

*The principles
of representative government*

BERNARD MANIN

New York University and CNRS, Paris



Published by the Press Syndicate of the University of Cambridge
The Pitt Building, Trumpington Street, Cambridge CB2 1RP
40 West 20th Street, New York, NY 10011-4211, USA
10 Stamford Road, Oakleigh, Melbourne 3166, Australia

© Cambridge University Press 1997

First published 1997

A catalogue record for this book is available from the British Library

Library of Congress cataloguing in publication data

Manin, Bernard.

[Principe de gouvernement représentatif. English]

The principles of representative government / Bernard Manin.

p. cm. -- (Themes in the social sciences)

Includes index.

ISBN 0 521 45258 9 (hardback). -- ISBN 0 521 45891 9 (pbk.)

1. Representative government and representation.

I. Title. II. Series.

JF1051.M2513 1997

324.6'3 -- dc20 96-19710 CIP

ISBN 0 521 45258 9 hardback

ISBN 0 521 45891 9 paperback

Transferred to digital printing 2002

Contents

<i>Acknowledgments</i>	<i>page</i>	ix
Introduction		1
1 Direct democracy and representation: selection of officials in Athens		8
2 The triumph of election		42
Lot and election in the republican tradition: the lessons of history		44
The political theory of election and lot in the seventeenth and eighteenth centuries		67
The triumph of election: consenting to power rather than holding office		79
3 The principle of distinction		94
England		95
France		98
The United States		102
4 A democratic aristocracy		132
The aristocratic character of election: a pure theory		134
The two faces of election: the benefits of ambiguity		149
Election and the principles of modern natural right		156

Contents

5	The verdict of the people	161
	Partial independence of representatives	163
	Freedom of public opinion	167
	The repeated character of elections	175
	Trial by discussion	183
6	Metamorphoses of representative government	193
	Parliamentarianism	202
	Party democracy	206
	“Audience” democracy	218
	Conclusion	236
	<i>Index</i>	239

A democratic aristocracy

During the nineteenth and early twentieth centuries, one trend dominated the development of representative institutions: the extension of the right to vote, which eventually culminated in universal suffrage. Another transformation also took place: wealth requirements for representatives disappeared. These two changes gave rise to the belief that representation was progressing toward popular government. Free election of representatives by all adult citizens came indeed to be almost completely identified with democracy. In this context, the hypothesis that elections might include an inegalitarian and aristocratic dimension did not even seem worthy of theoretical inquiry. More broadly speaking, the movement toward universal suffrage, without legal constraints on the social origins of candidates, constituted such a manifest advance of political equality that the possible persistence of inegalitarian or aristocratic effects appeared simply irrelevant. It seems that the aristocratic nature of elections has prompted no conceptual investigation or political debate since the beginning of the nineteenth century.¹

The American debate of 1787 was thus the last occasion on which consideration was given to the possible presence of aristocratic features in systems based on free elections. That debate in fact marked both a turning-point and a certain advance in the understanding of what political theorists had long been saying. In the first

¹ One exception should be noted. Carl Schmitt is probably the only contemporary author in whom we find any consideration of the aristocratic nature of election. However, as we shall see, Schmitt attributes that characteristic to factors external to the elective procedure itself. His contribution, important though it is in some respects, sheds no light on the nature of election.

place, whereas philosophers from Aristotle to Rousseau had argued that election was aristocratic by comparison with lot, neither the Anti-Federalists nor the Federalists had selection by lot in mind. Both camps believed that elections select individuals who are in some way superior to those who elect them. It was in this phenomenon that they saw the aristocratic dimension of the elective method. Election appeared to them to be aristocratic not in relation to lot, but in and of itself.

Moreover, previous theorists merely argued in a general way that an elective system does not give everyone an equal chance of holding office. They did not specify whom the elective method of distribution would favor. In the American debate, by contrast, the beneficiaries of the elective system were identified. Admittedly, the nature of the superiority favored by the elective method was not defined in a clear and unequivocal manner. Election, protagonists argued, would benefit conspicuous or prominent citizens, those who practiced the most prestigious or influential professions, the most talented, or simply the wealthiest. However, the Americans departed from philosophical tradition in discerning, or seeking to discern, precisely which categories of the population would be privileged in electoral competition for office. And it was social standing and affluence that struck them as the attributes destined to play the principal role.

