

REPRESENTATION REVISITED

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Representation implies the notion that one is made present by another.¹ This simple idea was relatively unknown to the ancient Greek political philosophers who, in the absence of the notion of representation, believed only in direct self-government. It is only in the political theories of the middle ages that we see for the first time the theoretical formulation of the idea of representation. The idea is, of course, rooted in the theological notion that the head of the church represents God on earth. Historically, however, the idea of representation has been the subject of intense controversy and debate, with some philosophers at one extreme, arguing that every government represents, and other philosophers at the other extreme, claiming that representation is impossible.

Thomas Hobbes, the English political philosopher, was amongst the first few thinkers who tried to spell out the implications of representation.² He defines representation as acting in the name of another who has authorized the action so that the representative's act is ascribed to and binds the represented. Hobbes argued that the only way to escape the anarchy characteristic of a non-state (or pre-government) society, was by establishing an absolute sovereign. In the non-state (or pre-state) society, since there is no authority to establish law and government, the law of the jungle or the rule of might prevails. It is to escape such a state of affairs (Hobbes calls it the state of nature), that the people come together and make a social compact or contract, by which they all agree to give unlimited sovereign powers to the monarch whose duty it now becomes to maintain law and order and ensure security for all subjects. Hobbes's entire conception of the state, or even of

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a community, rests upon the idea of representation. According to Hobbes, "A multitude of men are made one person, when they are by one man or one person represented... Unity cannot be otherwise understood in a multitude".³ Hobbes's covenant by which all the people compact to make one man (or assembly of men) their representative, is rooted in this conviction that the unity of the state can be understood only in terms of the unity of the representer. In other words, by the social contract, the people in Hobbes's state of nature, establish an unlimited sovereign to represent them. Whatever this sovereign monarch does, is authorized by the people and binds them. Consequently in Hobbes's theory every effective government represents.)

Jean Jacques Rousseau,⁴ took a view diametrically opposite to that of Hobbes, arguing that representation is impossible. Rousseau considers representatives making laws as being contrary to the very essence of sound legitimate government. In his Social Contract he asserts that when citizens cease to determine the course of public affairs and leave it to the representatives to decide things for them, the state itself perishes. It is like citizens paying mercenaries to fight battles and preferring to stay at home themselves. For Rousseau, sovereignty cannot be represented, just as much as it cannot be surrendered. The citizens as sovereign must themselves formulate and express the General Will, while the deputies of the people who are its commissaries merely administer the law. According to Rousseau, the so-called representative institutions (like the British House of Commons) only substitute the will of the people for that of the whole community, with no guarantee, or even likelihood that these would coincide. He claims that voters are free only at the time of the election; as soon as they are represented they are once more subject to an alien will. Hence, Rousseau advocates direct democracy arguing that only a politically involved and active people can be really free and that representative institutions have actually come to discourage active citizenship.

Gandhi and Vinoba,⁵ very much like Rousseau, refuse to believe that elections give us representative government; people only delude themselves into believing that the government they elect represents them. Vinoba tries to drive home the unrepresentative character of elected government by giving the following examples: In Uttar Pradesh (UP) they ban cow slaughter, but not so in West Bengal. In the states

of Bombay (now Maharashtra and Gujarat) and Madras (now TamilNadu) they have prohibition, but not so in UP and Bihar. Does this mean that public opinion is different in UP from that in West Bengal or that public or public opinion is different in Bombay and Madras from that in UP and Bihar? Not at all, says Vinoba. Public opinion does not guide state policy. What the respective Chief Ministers thought wise and their handful of colleagues approved was done. The same, claims Vinoba, used to happen in the Moghul period. Akbar comes to power and the state was administered well. Aurangzeb came and the state was mal-administered, just as in those days there was the question of public opinion, likewise today, there is the sham device of voting.⁶

The views of Rousseau, Gandhi and Vinoba on direct democracy notwithstanding, vary but contemporary political scientists seem to take the idea of direct democracy seriously. While it is admitted that an active citizenry is an asset to democracy, there is little realisation that given the size and complexity of modern legislation it is virtually impossible to have all the people involve themselves directly in legislation or even ensure that every piece of legislation has the approval of every citizen. Any attempt to follow Rousseau, Gandhi or Vinoba seriously would be to reduce democracy to absurdity. In modern political systems, it is neither possible nor necessary for people to gather at one place to formulate or approve laws; what is absolutely necessary is that they agree upon person(s) to represent them, lest their interest is neglected for want of unity in urging it. Secondly, what Gandhi and Vinoba overlook is that elections are only one of the many available means whereby persons in authority are encouraged to act representatively, and certainly not the only means.

