

Response Paper: Week Four

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All Things Being Equal

It is a common assertion of our era that representative government constitutes democracy. This view would have been vigorously contested by both ancient and modern theorists prior to the mid-nineteenth century. Should we be troubled by the assertion that our present system is not democratic? Should we seek to increase its democratic nature or its representivity? And what should we do if these goals appear to conflict? The present paper will examine the foundations on which representation rests, and will examine how these foundations have shifted over the three millennia of democratic practice.

Adam Przeworski and his coauthors write that 21st-century representative governments are aristocratic oligarchies characterized by electoral competition.¹ They define representivity as action taken in the best interests of citizens. This is an intriguing choice, as it differs dramatically from the widespread contemporary understanding that representatives should carry out the wishes of their voters. The authors point out the principal-agent problem at the heart of political representation, and they identify some unique dimensions—we have selected agents to *rule*, so we are consequently unable to exercise the supervisory responsibilities of principals except at elections. Our agent can thus restrict our information, inhibiting our ability to evaluate and reward or punish performance. The authors conclude on this basis that true representation requires freedom of information. They usefully suggest “accountability agencies” separated from other mechanisms of government, whose purpose would be to provide information to voters. The key is that “even if elections give governments a broad authorization to rule, this authorization should not extend to informing us. Our information must not depend on what governments want us to know.”²

¹ Przeworski, Stokes and Manin. “Democracy, Accountability and Repression” Cambridge University Press (1999) p.3

² Przeworski, Stokes and Manin. “Democracy, Accountability and Repression” Cambridge University Press (1999) p.24

In a separate paper, Przeworski argues that universal suffrage is an artifact of past political competition, in the sense that various factions expanded the electorate in order to achieve fleeting electoral advantage in a particular epoch. He writes that until the mid-nineteenth century, “whatever issues that may have divided propertied men were not sufficient for partisan considerations to prevail over the fear of the distributional consequences that would ensue from incorporating the poor into representative institutions.”³ He is speaking here of modern history – such cleavages were a common feature of ancient democracies. In one of the best-attested cases, the Athenian politician Cleisthenes overthrew a Spartan tyrant and brought the Athenian *thetes* into the political system in order to consolidate his power.⁴ However, Przeworski is at pains to point out that “[c]onceding rights did not mean conceding power.”⁵ This is borne out by Roman practice – after the Social War between Rome and its Italian allies (wherein the point of contention was Roman citizenship for the Italians), Rome admitted the allies as new tribes, but arranged the system so that the new (Italian) tribes would vote only after the Roman tribes. As voting ceased when a majority was reached, the newly-enfranchised tribes had few opportunities to influence the political process.

Przeworski also points out that modern states that expanded the franchise frequently contracted it again: “of the nineteen countries in which the first qualifications gave the right to vote to all independent men, suffrage was subsequently restricted in sixteen.”⁶ Significantly, political actors realized that universal suffrage did not always help them achieve their goals. This is reminiscent of early European attempts to expand the franchise were frequently instigated by the political left, on the assumption that the newly-enfranchised (and mostly poor) voters would

³ Przeworski, Adam. “Democracy and the Limits of Self-Government” Cambridge University Press 2010, p.45

⁴ Herodotus, *The Histories* 6.131

⁵ Przeworski, Adam. “Democracy and the Limits of Self-Government” Cambridge University Press 2010, p.46

⁶ Przeworski, Adam. “Democracy and the Limits of Self-Government” Cambridge University Press 2010, p.50

be likely to support socialist governments. It emerged, however, that the newly-enfranchised voters were just as likely to be monarchist-nationalists. Thus Przeworski's example of France's transition "from income qualifications to universal male suffrage, back to income qualifications, to income and literacy restrictions, back to income, to universal male suffrage, back to income, and back to universal male, to make suffrage universal for both sexes only in 1945."⁷

It seems clear that accurate resolution of the relationship between democracy and representation will require perspicuous historical scholarship. Fortunately, such scholarship and perspicacity are ably provided by Bernard Manin in *The Principles of Representative Government*. Manin asserts that representative governments are constituted of both democratic and nondemocratic features. He notes the curious paradox that modern democratic systems evolved from representative systems that saw themselves as fundamentally opposed to democracy. On Manin's terms, the difference between ancient and modern "democracies" is that in a representative democracy the people are totally debarred from governing. He notes that both Madison and Siéyès saw representation as a dramatically different approach than democracy, citing Madison's appeal to the judicious discernment of the national interest and Siéyès' emphasis on representation as the form most appropriate to a modern commercial society featuring a marked division of labor.⁸

It is worth noting that these eighteenth-century positions, particularly Siéyès', would have seemed particularly dangerous to the Greeks of the fifth century. Pericles famously insisted on the centrality of personal political activity to human flourishing, and the Greek *idiota* (ιδιώτης) originally meant a purely private person.⁹ Personal participation in politics was not

⁷ Przeworski, Adam. "Democracy and the Limits of Self-Government" Cambridge University Press 2010, p.51

⁸ Manin, Bernard. "The Principles of Representative Government." Cambridge University Press (1997) p.3

