

THINKING ABOUT REPRESENTATION. INTRODUCTION¹

Starting point

The current crisis of representation and of the institutions of representative democracy is, of course, what led us to design an anthology on political representation. We need only look at the malaise of political parties and the questioning of their role as intermediaries between voters and elected representatives to understand that we are facing a crisis that affects the whole relationship between society and the state. The concepts with which we deal with these issues, because they are insufficiently precise and relevant, are the source of sterile oppositions. The first task is therefore to clarify them. This is why we have chosen to neglect techniques and practices in order to concentrate on their foundations.

It is not a question of a normative undertaking for or against the principle of political representation or for or against a particular form of representation, but of seeking in words and discourse relevant tools for analysis. We do not start from an a priori definition of representation, nor do we aim to give one, but to present a set of texts that illustrate different controversies linked to various problems and historical contexts.

Analysing these contexts obviously required an interdisciplinary approach, and we wanted to bring together the skills of historians, lawyers, political philosophers, sociologists, political scientists and theologians. Only an anthology could bring together the approaches of several disciplines. It will therefore be diachronic and interdisciplinary. Interdisciplinary rather than pluridisciplinary, with each contributor not taking the point of view of one speciality, but agreeing to discuss in terms common to several disciplines, which may respond to the criticisms sometimes levelled at anthologies². Far from leading to a fragmentation of the texts, as has been said, the particular structure of this anthology and the contribution of specialists from different disciplines avoids, on the contrary, giving an allegedly unitary vision through the juxtaposition of extracts due to the partiality of the choice of texts. At the same time, the fact that this project was conceived by a historian and a jurist has made it possible to give a specific perspective and research direction arising from a shared vision of the link between the legal and historical dimensions.

Each of the chapters has been placed under the responsibility of a different author and organised into three parts, corresponding to three levels of analysis: an initial historical text, which constitutes the first level; a second text, contemporary or successive to the first, shedding light on the first, a critique or a shifted vision and expressing critical or opposing positions; finally a text, corresponding to a third level, written by a specialist author responsible for the chapter and commenting on the first two texts. In this way, each of the chapters does not aim to contribute to a unified point of view, nor does it provide answers, but rather tackles the essential questions from a particular point of view.

We have taken account of the multiplicity of concepts and words, using a broader chronology and a geography that goes beyond the European dimension. Without claiming to be exhaustive, we wanted to provide readers with fundamental texts presented in their historical contexts and with their own issues. The result is not a synthesis, but an overall problematic.

¹ The project for this anthology was conceived as part of a Research Group on Political Representation, which has been active since 2013 and meets regularly at the German Historical Institute in Paris. We would like to thank for the pleasant and stimulating moments of discussion Pierre Bonin, Pierre Brunet, Cecilia Carnino, Dario Castiglione, Olivier Christin, Émilie Frenkiel, Marie Gren, Samuel Hayat, Zoé Kergomard, Marie Lauricella, Arnaud Le Pillouer, Thomas Maissen, Alessandro Mulieri, Pasquale Pasquino, Pierre Serna, Yves Sintomer. Special thanks go to Pierre Brunet for his friendly support and availability throughout the project, and above all for his intellectual input and invaluable comments.

² TARELLO, Giovanni, *Storia della cultura giuridica moderna*, Bologna, Il Mulino, 1998.

Intellectual history

This anthology is part of an intellectual history that provides essential tools for interpretation and conceptualisation through attention to text and context. We have followed the impact of political dynamics on the development of concepts. We questioned what people of the past meant by representation, the value of the words they used to express the notion of representation and the changes they made to these same words to respond to and shape their reality, their intentions and goals, and the political impact of these lexical metamorphoses³. By rejecting a unitary concept of representation and focusing instead on the family of concepts mobilised around representation, we aim to present the different discourses on representation which, over the centuries and across geography, provide a linguistic contextualisation of the term, of the plurality of its values and the interpretations that have been given to it, of the way in which discourses on representation have legitimised or discredited political situations, in response to questions specific to a particular era.

Focusing on the diachronic and synchronic dimensions of the concept of representation, we examined the continuity or rupture of the language of political representation and the different ways in which political representation has been conceptualised in different cultures, in the face of different historical circumstances. Can the concept of representation be understood solely within the framework of specific contexts, or does it refer to theoretical questions that would make it possible to enucleate transhistorical elements?

As far as chronology is concerned, we have identified authors, moments and sources that have marked the history of representation: the role of Roman legal fiction (Halpérin), the representation-incarnation link in theological reflection, its secularisation in the *figura ficta* of the sovereign, theorised by Thomas Hobbes, the economic foundations of a notion of representation that stems from the theory of political economy in the EIGHTEENTH CENTURY (°), the political impetus given by the French Revolution to the idea of *wanting for the nation*. Time and space, theory and history thus form the coordinates of the reflection on political representation shared by the contributors to this anthology.

Choice of texts

Obviously, we have no pretension of discovering the "true" nature of representation, nor are we naive enough to believe that there is such a nature, or that the texts in an anthology, because of the variety of their authors' points of view and the diversity of their historical contexts, would provide a complete picture of it. So there is no 'true' theory of representation either, and indeed there is no representation at all, if by that we mean 'making present' something or someone that is absent or non-existent, as we so often read. We can only pretend that it is possible, and sometimes even succeed in transforming fiction into a social and political reality. We have therefore considered the texts insofar as they express this claim or, on the contrary, criticise it.

