to the mere application of a mandate; descriptive representatives also act in the best interest of their constituents and this with or without a precise mandate. See Phillips (1995, p. 56) on the necessary alliance between politics of ideas and politics of presence. See also Mansbridge (2000, p. 101) on the relationship between substantive and descriptive representation.

60 Some authors, like Pitkin (1972, Ch. 7) identify this distinction with the distinction between representation *qua* authorization and representation *qua* accountability. These denominations might become confusing, however, since even representatives *qua* delegates are authorized and even representatives *qua* trustees are accountable. This is particularly important in the context of descriptive representation where Pitkin and other authors after her simply assume that what is at stake is a mandate and that when there is a mandate, there need be no accountability. See Phillips (1995) and Williams (1998) on the importance of providing descriptive representation with means of accountability.

61 See Young (1997, p. 358ff.); Urbinati (2000 and 2002) on representation *qua* advocacy.

62 It suffices to think of political systems like the Swiss or Belgian ones in which proportional representation applies.

63 On this opposition between horizontal disagreement among citizens, vertical disagreement among citizens and representatives and vertical disagreement among representatives, see Postema (1982).

64 See Manin (1997, Ch. 6) on "audience" democracy and the setting of the agenda of disagreement by parties and representatives only. Disagreement among citizens amounts, in this context, to a consequence of representation rather than the reverse. It remains important, however, to represent it, since what matters is that as many conflicting perspectives as possible are present in the deliberative and aggregative phases of representation.

65 See Dunn (1999) according to whom, in order to avoid conflicts, we transpose the "horizontal danger" of killing each other into the "vertical danger" of being coerced by governments.

66 This argument is analogous to Waldron's (1999) argument against the legitimacy of judges in disagreement to decide for citizens in disagreement, since there is no coincidence of their disagreements and no dialogue among them.

67 On the importance of representing disagreement in both the deliberative and aggregative moments of the decision-making process, see Mansbridge (2000, p. 103).

68 See even Pitkin (1972, p. 212). See also Ankersmit, 2000 who argues that disagreement among citizens and their representatives ensures that they remain attentive to each other's opinions and decisions.

69 Of course, those represented remain people, but what matters here is what it is exactly in those people that is to be represented and more particularly what it is in their disagreements that should be represented.

70 See Goodin (2003a) who, however, only distinguishes between the particulars and the fact of disagreement and does not envisage the third option I have discussed here: representing the sources of disagreement, or at least one of its sources: perspectives.

71 Note that I am assuming that groups pre-exist disagreements among group perspectives. Of course, the existence of groups may be reinforced or undermined by disagreements among their members or disagreements with other groups, but this is not my concern here.

72 See Urbinati (2000) according to whom Mill does not associate proportional representation with group representation. This is an important *caveat* that should be kept in mind. Individual disagreements should be represented as much as possible within the increasingly restrictive limits of descriptive representation, but also of course through more substantive means of representation such as reflexive representation, as we will see.

73 I explained this earlier in relation to the opposition between "microcosmic" and mainstream descriptive group representation. See Mansbridge (2000, pp. 105-107) on this point.

74 This section should not therefore be taken to exclude other modes of representation of disagreement, as we will see in the fourth section where I discuss a revised and complex account of disagreement representation.

75 The representation of disagreement can therefore provide descriptive representation with additional arguments and justifications in that specific context. The present argument should not, however, be taken to provide descriptive representation with an exhaustive and complete argument, which is proof to all critiques and objections to the general idea of descriptive representation. (See on the costs of descriptive representation, Phillips (1995, p. 21ff.); Mansbridge (2000, pp. 122-123); Young (1997, pp. 349-351); Williams (1998, pp. 5-8); Squires (2000).) See more generally Besson (1999, 2001 and 2002) on the importance of the flexibility of seat and list quotas and other affirmative action measures.

76 Of course, there is a *time factor* to take into account when disagreement has been observed and before identifying the groups at the origins of those disagreements. It is only through the recurrence of some divisions that we can identify their origins.

77 Note that other forms of non-descriptive disagreement representation may represent other dimensions of disagreement. Purely substantive and reflexive representation may indeed concentrate more on individual opinions and perspectives when representing disagreement. I will return to this point in the fourth section where I reconceptualize representation in view of the different challenges raised in this essay.

78 Perspectives need not therefore be identified independently from the groups to be represented.

79 In fact, most advocates of descriptive representation are aware of the difficulty there is of representing the particulars of disagreement and would tend to fall into the group of perspectives' representation (see e.g. Phillips, 1995, p. 52, 176; Williams, 1998, pp. 5-6; Young, 1990, p. 184; Kymlicka, 1995, p. 138).

80 See Pennock's (1979, p. 314) famous phrase: "no one would argue that morons should be represented by morons".

81 See e.g. Urbinati (2000) who speaks of "proportional representation" to refer to descriptive representation.

82 See Waldron (2000) on the importance of the number of representatives for deliberation in assemblies and the representation of disagreement.

83 Note that this paradox is similar to the one Pettit (2004) argues is allegedly created by some of the depoliticizing trends recognizable in our political practice, which are, however, not contrary, but necessary to deliberative democracy itself. This is because, according to Pettit, the deliberative and the democratic elements in deliberative democracy tend to pull apart. One could draw an interesting parallel here and deduce a *second-order paradox* for democratic representation that would not so much apply to the choice of representation over participation, but to the choices of representative modalities: not only does democratic deliberation require a limitation of full participation by the instauration of representation, but within representation, it calls for a limitation of full descriptive representation.