⁹ Thucydides, History of the Peloponnesian War, 2.34.1–6.

seen as something that could be transferred away via the division of labor, but rather as the central activity in the life of a free citizen. Even as late as the eighteenth century, the English politician Halifax was at pains to point out the perils of representation, writing that "...a prince who will not undergo the difficulty of understanding must undergo the danger of trusting."¹⁰

Manin identifies a path-dependency among the institutional arrangements of representative government. Considering the history of the term, he finds that the core meaning of democracy has actually been fairly consistent over time – "political equality among citizens and the power of the people."¹¹ The problem, for Manin, is discerning how (or indeed whether) representative democracy satisfies this definition. He points out that ancient democracies did not restrict all power to the assembly, and that they in fact filled a great number of positions by lot (sortition). Manin argues convincingly that the absence of sortition in modern democracies is a function of the method of selection rather than the practical necessity of selecting a small number of legislators, and ties representation to the use of elections to populate a governing body.¹²

Manin discusses how selection by lot fulfilled a number of fundamental democratic values, most notably *isegoria* (ἰσηγορία), the equal right to speak in the assembly. One might add the equally important rights of *isonomia* (ἰσονομία) – equality of political rights – and *isokratia* (ἰσοκρατεῖν) – equality of political power. Relying on Greek democrats' deep distrust of political professionalism, Manin argues that such democrats had an intuition that elections would not fulfill these democratic values as fully as sortition. He correctly argues that selection by lot was virtually unmentioned in the American and French revolutions, and he explains this curious absence by reference to the principle of the consent of the governed.¹³ Explaining that

¹⁰ *Political, Moral and Miscellaneous Reflections*, George Savile, Marquess of Halifax, Oxford Clarendon Press (1750-rep. 1912) p.214

¹¹ Manin, Bernard. "The Principles of Representative Government." Cambridge University Press (1997) p.4

¹² Manin, Bernard. "The Principles of Representative Government." Cambridge University Press (1997) p.68

¹³ Manin, Bernard. "The Principles of Representative Government." Cambridge University Press (1997) p.83

virtually all of the natural law theorists agreed on the fundamental nature of consent in political representation, Manin argues that lot cannot possibly be seen as an expression of consent because such consent would be indirect: voters would consent to the mechanism of selection (sortition) but not the actual candidate selected. He writes that “[u]nder an elective system, by contrast, the consent of the people is constantly reiterated,”¹⁴ concluding that if we wish to found power and political obligation on consent, then elections are superior to sortition.

This argument seems defective. While it is true that elections involve the people in repeated choices of officeholder, it is not the case that such elections affirm the principle of election. The principle is prior the instantiation. The indirect consent that Manin identifies in the case of sortition applies equally to elections. It is common in our era for consent to be derived from the use of a mechanism (“you consent to the terms and conditions by continuing to use our services...”) but when such services are fundamental and use is unavoidable, consent cannot be inferred from use. When considered on the basis of consent, elections and sortition appear to fulfill democratic values in roughly equal measure.

Manin points to the Germanic heritage of representation, drawing on historical examples (the Moot, the Thing, etc.) to argue that Germanic princes had to propitiate their nobility to gain the resources required to prosecute war, and he locates the origins of particular representative procedures in medieval ecclesiastical elections. Citing the Roman principle of *Quod omnes tangit* (“what touches all should be approved by all”), Manin argues that this principle was revived by the embrace of Justinian’s law code in medieval Europe, and that when combined with the Germanic customary practice of consultation and propitiation, the two together resulted in the embrace of elections and a move away from sortition.¹⁵

¹⁴ Manin, Bernard. “The Principles of Representative Government.” Cambridge University Press (1997) p.85

¹⁵ Manin, Bernard. “The Principles of Representative Government.” Cambridge University Press (1997) p.88

On Manin's reading, this combination meant that "it no longer mattered whether public offices were distributed equally among citizens. It was much more important that those who held office did so through the consent of the rest. It was the manner in which power was distributed that made the outcome acceptable..."¹⁶ This change of emphasis resulted in a preference for elections over selection by lot. This was uncontroversial because "conservatives were (secretly or not so secretly) quite happy about it, and radicals were too attached to the principle of consent to defend lot."¹⁷ The type of equality being emphasized was "the equal right to consent to power" rather than an equal shot at holding political office. We have come a great distance from *isegoria* and *isonomia*.

In my view, the Greek understanding of democracy is superior to the eighteenth-century variety because it accounts for an equal desire among all citizens to hold political office. Concepts like equality of political speech and equal chances at holding power are fundamental to self-government. It may be the case that the democratic systems that emerged from the Enlightenment, though inarguably a dramatic improvement on their monarchic predecessors, failed to assume genuine political equality among all citizens. For better or for worse, representative government seems to be reliant on elites to provide its officeholders. It remains to be seen whether the general public is capable of discharging the heavy burden of genuine self-government.

¹⁶ Manin, Bernard. "The Principles of Representative Government." Cambridge University Press (1997) p.91

¹⁷ Manin, Bernard. "The Principles of Representative Government." Cambridge University Press (1997) p.91