The difficulty, of course, was to identify these texts. While a great many authors speak explicitly of representation, using this term or that of *representative*, they do not all use it in the same sense, while others, who also speak of it, avoid the word, sometimes deliberately, or maintain that the word *representative* appearing in official documents actually has another meaning. To take France as an example, sometimes, as during the Revolution, only the legislators, sometimes the ambassadors, sometimes the President of the Republic are called *representatives*, all of whom speak "in the name of" France or the French people or the State, while the courts that deliver justice "in the name of the French people" are not called representatives. Conversely, Carré de Malberg considered that the French Revolution had wrongly used the term *représentant* and that what it referred to was in fact the concept of *organe*. The same is true of the idea of representation that underlies Lenin and Trotsky's

³ SKINNER, Quentin, "Meaning and Understanding in the History of Ideas", *History and Theory*, vol. 8, no. 1, 1969, pp. 3-53.

conception of the revolutionary vanguard or the delegated democracy of certain Latin American governments, according to the definition developed by Guillermo O'Donnell, of which Peronism was the first expression⁴.

We can therefore reasonably assume that not only is there no essence of representation, but that there is not even a single concept designated by different terms. There is only a plurality of concepts with a family resemblance. Each of them appeared in a specific historical context, which explains its configuration and function. This is why they are irreducible and why they do not evolve.

There is a long way between the representation of Christ by the Council and the representation of the people by elected representatives in modern political systems, or between the latter and the theory of the three representations or three representativities in contemporary China (Jourda-Pasquino, Frenkiel). Knowing that representation was a private law contract before the French Revolution tells us nothing about the constitutional concept of representation during the Revolution or in XXI^e century France. Admittedly, it sheds light on the break that took place, but not on the obligations of the representative of the nation or his relationship with the electorate. The term "representation" therefore has a history, because it changes meaning, but if a concept designates the content of the meaning of a word, it does not itself have a history: it is either the same or different.⁵

The historical study of concepts cannot be the study of their evolution, but only that of the conditions of their appearance at a certain moment in history. It is precisely the analysis of the historical conditions of the appearance of the various concepts of representation that this anthology should make possible.

It could be argued, however, that if these concepts are different, it is still necessary to justify placing them in the same class in order to subject them to the same type of questioning. There is one thing that historians must do, but cannot do alone: fit an institution or a discourse into a category. How can the historian assert that *connubium* was a marriage? That Russian society in the NINETEENTH century^e was feudal? That Marsilio of Padua's speech on the Council (Mulieri), Barnave's speech on the king (Troper) and Lenin's speech on the Communist Party (Steila) all employ a concept of representation?

Historians can only do this if they have a metaconcept, i.e. a concept that refers to concepts.

Metaconcepts and history.

Meta-concepts are not products of history like concept-objects. They cannot be understood in terms of the historical context of their emergence or production. No doubt, like all theories, even mathematical theories, they were made possible by certain historical situations, but they are valid independently of these situations. The emergence of the concept of the representative in 1789, which designates the person who expresses the general will, is the product of its time. It has no universal value. Previously, supreme power found its legitimacy in divine right. In 1790, the only way to justify the power of legislators was not to assert that it had been delegated to them by God, or that they had a right of their own to exercise it, but that they were expressing the will of the sovereign nation, i.e. the general will. In other contexts, we might say that the only representatives are those who are elected, or those who embody the spirit of the people, or those who are the vanguard of the proletariat.

On the other hand, the theory of gravitation may be the fruit of the rationalism of the EIGHTEENTH CENTURY^e and THE EIGHTEENTH^e or of the fall of an apple, but it applies to all periods, regardless of the conditions in which it was produced. Similarly, the meta-concepts of contemporary constitutional theory can be used to analyse several legal systems of the past and the legal concepts themselves. For

⁴ O'DONNELL, Guillermo A., "Delegative Democracy", *Journal of Democracy*, no. 5 (1), 1994, pp. 55-69.

⁵ As Quentin Skinner rightly says, "it seems to me misleading to speak of Koselleck as writing about the history of concepts. This is not what he ever did: what he wrote about was the history of words" (FERNÁNDEZ SEBASTIÁN, Javier, "Intellectual History, Liberty and Republicanism: An Interview with Quentin Skinner", *Contributions to the History of Concepts*, vol. 3, no. 1, 2007, pp. 103-123.

example, we can call a *representative* not only an authority which, like the king in 1791, can participate in the expression of the general will by giving its consent to the law, regardless of how that authority was designated, but also one which has been elected and whose acts, whether legislative or not, can be imputed to the sovereign, or those who embody the spirit of the people, and so on. Unlike the concept of representation in 1791, this meta-concept was not created as a result of argumentative constraints, but to satisfy the theoretical need to account for a class of concepts.

However, a distinction must be made here between the concepts used by constitutional theory to describe and classify rules or institutions, which are metaconcepts *lato sensu*, and those used to describe and classify concepts, which are strictly speaking metaconcepts, metaconcepts *stricto sensu*.