84 See e.g. Goodin (2000, p. 82) and Goodin (2003a) by reference to the Federalists' Papers and in particular Hamilton (1961, p. 218). See also Ankersmit (1996, p. 44). See already Mill, 1991a as discussed by Urbinati, 2000 and 2002, on the dangers and advantages of reintroducing diversity in representation through proportional representation.

85 Note that Young (1997); Phillips (1995); Gargarella (1998) defend descriptive accounts of representation, but do not assume it is possible to ensure full representation and hence the inclusion of all individual particularities.

86 This is the link missing from Young's (1997) argument whose conclusions are, however, similar to mine: representation is a justified mode of democratic decision-making by virtue of its differentiating effect, but group representation is still desirable in these circumstances.

87 See already Mill (1991a, p. 370) as discussed by Urbinati (2000 and 2002, p. 81): "A symbolic presence would make up for physical attendance, *while expanding political debate beyond the parliament and allowing citizens to feel more identified with their representatives, and finally with the political institutions*" (emphasis added).

88 See Kateb (1981, p. 361) on the importance of representing diversity as the source of regulated contest and competition.

89 See Kateb (1981, p. 368) on this last paradox. See Mill (1991a) on both the advantages and the dangers of reintroducing diversity into representation. See Urbinati (2000 and 2002) for a discussion of Mill's views.

90 Note that none of the hereby discussed ways of accommodating the paradoxical constraints of representation in conditions of diversity should be taken as excluding the others. See also Kuper (2004, Ch. 3) on different suggestions as to non-electoral means of ensuring representatives' responsiveness and in particular "advocacy agencies" or "channels of dissent" which keep representatives informed of citizens' opinions and require feedback when necessary. See also the contributions in Manin *et al.* (1999). Of course, other institutional correctives than democratic representation should also be targeted to ensure full equality of participation, such as minorities' veto rights or the decentralization of power from national parliaments to regional ones. In fact, one may contend that democratic representation alone, even with the correctives and reforms suggested here, might not suffice in ensuring complete equality in conditions of reasonable pluralism.

91 On such mixtures and alternative models of representation, see Goodin (2003a and 2003b); Eckersley (2000, p. 128-129); Young (1997); Urbinati (2000 and 2002).

92 As I argued earlier, descriptive representation implies substantive representation. Hence the idea of a mixed model can only be taken in a figurative sense.
93 See Manin (1997, p. 222) on the new shapes disagreement may take once represented.
94 This does not mean that a special argument for the descriptive representation of *one* group in particular, e.g. women, is needed. What is at stake here is the descriptive representation of *all* groups whose pertinent perspectives conflict.
95 Contra: Mansbridge (2000, p. 104).
96 Note that the distinction between representing the fact or the particulars of disagreement should not be confused with the distinction between substantive and descriptive representation; it is possible to represent descriptively and substantively both the fact and some particulars of disagreement.
97 It is the case in Switzerland and Belgium with respect to representatives of different linguistic areas and it is the case in some European countries like Germany with respect to female and male representatives. Note that I am not discussing in this essay the costs and dangers of the different means of ensuring descriptive group representation: see Mansbridge (2000, pp. 108-111); Young (1997, pp. 372-373); Besson (1999, 2001 and 2002).
98 This is particularly important given the *caveat* I mentioned earlier with respect to the independence of many individual disagreements from group disagreements. See Urbinati (2000) about Mill's distinction between proportional and group representation.
99 I borrow this expression from Goodin's (2003b) concept of "reflexive democracy".
100 Hence Goodin's (2003b, p. 169ff.) idea of "democratic deliberation within".
101 See Manin (1997, p. 222) on the change of nature of disagreement through the relationship of representation.
102 In this respect, it is important to distinguish representatives' judgements that take citizens' perspectives into account, from their judgements *qua* officials which should cohere with other officials' judgements and lead in some cases to compromises of principle: see e.g. Besson (2003a).
103 See Mansbridge (1981, pp. 475-476) criticizing Kateb (1981) for straddling these two approaches.
104 See also Urbinati (2000, 2002); Mill (1991a, p. 165) on representation as a device that can help actualize the normative content of democracy.
105 See Manin (1997, p. 186ff.) on disagreement in representation *qua* school of citizenship.
106 This is particularly important as many authors have criticized Waldron's (1999) "jurisprudence of legislation" for not taking the lack of interest and participation of citizens sufficiently into account.
107 See Kateb (1981, p. 361) on the importance of diversity in representation as the source of further democratization and regulated contest and competition.
108 The entrenchment of disagreement at the end of representative deliberation is not excluded therefore, but this is a positive outcome rather than a negative one as Gargarella (1998, p. 274) seems to fear. My account of deliberative democracy is indeed an *agonistic* one which is not founded on the rationalistic presumption of agreement and impartiality as Gargarella's, but on the generative and desirable nature of disagreement and as such it concentrates on conflict and discussion as these are part of the legitimacy of deliberation, i.e. voicing all opinions in conflict and discussing them before taking a vote and hence respecting the basic principle of equality. See also Kateb (1981, p. 361); Urbinati (2000 and 2002).

109 See Plotke (1997, pp. 25-27) on the false opposition between representation and participation.
110 This can be exemplified by the Swiss case; the spatio-temporal gap between representatives' deliberation and citizens' decisions on a referendum or in elections stimulates people's participation and deliberation on issues over which they might not have deliberated otherwise. All this depends of course on the proportional representative system that guarantees a good representation of disagreement.

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