The American debate also spelled out what Guicciardini and Montesquieu, for example, had only hinted at, namely, that the type of aristocracy associated with election had nothing to do with any legally defined and hereditary nobility. If it is true that election favors the great, it is not the great of feudal society, but those who enjoy superior status in society, in whatever terms that superiority is defined.

Finally, the 1787 debate may have made a contribution to the theory of the aristocratic effects of election. By repeatedly emphasizing that electors would choose individuals who were more "conspicuous" or "prominent," that is, more salient and visible than others, and also those who enjoyed superior economic resources, the Anti-Federalists opened up new perspectives for an explanation of the aristocratic effects of the elective procedure.

If the age-old doctrine concerning the aristocratic nature of

election and the intuitions formulated during the American debate were true, neither the extension of the franchise nor the abolition of parliamentary qualifications would be capable of obliterating two phenomena. In governments based solely on election, not all citizens would have an equal chance of holding public office. And the position of representative would be reserved for persons regarded as superior or for members of higher social classes. Representative government might in certain respects become more popular and democratic. It would nevertheless retain an aristocratic dimension, in the sense that those elected would not be similar to those electing them, even if all citizens had the right to vote. Furthermore, not everyone would have an equal chance of exercising political power, even if no one was prevented by law from running for office. We must now turn to the question of whether election does in fact possess these inegalitarian and aristocratic characteristics.

THE ARISTOCRATIC CHARACTER OF ELECTION: A PURE
THEORY

We shall ask here whether there are certain elements *intrinsic* to the elective method with inegalitarian implications and leading to the elected being in some way superior to the electors. This way of framing the question is in line with the tradition of political philosophy. Aristotle, Montesquieu, and Rousseau all stated that elections were intrinsically aristocratic. They did not think that the aristocratic effect derived from the circumstances and conditions in which the elective method was employed; they believed it resulted from the very nature of election.

Let us undertake, then, a pure theoretical analysis of the elective mechanism. The hypothesis of the aristocratic nature of election could doubtless be tested empirically. For instance, the composition of elected assemblies might be compared with the composition of the respective electorates to determine whether any pattern of superiority of representatives can be found. Such a test would require a vast amount of data to be truly significant and would run into a great many technical problems, but the result would not necessarily be convincing. Even if the data supported this hypothesis, the objection might be made that such inequality is in fact due

A democratic aristocracy

to the circumstances of the elections. And since the countries in which representative government has been in operation for a couple of centuries have always been marked by pervasive social inequalities, this objection would carry a lot of weight.

So we shall take another route. We shall attempt to deduce the inegalitarian and aristocratic effects from an abstract analysis of election. Ideally, the deduction would proceed in purely *a priori* terms in order to uncover what the act of electing logically entails. However, such a transcendental deduction of the properties of election is probably impossible. There may be no way to avoid making some assumptions based on experience, but they should be as few, simple, and uncontroversial as possible. The inegalitarian and aristocratic effects of election are due to four factors, each of which shall be examined: the unequal treatment of candidates by voters, the distinction of candidates required by a situation of choice, the cognitive advantage conferred by salience, and the cost of disseminating information.

Unequal treatment of candidates by voters

To understand the inegalitarian character of election, we must first shift perspective. Elective governments are generally regarded as political systems in which citizens can choose the leaders they wish. Such a characterization is certainly correct, but it does not embrace every aspect of the situation; more precisely some of its implications are usually not seen.

Let us imagine a system in which not all citizens can govern at the same time, but all are equally entitled to elect those who do govern, and all are eligible for public office. In such a system, citizens are politically equal as choosers. This is the democratic side of the regime under consideration. But choosing is only one aspect of citizenship. Citizens may also desire to exercise public functions and, therefore, may also wish to be chosen. The possibility of holding office, which (as we have seen) pre-modern republicans valued above all, remains one of the components of citizenship. And in our imagined situation all citizens are at the same time choosers and potential choices. So it is also necessary to look at the way in which the system under consideration affects citizens in

their capacity as possible objects of choice, that is, as potential candidates.