Thus, when Marc Bloch speaks of feudal society, he is of course using a concept that post-dates the society he intends to describe, but which is only a meta-concept in a very broad sense, because it refers to medieval society in Western Europe or Japan, but not to the concepts that Europeans of the Middle Ages or the Japanese of the THIRTEENTH century^e could use. Similarly, when constitutionalists speak of the constitution, the state or the hierarchy of norms, they are using concepts that they have created in order to describe certain institutions, which sometimes call themselves something quite different⁶. In all cases, the existence of a certain objective reality is presupposed, which can be described from an external point of view.

The metaconcept is necessarily the product of a stipulation, even if it has been obtained by generalising and accentuating certain features of the institution. There is an element of arbitrariness in its construction, which may entail a risk of tautology, since the qualification depends only on the definition, and its author may always be suspected of having constructed it only to be able to include a certain institution in the category. Thus, to call the Greek city a 'state', it is sufficient to define it as a stable political organisation dominating a given territory and population, or, in the case of France in the Middle Ages, to take as a criterion the existence of a central power with a bureaucracy, an army, courts and a system of taxation. But, although they are the result of a stipulation, these concepts are nonetheless indispensable for qualifying an institution and are of interest if they are linked to a theory that itself has an operative value. Thus, the Kelsenian concept of the State as a legal order makes it possible both to understand the operation of a power acting in the form of law and to identify as a State only those political systems in which there is a hierarchy of norms. Feudal society, the State and the hierarchy of norms are therefore metaconcepts only because, in relation to the realities they serve to describe, they are situated at a metalinguistic level⁷.

As for meta-concepts *stricto sensu*, they do not refer directly to institutions or rules, but to the concepts that jurists use to set out the rules, to make the institutions work and to justify them. Constitutional monarchy, parliamentary government and constitutional review are concepts that refer to institutions. These institutions, like feudal society, can exist and function without the people who live in them employing a specific concept. On the contrary, sovereignty, the supremacy of the constitution, representation, the general will, the separation of powers and citizenship are concepts that are necessary for the exercise of political power, and people use them to justify institutions and practices.

But we must avoid the temptation of constructing them on the basis of contemporary theories, because, unlike metaconcepts *lato sensu*, they do not refer to an objective reality, but only to historically dated concepts, whose formation is linked to specific conceptions and contexts. We could not confront them with contemporary theories without committing an anachronism. We must therefore resist the temptation to construct them theoretically on the basis of our own conceptions. It is not an anachronism to analyse the veto in the light of XXI^e century legal theory, but it would be an anachronism to measure Barnave's concept of representation against the concepts of Carré de Malberg's general theory of the State, which is also historically dated. Strictly speaking, meta-

⁷ TROPER, Michel, "Structure du système juridique et émergence de l'État, le problème de la définition de l'État", in *Formes et doctrines de l'État. Dialogue entre histoire du droit et théorie du droit*, Pierre Bonin, Pierre Brunet, Soazick Kerneis (dir.), Paris, Pédone, 2018, p. 17-28.

concepts do not give access to knowledge of the historical reality of institutions, using a timeless instrument, but only to the ideas that people in the past had of these institutions and how to justify them or make them work.

We must therefore proceed by abstraction from historical concepts. Thus, by the word "*representative*", Barnave intended to designate those who, by virtue of the provisions already adopted in the constitution, had the power to act on behalf of the nation: the legislature because it voted on decrees; the king because he granted or withheld his sanction, and negotiated treaties. Robespierre, on the other hand, believed that only the elected representatives could act on behalf of the nation. For Carré de Malberg, the word was synonymous with "organ of the nation", because their actions, legislative or otherwise, were attributable to the State.

Three different concepts, then, which nevertheless have one element in common: the capacity to will or to act, provided that this will and these acts are imposed on everyone and that they are justified because they are imputed to another entity. It is this common element that makes it possible to construct the meta-concept of representative, and it is history that makes it possible to establish its operative value and to affirm, for example, that Louis XIV is not a representative, because his acts are imputable only to himself, or that a Parliament is representative, but not its members considered individually.

Three different concepts, then, which nevertheless have two elements in common: on the one hand, the capacity of an authority to will or act in the name of another entity to which this will and these acts will be imputed. Secondly, the supremacy of that authority and the function it performs. It is these common elements that make it possible to construct the metaconcept of representative and establish its operative value. A constituent assembly or a legislative authority must justify their supremacy by claiming to be representative. Conversely, Louis XIV does have supreme power, but he is not a representative, because his actions are attributable only to himself. Similarly, while a Parliament must claim to be representative, its members individually are not, because the actions of each of them are attributable only to themselves. Finally, a subordinate authority, such as a court, does not have the status of representative, even if its acts are performed "in the name of the people" and it is only an organ.

The objection cannot be ignored that, before looking for something common to the three concepts under consideration, we had to decide that they belonged to the same class and that this class was constructed precisely on the basis of this common element, so that the reasoning may seem circular. We have certainly proceeded by analogy, but analogy is a necessary prerequisite for comparison. Before comparing, we have to decide that things are comparable, i.e. that it is possible to look for their differences, but also their similarities. Constructing the meta-concept consists of starting from this common element in order to investigate how concepts with different contents and operating in different contexts can fulfil a similar function. This produces a theoretical hypothesis. In the example we have chosen, attributing the actions of an individual or a small group of individuals to another entity seems to be the only possible justification for their power, since they cannot claim to have a nature different from that of other men.