Another fundamental question that plagues representation theory is the Mandate-Independence controversy. The issue at stake here is the independence of the representative to act on behalf of those he represents. In other words, should a representative do what his constituents want or what he thinks best? Mandate theorists stress the representative's obligation to his/her constituents, arguing that the constituents are not really represented if the representative's actions are unrelated to their needs and wishes. On the other hand, Independence theorists stress the need of the representative to work for the promotion of the national

interest and the public good. Edmund Burke,⁷ who eloquently argues this view, claims that a representative does not really represent if he/she merely acts as a mechanical transmitter of decisions others have made.

Burke argues that parliament was not a Congress of ambassadors from different and hostile interests, but a deliberative assembly from one nation with one interest, that of the whole. Therefore, these representatives ought to be guided not by local purpose, but by the general good. Government and legislation are matters of reason and judgement, not of inclination, Burke suggests. Therefore, determination of policy cannot precede discussion, nor can we have one set of men deliberating and another set deciding. Authoritative instructions or electors issuing mandates which the representative is expected to blindly obey, is something, Burke argues, utterly unknown to English law and which arises from a fundamental mistake of the whole order and tenor of the English Constitution.

II

In the context of the "Mandate-Independence" controversy, one should analyse the modern nature of representation. The modern idea of representation is that the specific interests in the community, whether local, social, professional, or commercial can, by argument and discussion, by public scrutiny and criticism, be co-ordinated and compromised or scaled down to become compatible, if not identical, with the public interest, that is the interest of the community as a whole. Thus it is the task of popular representation to co-ordinate and criticise. The necessary unity must be created and re-created through a dynamic and on-going political process. The process goes beyond mere elections and encompasses continuous parliamentary action in the form of debates, discussions and legislation. For such a process to be meaningful and effective, parliament must in the first instance represent all classes and interests. Historically speaking, the British House of Commons evolved to represent the three principal interests, those of Lords Spiritual, Lords Temporal and the Burgesses or the Commons. Consent of all the three classes was a prerequisite for the monarch to levy new taxes. Over the years, the representatives of the three classes began to bargain for their consent and in this sense

began to function as agents of interests rather than as national representatives. But this was true only when they acted on behalf of their specific interests. On other occasions they acted as national representatives, as and when they acted as a High Court or worked out a compromise among the competing claims of the three classes. What was happened in the case of the House of Commons is true of all representative parliaments today.

Representatives today act both as agents of different interests and as a representative group determining the common interest. A parliament is both a deliberative assembly from one nation with one interest and at the same time, to use Burke's phrase "a Congress of ambassadors" from different hostile interests. This dualism which lies embedded in political reality of any workable representative scheme, escapes the attention of thinkers like Hobbes and Rousseau because of their preoccupation with logical unity. What exactly then does modern representation imply? It implies mainly responsible conduct: the representative should make a clear distinction between the interest of his constituency and the desires of his electors. The representative promotes the interest of his constituency and nation and is not there merely to satisfy the desires of his constituents or electors. The interest of a constituency or nation is a broader one. A desire may be a narrow, short-sighted, immediate demand, while interest is what is in the ultimate long-term interest of the voters. As Brian Barry⁸ puts it: an action or policy or law is in the interest of a person if it helps him realise his ideals. For example, if the general attitude of a people of a given constituency is anti-reservation: one would properly say that their representative should also share this attitude. However, it would not follow from this, that the representative should also vote for anti-reservation policies regardless of other broader considerations. This is because the representative also needs to take into account the ultimate interests of his constituents.

John Rawls, another contemporary political theorist observes: "Each rational legislator is to vote his opinion as to which laws and policies best conform to principles of justice".⁹ In keeping with the Rawlsian theory of justice, the voters should vote for a representative who is most committed to the fundamental principles of equal liberty and equal distribution of primary goods and who would permit departure from the standards of equal liberty and equal distribution only to the

extent such departure benefits all.

A question that may be raised here is, does not the operation of the party system militate against representation? The answer would be "No", since we expect parties to function representatively, that is, in the interests of the public and work for justice for all. If the representative of a ruling party finds that his electors are making a demand which is unacceptable to the party leadership, the best the individual representative can do is to press the views and interests of the constituents upon the national leadership. However, should he fail to convince them of the merits of the local demand, it is part of the rules of the game of parliamentary democracy that he should bow to the party, or, he might occasionally abstain from voting, if the latter does not endanger the existence of his party's government. In a parliamentary democracy, the bulk of the voters are expected to be aware of this possibility when they vote for a party candidate. It should, however, be emphasized that the ruling party in government, as the nation's representative, has to convert the diverse, private interests into a common public interest. After the government has made an honest attempt at doing this, it is equally the duty of the individual representative to go back to his constituency and explain the government's decision and attempt to narrow the gap between the desires of the local constituents and the national interest.