If we look at our hypothetical situation from this angle, a different side of the system becomes visible. Running for office is not subject to any restriction, but the distribution procedure entails that candidates *may* be treated in an inegalitarian fashion. Of the candidates for public function, those who attain their goal are those individuals, identified by name, who are preferred over the rest. Positions are allocated not according to abstractly defined attributes or actions, in the light of which all are equal, but according to preferences held by the sovereign people for this or that particular individual. We generally think that equality before the law is assured if a rule attaches obtaining a benefit (or suffering a penalty) to the possession of qualities or the performance of actions defined in an abstract and anonymous way. But election considered as a way of distributing offices does not allocate public functions to anyone, whoever he or she happens to be, who presents feature X or performs action Y. When electing, voters are not required to use impartial standards to discriminate among candidates. They may decide to vote for whom-ever meets some general and abstract criteria (e.g. political orientation, competence, honesty), but they *may also* decide to elect someone just because they like this individual better than another. If the election is free, nothing can prevent voters from discriminating among candidates on the basis of individual characteristics. Free elections, then, cannot preclude partiality in the treatment of candidates. Indeed, the possible influence of partiality is the reverse side of the right of citizens to choose whomever they please as their representatives. Since it is the citizens who discriminate amongst themselves, no one notices that public functions are being distributed in a discretionary, non-anonymous manner, one which unavoidably opens the door to partiality. In a secret vote, the citizen does not even have to give reasons for his or her preference. In this instant, the voter is sovereign, in the old and narrow sense of the word. He could rightly adopt the motto of absolutist rulers and say: "*Sic volo, sic jubeo, stat pro ratione voluntas*" ("Thus I wish, thus I ordain, my will takes the place of reason").

The use of election carries another, slightly different, implication for candidates. Contrary to what is suggested by the parallel often

drawn between election and sports competitions, the elective procedure is not necessarily meritocratic and does not strictly guarantee what is today conceptualized as equality of opportunity. This is not the place to enter into the complex philosophical discussions to which the concepts of meritocracy and equality of opportunity have given rise over the past twenty years. There seems, however, to be a consensus that a procedure is meritocratic and secures equality of opportunity if the inequalities it generates in distribution of a social good, are at least partly (some would say “wholly”) the result of the actions and choices of those who desire that good.² A procedure is not described as meritocratic if the inequalities of distribution it leads to derive exclusively from innate inequalities. A beauty contest, for example, is surely not deemed meritocratic. On the other hand, an academic examination is meritocratic in that, even if the unequal performances of the candidates owe something to the genetic lottery of talent (not to mention inequalities in social background), they are also, at least in part, the result of the candidates’ efforts, choices, and actions.

In this respect, it is instructive to compare the selection of rulers by election and their recruitment by competitive examination (which is how political authority was for a long time allocated in China). Alongside lot, election, heredity, and cooptation by those already in power, examination is another possible method of selecting rulers. Let us consider the examination system in its pure form, leaving aside all the external influences that usually vitiate it in practice. If rulers are recruited through competitive examination, candidates must meet standards that are formulated in an abstract and general way. Moreover, those standards are publicly announced in advance, and all candidates are aware of them. Candidates must then apply their energies and resources (some of the latter are of course a function of natural endowments) to meeting those standards, and they have to make a judgment as to what is the best way of reaching that goal. The unequal distribution of posts following an examination thus reflects, at least in part, the inequality of efforts, actions, and judgments of the candidates.

² For a good synthetic presentation of the concept of equality of opportunity in modern philosophy of justice, see W. Kymlicka, *Contemporary Political Philosophy. An Introduction* (Oxford: Oxford University Press, 1990), pp. 55 ff.