So, unlike metaconcepts *lato sensu*, whose construction is based on a prior theory, the construction of metaconcepts *stricto sensu* is based solely on an empirically verifiable hypothesis.

The texts in this anthology relate to concepts of representation, i.e. concepts that can be subsumed under a metaconcept of representation understood as a process by which acts are imputed to an entity other than the one performing them. All these concepts have the same function of legitimisation, and although they belong to different conceptions, they must provide answers to similar questions.

The various theories of representation necessarily answer, explicitly or implicitly, a series of questions: who does the representative claim to represent? What qualities must representatives possess? How are they appointed? What kind of relationship can exist between representatives and the entity they represent? What properties of this entity are represented?

Who is represented?

Since we have agreed to call *representation* the claim made by certain individuals or colleges to act on behalf of another entity, to be its representatives, the first question obviously concerns the identification of the being to whom the acts actually performed by these individuals or colleges should be imputed.

This construction is necessary when the person exercising power does not do so in his own name, because he would possess a particular nature and could decide by a simple *fiat*. It is therefore not necessary if the holder of power derives this power solely from himself, if he is a god or if he is invested by God, like the Pope or the King of France, because his actions do not need to be justified. The King of France can be represented or have himself represented, but he himself represents nothing and nobody. The situation is quite different if his power comes from another being, such as Hobbes's sovereign, who is then not a true sovereign. In modern representative systems, this other being is necessarily assumed to be all-powerful and above all supreme, or else he will have to justify his actions by presenting himself as also acting on behalf of someone else.

Therefore, when we speak of the representation of territories or infra-state groups, as in the formula "the Senate ensures the representation of the territorial authorities" or of the member states of a federal state (Beaud)", the term has a completely different meaning. The acts of the Senate are obviously not imputed to the territorial authorities. The Senate is indeed a representative, but a representative of the French people - or rather it is the Parliament of which it is one of the components that is the representative of the people - and it is to the French people alone that the laws adopted by Parliament are imputed. As for local authorities, they form the framework within which senators are elected, so that the composition of the Senate reflects what are presumed to be local interests. Similarly, when we talk about the representation of women in Parliament, it is not a question of claiming that the acts of Parliament would be carried out on behalf of women, but of emphasising that Parliament should be representative of the population, i.e. its composition by gender should be similar to that of the population as a whole, and the same applies to the representation of minorities.

It is also for this reason that Montesquieu, who did not consider the English Parliament to be a representative of the sovereign, since the sovereign was Parliament itself, declared that the Commons "represent the people", who are not sovereign. The Commons do not take decisions on behalf of the people, just as the French Senate does not pass laws on behalf of local authorities.

Who, then, is the being in whose name the representative claims to act? The answers are of course very varied and depend closely on the historical context: first of all, one can claim to be the representative of God, the Pope, the universal Church, the king, the people, the nation, the Holy Roman Empire (Stolleis), depending on the nature of the acts or decisions to be justified. But they can also be the result of argumentative constraints, as was the case in 1791, when the Constituent Assembly had to attribute the law to the nation and not to the people. Until then, the two terms had been used interchangeably, as can still be seen in the Declaration of the Rights of Man and of the Citizen. However, as legislative power had been attributed to the legislature and the king, both had to be representatives, but it was impossible to declare that a hereditary monarch was a representative of the people in the same way as an elected legislature. The most persuasive solution in this context was to present them both as representatives of a complex entity made up of the people and the king.

The being represented is therefore the product of a construction, determined by political and technical constraints (Laquière). Similarly, when the French Constitutional Council decided that laws

passed by referendum were passed directly by the French people and that it could not therefore control them, it implicitly modified the definition of the people, reducing it to the electorate alone.

These examples suffice to show that the being in whose name we claim to act is constituted by this claim and does not pre-exist it. Hobbes rightly says that it is representation that gives the people their unity. However, the representative himself cannot avoid claiming that this entity pre-exists him. To admit that he himself constitutes the people he represents would be a performative contradiction.

Of course, from a historical point of view, it is possible that a people or a nation was really constituted by representation, just as it was possible, as in France under the Ancien Régime, for it to be constituted by a state that did not resort to the fiction of representation. It may be that the State represents the *Volk* (Hummel). Or, as in Israel, there may be a deliberate desire to constitute a nation. But even then, it still has to be said that there has been a Jewish people since Antiquity, and that a state had to be built to represent it.

Monist or dualist theories

The representative therefore necessarily presupposes a pre-existing people or nation. Whether or not there is a social or political reality that corresponds to him makes no difference. But he must also necessarily presuppose his relationship with that entity. In this respect there are two opposing conceptions: either the representative and the represented form one and the same entity, or they constitute two distinct entities.