An elected representative today is influenced by numerous other influences than the direct influence of those who elect him. He is influenced not only by the interests of his constituents, but also by his party leadership at the state and Central levels. In short, representation today is complex and multi-faceted and we can no longer speak in simple terms of a direct linkage between voters and the elected members. Thus representation is a process by which citizens are able to exercise reasonable political influence upon governmental actions, on the implicit understanding that the decisions of the government are binding on the whole community represented by government.

A pertinent issue in this context relates to the implications of the theory of representation in case of defections. Two obvious questions seem to arise: (a) If a member has got elected on a particular party platform as our representative, is he now free to relinquish membership

of his party and sit as an independent or join some other party? (b) if a member has got elected as an independent, is he now free (after his election) to join any party. In both cases the answer is: he ought not to be so free. When the electorate has knowingly elected a member because of his party affiliation or commitment to party ideology, quite rightly the electorate does not expect him to defect since the act of defection constitutes a repudiation of the ideology/programme plank on which he was elected and hence such defection ought to invite disqualification. The same argument holds good in the case of an independent candidate who defects.

The main objective of the anti-defection law, enacted in 1985, is to discourage, if not wholly prevent political horse-trading and to safeguard the principle of representation. It disqualifies any member who relinquishes his party membership. Likewise, it disqualifies any independent member who joins a political party after his election. However, while discouraging individual defections, the anti-defection law permits group defection under the garb of legitimizing splits and mergers. The anti-defection law defines a split as taking place when at least one-third of the members decide to quit the party and a merger when atleast two-thirds of the members of one party decide to join another party. The anti-defection law further stipulates that in case of split or merger, no disqualification is incurred. In other words, when an individual member relinquishes membership, it is presumed that his act hurts 'representation' and hence he stands disqualified (necessitating a bye-election), but if a large number, one-third or more defect, it is deemed to be a legitimate split, not hurting representation and, therefore, does not necessitate fresh elections. Similarly, two-thirds or more members of one party decide to join another party, that too is not considered as harming representation and, therefore, the law does not prescribe disqualification of such members. Those who think that individual defection harms representation but that group (or mass) defection does not, argue that we must not bar or prevent splits within a party would not only be anti-democratic, but would also destroy the natural growth and fluidity of the party system itself. This is not a sound argument. There is no logical connection between numbers and the fact of a split. A split may occur over differences on policy, programmes, principles and functions, or, it may be the result of a re-alignment of forces, and, none of these have anything to do with numbers. As such, there

is no sanctity to one-third or for that matter any stipulation about proportions.

In other words, if dissent is permitted legally, there should not be any restrictions, be it one or one-third. The anti-defection law penalises a lone dissenter while allowing a group of dissenters to get away in the name of split or merger. It makes no moral sense to disqualify one dissenter while permitting one-third or more to dissent and split the party. A distinction should be made between honest dissent and unprincipled defections. Since the latter is obviously for power or profit unprincipled defection for defectors regardless of their numbers, we should disqualify all dissenters one or should be disqualified. It is sometimes argued that honest dissent should not carry any disqualification, no matter what the number is. The only sensible way out, both in case of individual and group dissent, would be for the dissenter(s) to resign and seek re-election. Such re-election is necessary to preserve the link between the electors and the elected, implied in the theory of representation.

NOTES

1. *Vide Dictionary of Political Thought*. Ed. David Miller, Basil Blackwell, Oxford, 432.
2. Hobbes, Thomas. *Leviathan* Ed. by Michael Oakeshott, Basil Blackwell, Oxford, 1946.
3. *Ibid*, Book I Ch XVI, p. 126
4. Rousseau, Jean Jacques, *The Social Contract and Discourses* Trans. G.D.H. Cole, Everyman's Library, London, 1923.
5. *Vide Doctor*, Adi H, *Sarvodaya*, Asia Publishing House, Bombay, 1967.
6. Vinoba Bhave, *Lok-Niti* (Hindi), Akhil Bharatiya Sarwa Seva Sangh, May 1958, pp 27-28.
7. Burke, Edmund, *The Works of the Rt. Honourable Edmund Burke*, The Worlds Classics (Vol LXXX1) Oxford Univ. Press, London, 1966.
8. Barry, Brian, "The Public Interest" in Anthony Quinton (Ed) *Political Philosophy*, Ch.6, Oxford Univ. Press, London, 1978.
9. Rawls, John, *A Theory of Justice*, Harvard University Press, Cambridge, Mass. 1971, p. 361.