This is not necessarily so under an elective system. Here the standards are not defined in an abstract manner and announced in advance. Candidates may try to guess what the voters will require. But even supposing it were possible to reconstitute, on the basis of the votes, a general and abstract definition of the desired qualities, this is something that can only be known *ex post facto*. Furthermore, there is no guarantee that, when casting their votes, electors will take even partial account of the efforts, actions, and choices of the candidates. Nothing in the elective method requires that voters be fair to candidates. Nothing can *prevent* the electorate from preferring a candidate purely on grounds of skin color or good looks. Here again, we must note that voters may not use such foolish criteria. Moreover, they will perhaps learn to their detriment the inanity of such yardsticks. And since elections are repeated, they may, over time, adopt standards of judgment that are less irrational from the point of view of their interests. But there is nothing to prevent voters from deciding, at any given moment, purely on the basis of the candidates' natural endowments, to the neglect of their actions and choices. Again, this is the corollary of freedom of choice.

It might be objected that candidates need at the very least to make themselves known and that, in this respect, election rewards the efforts and judgments made in the campaign. But that too is not strictly necessary. A person may already be known before any electoral campaigning, simply by virtue of his name or social standing, and voters may decide that these are reasons enough for preferring him to others.

In some respects, it is self-evident (though the fact is not without consequence) that elections do not ensure that all those who desire to hold office have an equal chance. It is perhaps less trivial to note that neither do they guarantee equality of opportunity among those aspiring to public functions.

The preceding argument establishes that election intrinsically opens the possibility of unequal treatment of candidates for public office, but it does not show why it tends to produce representatives who are thought to be in some way superior to those who elect them.

Distinction of candidates required by a situation of choice

To elect is to choose. Although elections have not always been organized as choices (we have seen, for example, that in England before the civil war, there was often only one candidate), and despite the fact that many authoritarian regimes organize uncontested elections, the element of choice is inherent in the concept of election in modern representative systems. In a situation of choice, voters need at least one motive for preferring one candidate over another. If candidates are indistinguishable, voters will be indifferent, and thus unable to choose in the sense of preferring one to another. To be chosen, therefore, a candidate must display at least one characteristic that is positively valued by his fellow-citizens and that the other candidates do not possess, or not to the same extent. Among the citizens aspiring to office the most capable of meeting that requirement are those who possess a quality that is both positively valued and rare, or indeed unique, in a given population: they are less likely, when all the potential candidates have decided whether to run or not, to be confronted with competitors offering the same or a superior electoral profile. A person whose quality, or combination of qualities, is widely shared among the population is likely to be faced with competitors possessing likewise that quality; he will then be indistinguishable from them. Such a person is also liable to be faced with opponents who possess, in addition to the trait he displays himself, another positively valued quality, in which case he will be defeated. Moreover, potential candidates, or the organizations that select and back candidates, are aware of this. Since running entails expenditures, at least of energy, the potential candidate, or the party selecting a candidate, have an incentive to assess what is likely to happen when he is confronted with actual opponents. Before deciding to come forward as a candidate, the person aspiring to office asks himself whether he possesses some feature that is positively valued by his fellow-citizens and is rare or unique in the population.

But a quality that is favorably judged in a given culture or environment and is not possessed by others constitutes a superiority: those who possess it are different from and superior to those who do not. Thus, an elective system leads to the self-selection and

selection of candidates who are deemed superior, on one dimension or another, to the rest of the population, and hence to voters. It is no accident that the terms "election" and "elite" have the same etymology and that in a number of languages the same adjective denotes a person of distinction and a person who has been chosen.

It must be noted that the distinction requirement inherent in an elective system is entirely structural: it derives from the situation of choice in which voters are placed, and not from their psychology and attitudes. Voters can certainly desire to elect someone who shares some characteristic with them, and often do so. One could think, then, that the candidate who has the best chances of being elected is the person who shares the same quality as most voters, and hence presents the most common quality in a given population. This is not so, however, because among the large number of those who possess a widespread quality, there is also a probably a significant number of potential candidates. Admittedly, not all those sharing a given quality are likely to aspire to office, but there is no reason to suppose that only one of them does. If voters base their decisions on similarity between the candidates and themselves, they will be unable to choose from among the number of persons sharing a widespread quality. The situation of choice constrains voters to elect candidates possessing uncommon (and positively valued) characteristics, regardless of their specific preferences.