According to the first, monist conception, which is that of the French Revolution, theorised in particular by Sieyès (Pasquino), political representation is essentially different from representation under private law, which presupposes a contract by which one person, the principal, entrusts another, the agent, with a mission or, in other words, a mandate. The mandate may or may not be limited in time, may or may not be subject to conditions, may or may not give rise to controls, but in all cases the agent is expected to carry out the wishes of the principal. In political representation, on the other hand, the people or the nation, even if given an objective existence, are not capable of expressing or even forming any will whatsoever. They can only will through their representatives, because their will, the general will, is only that which is expressed in the law. It follows that there is no possible control, because there is no will to which the will expressed by the representatives can be compared. This model is based on a distinction between the essence or principle of sovereignty, which resides in the nation, and its exercise, which can only be ensured by representatives. This distinction also forms the basis of another distinction between the representative system and pure democracy. The American constitution and the first French constitution were thus presented as representative and not as democracies, which at the time were synonymous with anarchy and disorder.

No doubt representatives can be elected, although there are other ways of appointing them, but voters are not the people. They are merely individuals who have been entrusted with this specific function.

However, this concept is likely to evolve and lead to the idea of representative democracy, provided that voters are equated with the people. There are a few rare instances of this expression being used at the end of the EIGHTEENTH CENTURY^e, for example by Hamilton or Condorcet. But if this is the case, we have moved on to the second conception, the dualist conception.

A variant of this monistic conception is the idea of representation as incarnation. The link between representation and incarnation has theological origins and derives from the image of Christ, who incarnates God, being one and the same substance (Bourdin).

But when this doctrine is secularised, in the *figura ficta* of the sovereign theorised by Thomas Hobbes, the people, unlike God who does not exist solely in Christ, exist only through representation, insofar as they are embodied in the king, which raises for the first time the question of the visibility of representation (Brito Vieira).

The difference between this concept and that of the French Revolution must be emphasised. For Sieyès, for example, the assembly is not the nation, which has a different substance. The nation expresses itself and forms its will only through the assembly, but the assembly expresses the will of the nation and not its own. Thus, whereas incarnation presupposes an identity of substance, the revolutionary conception presupposes an ontological dualism of nation-assembly and a monism of will.

Lenin's theory of the revolutionary vanguard is ambiguous. It can be seen as a form of dualism, because the vanguard brings class consciousness to the working class from outside; it organises the working class thanks to its ability to "go to the workers" and provides it with an ideology. But it can also be linked to monism, because the centralised structure of the party means that the leader ends up replacing the working class.

There is a real idea of incarnation in Nazi ideology. The *Führer* represents the people as his incarnation, because the people are not an external reality. The people form an indivisible, mystical unity with him, but it is a unity that the *Führer* shapes. He does not limit himself to expressing a will that would only be presumed to be that of the people, but he creates it by transforming the confused feelings of the mass into a clear resolution, which is the common will (Jouanjan).

In Peronism, the idea of incarnation is deprived of its mystical dimension. Here too, the people, as a majority transformed into a collective being, find their incarnation in a charismatic leader (Herrera). But Peronism can also appear as a dualism. The *conductor*, as Perón saw him, was external to the people. He is its organiser and there are also two wills, the individual will of the leader and the will of the mass, which he knows how to direct because he knows how to interpret it thanks to his "intuitive sense of the intelligence of the mass". Peronism does not, therefore, like other forms of incarnation, have this metaphysical character, which results from the material manifestation of an immaterial entity.

In the dualist conception, the people or the nation, whether or not they are supposed to pre-exist representation, acquire an objective existence and a capacity to will. It is then conceivable that they can effectively exercise sovereignty, in various ways, either directly through referendums, or through representatives, but representatives who are elected and subject to democratic control. Advocates of participatory democracy, but also populists, claim to follow this model.

If the first model, monism, is attacked because it seems difficult to reconcile with democracy, the second also comes up against several objections. The most important of these is that, even if the people had an objective existence, if it presented a unity from a sociological, political, linguistic or religious point of view, which is rarely the case, this unity would not imply a capacity to will, which can only ever be the attribute of individuals and can only be imputed to a group by means of a fiction or a series of fictions. It must be considered that if the people are all citizens and if not all citizens vote, then the will of the people is expressed by the electors alone and the will of the electors by the majority of them. The majority of voters is thus deemed to represent the people and we are back to a monistic conception. If there is duality, it is not between the people and their representatives, but between the citizens who vote and the representatives, in other words between two categories or two levels of representatives, the voters and the elected representatives. The same applies, moreover, if the function of the electorate consists not only in choosing representatives, but also in participating in legislative power. In the same way, forms of participation on a voluntary basis also come under the heading of representation, even without an election, because those who participate can be said to represent those who do not. On the other hand, there must be a norm that defines the people and the citizens, and this norm is necessarily produced by the representatives. Dualism is therefore impossible, since the represented is defined by the representatives.

The relationship between representatives and agents

If we assume that the representative and the principal are not a single being, but two distinct entities, and once the identity of the principal and the procedures for selecting representatives have been determined, we still need to define the nature of their relationship. This question lies at the heart of most of the chapters.

It might be thought that there is no relationship between representative and principal except on the basis of a dualist conception. If we assume that the principal is a real being, also endowed with a real will, he must be able to appoint his representative, that his representative must be in his image, that he must give him a mandate and that he must be able to compare the will expressed by the representative with his own.

On the contrary, there would be no reason to speak of relations if they were one and the represented was merely a fictitious entity, with no will other than that expressed by the representative, as in Hobbes or the French constituents of 89-91.

This opposition needs to be qualified, however. First of all, the dualist conception does not necessarily allow this comparison. It may well be presupposed that legal persons such as associations, joint-stock companies or natural entities are beings distinct from their legal representatives, or even that they are real beings; we may lend them a will, but we cannot compare this will with that of their representatives, and the question of their relationship does not arise.

Conversely, in the context of a monist conception, the question may arise in very similar terms if the representatives are selected by election. Admittedly, the representative does not represent the voters, but the nation as a whole, and this representative is himself a college, a parliament, while its members are only called "representatives" by metonymy. Individually, they represent neither their electors nor their constituencies. However, their appointment is also conceived in terms of a mandate.

There would, however, be major differences in the consequences to be drawn from these two conceptions. They would concern the nature of the mandate and the methods of control.

First of all, the dualist conception would at least imply the possibility of an imperative mandate, since the people have a will of their own. If the people appoint a representative, they do not thereby abdicate that will, but merely instruct the representative to express it on their behalf, for a certain period and within certain limits. At the end or during the term of the mandate, the representative could monitor its execution, on the model of the private law mandate. They could also participate in the exercise of power, directly through forms of direct democracy (referendums, petitions) or indirectly through bodies such as constitutional courts.

In the monist conception, on the other hand, the holder of sovereignty is a pure abstraction. He would exist and will only through his representative, and the mandate could therefore only be representative.

In reality, these distinctions are constantly blurred. Indeed, several systems that assert a dualist conception nevertheless prohibit the imperative mandate. As Condorcet said, in terms similar to those used by Burke, "the people have sent me not to support their opinions, but to express my own". Conversely, systems based on a monistic conception can perfectly well make room for forms of participation.

There are three types of reason for this. Firstly, there are practical reasons: the exercise of legislative power by representatives implies deliberation and the possibility of compromise on a wide range of subjects for which it is difficult to conceive mandates, because we cannot foresee the list of subjects and even less the solutions that might be found for them.

On the other hand, no matter how much one asserts the reality of a people, that people cannot define itself. It must be defined by representatives and, as we have seen, the dualist conception is ultimately reduced to monism. It is therefore the representatives who will decide who is part of the people, who is entitled to exercise its rights and by what means. Those who participate in this exercise will express the will of the people, as if they were representatives themselves.

Symmetrically, in a monistic system, representatives must be selected, i.e. most often elected. It can no doubt be argued that voters are not exercising a right of their own, that they are merely performing a function, and that MPs do not represent them, but the nation as a whole.

Finally, when representative government based on a monistic conception becomes representative democracy, and representatives must not only be elected but re-elected, they cannot avoid asserting that they are carrying out the will of their electors. In the end, the people become confused with the electorate, and the dualism between voters and representatives is restored.

Naming techniques

Not only is the represented defined by the representatives, but it is the latter who necessarily determine the procedures by which they themselves are designated, which they naturally do according to their preferences and interests. This partly explains their reluctance to change the procedures by which they were appointed.

The variety of techniques is infinite, but there are three main types.

The first and most important is self-appointment. Many of those who wield political power give themselves legitimacy by proclaiming themselves to be their representatives. This is the case of a dictator, who intends to justify his power not by election, but by a direct link with the race or the people. This is necessarily the case with a constituent power, which cannot claim to be of a particular nature or to have been empowered by a higher power; it must proclaim that it is acting in the name of the true sovereign. It may well happen that he submits the new constitution to a referendum, but this is in the name of the fiction that the electors who will vote are the people. But in any case, some constitutions, such as those of the United States, Italy or Germany, have never been put to a referendum, without the representative status of those who voted for them being challenged. But this is also the case for courts that participate in legislation, such as the parliaments of the Ancien Régime, which, in order to oppose the king, had to assert that they represented a perpetual king (Di Donato), whereas modern constitutional courts, because they are not elected, may be tempted to justify the power they exercise in this way.

One variant is the direct attribution of representative status to an authority by the constitution. As we have seen, this was the case with the King in the Constitution of 1791, but it can also be the case with an assembly, which is not representative because it is elected, but which it is felt should be elected because it is representative.

In contemporary representative systems, the most widespread method of appointment is election, which is based on two presuppositions. On the one hand, Montesquieu's idea that those who cannot or do not know how to govern are nevertheless capable of choosing those who can, and on the other, the belief that those who make these choices form a real people.

However, this people, assimilated to the electorate, must be defined, and this can only be done by the representatives themselves. Elections are held in a variety of ways, which we know have an impact on the composition of the representative authorities. First of all, the conditions for taking part in the election must be determined. These may be age, gender, length of residence, income, education, possession of certain documents, etc. Next, a voting system must be chosen. Here we distinguish between majority and proportional systems, which have very different effects on the party system. The belief that there is a real people leads us to examine whether this people is well represented by one or other type of ballot.