It could be objected that voters might choose the candidate whom they find to be most like themselves on a given dimension or combination of dimensions. That is a distinguishing characteristic, but not, it would seem, one that implies any superiority. However, if voters choose the candidate most like themselves on a given dimension, the quality that they value is not that which is measured along that dimension, but closeness to themselves with regard to a given trait. If they choose, for example, the candidate whose competence is most like their own, the quality that they judge favorably is not competence, but the minimal distance between their own (self-esteemed) competence and that of the candidate. For such a standard to operate successfully as a criterion of selection, the statistical distribution of traits among the population must present a particular profile: there must be only a few, and preferably one, person whose position on a given dimension is closest to those of

the other members of the population. If that condition is not met, there will probably be many candidates among whom voters are indifferent. Thus, even in that case, voters are led to select a candidate who is superior to them in that he possesses a quality that they particularly value and that most of them do not possess: closeness to the others with respect to a given trait.

Of course, every individual possesses at least one trait that distinguishes him from everyone else.³ So it might be thought that anybody wishing to hold office could put himself forward in the hope that he might convince voters to judge favorably his distinguishing quality. However, potential candidates are aware that, ultimately, electoral choice is discretionary. So it is rational for the potential candidate to treat voters' values as given, to seek to discern rather than change them, and base their decision to run on what they discern.

It could also be argued that, because of the discretionary nature of electoral choice, potential candidates cannot predict what will be judged positively by the electorate. In this case, anyone aspiring to public office would present himself in the (well-grounded) certainty that he possesses one distinctive feature, but in total uncertainty as to how voters would judge that feature. But in fact, voters' values are strongly determined by the circumstances of society and culture. And these are objective phenomena of which potential candidates are aware. For instance, it is reasonable to believe that, in a society that is frequently at war, physical strength, strategic gifts, and military skills will all stand a good chance of being judged favorably by the electorate. Potential candidates therefore know that, in a given context or culture, this or that distinctive trait will be more likely to attract favorable judgment.

It must be noted that the distinction requirement sets no limits on the programs offered by the candidates and their policy positions, it affects only the selection of persons. The candidates can propose the programs they wish, whereas they are constrained by their personality traits. Any policy position may be preferred by most voters and, thus, be adopted by a candidate seeking to win. But not anyone adopting that position is equally likely to be elected. Election is

³ By virtue of the principle of indiscernibles first formulated by Leibniz: no two beings can be strictly identical in every respect.

The principles of representative government

indeed irreducibly (let it be stressed again) a choice of persons. Even if voters also compare what the candidates declare, the personalities of the contenders inevitably play a part. Moreover, programs and promises have a particular status in representative governments: they are not legally binding.⁴ By contrast, once persons are elected, it is they who decide on public policy.

Since election involves a choice, it also includes an internal mechanism that hinders the selection of citizens who resemble others. At the heart of the elective procedure, there is a force pulling in the opposite direction from the desire for similarity between rulers and ruled.

Advantages conferred by salience in attracting attention

Election consists in choosing known individuals. To be elected, a candidate needs to attract the attention of the electorate. Cognitive psychology shows, however, that attention primarily focuses on *salient* items or individuals. Moreover, it has been established that salient stimuli have an impact on evaluative perceptions: salient stimuli elicit strong evaluative judgments.⁵ If one applies these results to elections, it appears that in order to both attract attention and elicit strong positive judgments, candidates have to stand out by virtue of a positively valued characteristic. A non-salient candidate will pass unnoticed and have little chance of being elected. And a candidate that stands out on account of his uncommon negative characteristics will be rejected. Cognitive constraints produce an effect similar to that produced by the constraints of the situation of choice. In itself, election favors individuals who are salient (and therefore distinct or different) by virtue of an aspect that people

⁴ We shall return to this point in chapter 5.

⁵ The earliest studies of the effects of salience established that it influenced attributions of cause (people are more inclined to impute the cause of phenomenon X to phenomenon A, rather than to B, C, or D, if A is for whatever reason more prominent – better highlighted, better known, etc. – than B, C, or D). However, it has been shown subsequently that the effects of salience extend well beyond attributions of cause. See S. E. Taylor and S. T. Fiske, "Salience, attention, and attribution: top of the head phenomena," in L. Berkowitz (ed.), *Advances in Experimental Social Psychology*, Vol. II (New York: Academic Press, 1978); see also S. E. Taylor, J. Crocker, S. T. Fiske, M. Sprintzen, and J. D. Winkler, "The generalisation of salience effects," in *Journal of Personality and Social Psychology*, Vol. 37, 1979, pp. 257–368.

judge favorably – in other words, individuals deemed superior to others.