In principle, proportional representation ensures that all voters and all political persuasions are represented. It is therefore presented as fairer and more democratic. Another advantage is that it encourages deliberation and compromise, since if all currents are represented in proportion to the number of votes obtained, it is unlikely that there will be a majority, so that decisions will necessarily be the result of negotiation. Hence the practical and theoretical criticisms. Firstly, in the absence of a majority current, compromises are difficult to achieve and it may happen that coalitions can only be formed thanks to the support of minority currents, which thus have a completely disproportionate power, so that proportional representation ceases to be proportional. On the other hand, and more

generally, what is represented is at best only the sum of the political currents, but not the people in its unity and in all its other dimensions, social, economic, religious or linguistic.

Finally, some people envisage the drawing of lots, which would seem to ensure not only equal opportunities for access to the exercise of power, but also better representativeness, as well as avoiding political intrigues. However, if it has been used in the past, it has nothing to do with representation as we understand it, because the individuals chosen by lot to exercise certain functions, in the Italian republics for example, did not decide "in the name of the people", but in their own name. Similarly, Rousseau envisaged it only for what he called "government", i.e. an executive power reduced to the strict execution of laws. This was a logical consequence of the separation of powers: if the two powers were combined, the law would cease to be general, because it could be remade according to one's interests or whims when it came time to execute it. This is why, for Rousseau, government should not be democratic. Legislative power belongs to the sovereign, i.e. to the people themselves.

This also explains why, when representative government was established at the end of the EIGHTEENTH CENTURY^e, the drawing of lots was ruled out, even when combined with election. In representative government, authority derives from consent and will. But the drawing of lots cannot easily be equated with consent, even tacit consent⁸.

On the contrary, the system of election will lead the people, who, as Montesquieu said, "are admirable at choosing those to whom they must entrust some part of their authority", to designate those who possess the qualities necessary to express their will.

Representative's qualities

These qualities, which are intrinsically linked to the plurality of conceptions of representation, are the characteristics that make a person fit to represent and therefore justify both the methods of choosing representatives and the claims of those who claim this title. In the first case, the modern conception of the representative appears in the context of the society of orders of the culture of the Enlightenment, which opposes talent, merit and competence to privilege and birth. Derived from the idea of a people unfit to govern, but capable of choosing the best, according to Montesquieu's distinction, the qualities of the representative are linked to the idea of a cultured individual, able to receive an education, guaranteed by the possession of property. This is why, while, as we have seen, the philosophers of the Enlightenment associated the drawing of lots with democracy, election is associated with aristocracy. Of course, this is a natural aristocracy, the aristocracy of talent that the American and French revolutionaries of the EIGHTEENTH CENTURY^e opposed to the privileges of the Ancien Régime. However, it has happened that one of the qualities for which representatives are chosen is the absence of individuality and particular talents, because that is how they will present the common traits of the group in its social dimension (Hayat).

The origin of the theory of representative government was linked to the specialisation of representatives.

The development of the abstract concept of representation that led to the abolition of the imperative mandate in June 1789 transformed the very idea of interest, which at last took on a universal dimension, as the economic foundations of representation developed by physiocracy brought out for the first time (Albertone). Landowners were deemed to represent the interests not only of their class, but of the nation as a whole. If this abstract idea of the nation was arrived at by means of a specific economic theory, the link between representation and the economic and social sphere marked a new relationship between representation and interest, which overcame the corporative dimension. The representative claims of the labour movement in the nineteenth century and the notion of the revolutionary avant-garde in Russia were the metamorphoses. A particular

⁸ MANIN, Bernard, *Principes du gouvernement représentatif*, Paris, Flammarion, 2012, p. 315 ff.

example is offered by the Chinese case, where the Three Representations - entrepreneurs, intellectuals and the working classes - represent three distinct entities, which nevertheless find their unity of interests in the Chinese Communist Party.

It is the division of labour that makes representatives, according to Sieyès, that part of society which is concerned with determining policy by means of constitutionally defined powers and expressing the general will. With the development of representative democracy, two other qualities were later added to this first quality, talent. The first was that its composition bore a resemblance to that of the electorate: representativeness. Condorcet's arguments in favour of women's political rights are an early expression of this (Albertone), and demands for gender parity a recent reformulation (Boucobza, Girard). The criterion of resemblance thus comes to mark a conception of representation as a reaction to the idea of exclusion that representation implies, right up to the criticisms and challenges currently levelled at representative democracy. The other quality is the ability to translate the preferences of voters, who are no longer said to be "admirable" at discerning talent, as Montesquieu did, but who, in a democracy, will become autonomous through their choices, as long as they are subject to laws to which they have indirectly consented through their representatives.

Finally, the representation of unity found distinctive features in the qualities by which a single leader imposes his power: personal loyalty to the *Führer*, which cancels out any distinction between representative and represented; the *Conductor's* ability to interpret, organise and guide the masses; the maieutic disposition exercised by the revolutionary avant-garde towards the working class, according to Trotsky.

Conclusion

An analysis of the various concepts that can be subsumed under the metaconcept of representation clearly reveals the historical and geographical expansion of a notion whose origins lie in European and Western history and which fulfils a universal function, that of justifying power by claiming that it is exercised in the name of another. The distinction between concepts and meta-concepts thus proves to be an instrument for understanding and explaining the various ways in which this function of justification is fulfilled.

In some cases, Western concepts have been exported and used in the same way as in the West, as in India (Khilnani) or Japan (Yamamoto), in similar contexts, i.e. within the framework of a secular state, whose leaders must justify their power and build or maintain national unity. In other cases, i.e. in other contexts, Western conceptions have been profoundly transformed to give rise to new concepts, as in Russia, Nazi Germany, China (Frenkiel), Islam (Ben Achour) or Argentina, but which fulfil the function of legitimisation, necessary in all political systems, by making it possible to impute the actions of those in power to another higher entity, and which can therefore be subsumed under the meta-concept of representation.

This approach and this methodology can be seen as a contribution to global history. Current discussions on the difficulty of conceiving of a global intellectual history focus on debating the very concept of the global, its uncertainty, its scope as a meta-analytical category for historians, its relativistic ideological attitude, its scope as a universalisation of concepts, as a category of modernity⁹

The global dimension of this anthology results from its structure and methodology. We wanted to test the metaconcept of representation in different spatio-temporal contexts. The comparative approach makes it possible to specify and clarify its characteristics. In relation to a global perspective, our aim is neither to relativise the concept of representation nor to adopt a self-referential perspective, and we reject a supposed opposition between context and global dimension.

⁹ MOYN, Samuel, SARTORI, Andrew (eds.), *Global intellectual history, Columbia studies in international and global history*, New York, Columbia University Press, 2013.

The meta-concept makes it possible to overcome the difficulty arising from the juxtaposition of analyses of different historical and geographical contexts, because it constitutes the common denominator, which is the indispensable tool of translation.

Representation is therefore an invaluable tool for justifying the exercise of supreme political power, as are certain forms of control, to the extent that it has been tempting to give natural entities special protection through a system of representation within a national or international framework, in particular by conferring legal personality on them (Brunet).

As with political representation, by conferring legal personality on a river or a mountain, it is possible to allow people, such as the guardians of the river, to take legal action or administer property *on behalf of* this entity, just as the representatives of the nation or sovereign people act on its behalf.

However, this is only an analogy and it is a very different representation. This difference is not due to the real or fictitious nature of the entity represented. As we have seen, a people, a nation or a river can be conceived of as real beings as well as abstractions, just as legal entities can be considered fictitious or real.

However, the representation of natural entities differs from the political representation of the nation or the people in a number of ways.

First of all, in the case of the nation or the people, it is their will that is represented, even if it is a presumed will, whereas it is not assumed that a river or a mountain has a will. In the system of representative democracy, moreover, the people are conceived of as a real being who, through elections, transmits a political will to the representatives and exercises control over them.

On the other hand, this construction of a representation of natural entities has a different function from that of political representation. Claiming to represent the people is a means of justifying the exercise of the highest power. Deciding that a river is to be represented by guardians is merely the consequence of a decision to confer legal personality on that river, and that decision itself is not intended to justify a power, but to protect it by establishing it as the subject of rights, particularly property rights, in a way that is deemed more effective than if it were conceived merely as the object of bans on pollution. On the contrary, political representation in no way requires that the people or the nation be given legal personality, which was not the case, for example, in the revolutionary constitutions.

On the other hand, the representation of natural entities, because it comes down to the granting of legal personality, differs little from the representation of other legal persons, such as associations or commercial companies, according to the rules of private law.

The fact remains that, faced with the themes of ecology that are now coming to the fore, the reflections and experiments put in place to organise forms of representation of natural entities make it a laboratory of ideas that aim to consider all human and non-human beings as a system, in which natural entities could be represented, thus paving the way for a reformulation of the representation-nation link put forward by the French Revolution. There are, however, two differences with the revolutionary conception: on the one hand, under the French Revolution, representation justifies a power that has already been exercised or attributed, whereas in the case of natural entities, as in private law, it is in the name of representation that it is proposed that power be created and exercised by specific authorities. On the other hand, in the revolutionary conception, constituent power is authorised only by itself, whereas any other representation must necessarily result from empowerment.

But the extension of the discourse on representation to natural entities thus appears to be a return to the origins of political responsibility at the end of the EIGHTEENTH CENTURY^e. It marked a break with the idea of the private law mandate, which was a contract between two persons, both of whom had a will and which allowed the principal to control the actions of the agent, whereas there was now only one will, that expressed by the representative. Extended to natural entities, the idea of representation becomes a metaphor derived from public law to qualify a private law relationship.

Not even the critics of representation are forced to reason in similar terms. Even populist arguments, which present themselves as a challenge to representative democracy, do not escape the

conceptual framework of representation. While some reject all representation and claim to directly express the real will of a real people, others simply call for a closer link between representative and represented. They invoke the figure of a leader who proclaims himself the representative of the people against the elites, evoking both the notion of incarnation and the idea of a mandate in the name of a people opposed to parliamentary institutions. They certainly presuppose the existence of a real people with a real will and reject the abstract notion of the people of the 89 Constituents, which would ignore the plurality of positions and political minorities, but they cannot avoid rediscovering all the conceptual tools and forms of the traditional theory of representation: as with Sieyès' Third Estate, legitimisation through election, the idea of an inalienable sovereignty residing in an indivisible people, the claim of a part to be and to speak in the name of the whole.

You can't escape representation.