Salience does not, of course, result from universally determined traits. It is a contextual property. Considered universally, any trait may make a person salient. Salience depends on the environment in which a person lives and from which his or her image needs to stand out. Consequently, it is a function of the distribution of traits within the population of which the individual forms a part: an individual is salient in proportion as his particular traits are statistically rare in that population. Since such distribution varies according to time and place, the characteristics that bestow salience will also vary according to time and place. However, that does not mean that, in a given context, anyone may be salient. Salience is a relative, variable property, but in a specific situation it acts as a constraint on both voters and potential candidates.

Furthermore, in a specific situation (and if the distribution of traits in the population in question is therefore regarded as given), voters are not able meticulously to compare all the characteristics of each individual with those of each of the others. The quantity of information that they would need to process in order to reach such a result would be enormous, requiring vast expenditures of time and energy. Voters are unlikely to be willing to incur such costs, because they are aware of the infinitesimal weight their vote will carry in the end. So voters do not undertake a detailed comparison of all their fellow-citizens one by one. Instead, they operate on the basis of an overall perception, and their attention is drawn to those individuals whose image stands out from the rest.

Election campaigns undoubtedly have the effect of drawing the attention of voters to the distinguishing features of candidates they would not otherwise have noticed. And every individual wishing to be a candidate necessarily possesses at least one distinctive trait capable of being highlighted. Election campaigns were in fact instituted (among other reasons) to counteract the advantage that the elective procedure, considered in itself, confers on the particular form of eminence represented by notability. But they can never abolish that advantage entirely. Individuals who are salient in the course of their daily social relations are involved in a sort of permanent election campaign, whereas the spotlight is not directed

The principles of representative government

on the distinctive traits of the other candidates until the actual campaign opens.

Cost of disseminating information

Mention of election campaigns brings us to the last inegalitarian feature of the elective procedure. The deliberate dissemination of information about candidates does, to some extent, relax the constraints of prior eminence, particularly as enjoyed by the notables. But it is expensive, which means that it favors those able to mobilize greater resources. The candidates (or at least those among them who are not notables) *need to make themselves known*. And there is every reason to suppose that the cost of such an undertaking is not negligible.

If candidates have to finance their election campaigns out of their own pockets, the advantage of the affluent classes of society assumes its most obvious and most immediate form: it is reflected directly in the social composition of the elected assembly. But that advantage does not disappear even if candidates appeal for contributions to finance their campaigns. Organizations financed by their members' dues help mitigate the effects of wealth on the selection of representatives. And in fact, that was one of the explicit objectives of the creation of mass parties in the second half of the nineteenth century.

However, such organizations do not entirely do away with the advantage of wealth: it takes more effort, more organizing, and more activism to collect a given sum through the contributions of poor citizens, than through those of citizens who are better off. It is reasonable to suppose that the political contributions made by citizens (or firms) are more or less proportionate to their income. The number of such contributions may make up for their small amounts, but it is easier to collect a smaller number of substantial contributions. Candidates are therefore more inclined to appeal to the rich than to the poor in order to finance their electoral expenses. And it is reasonable to suppose that, once elected, a candidate will devote particular attention to the interests of those who contributed financially to his election.

Inherently, then, the elective procedure favors the wealthier strata

A democratic aristocracy

of the population. But unlike the first three inegalitarian features of election (possible unequal treatment of candidates, the dynamics of choice, and cognitive constraints), this one could be eliminated entirely by having campaigns publicly financed and electoral expenses strictly regulated. Experience seems to indicate that regulation of this sort runs into technical difficulties, but in principle it is not impossible.

It is nevertheless odd that representative governments should have waited until the final decades of the twentieth century before addressing this problem. This is probably (in part, at least) because voters themselves tend to underestimate the costs of electoral campaigns and are unwilling to allocate substantial public resources for such a purpose. Electing governments, however, is an expensive undertaking, even if the people are reluctant to admit the consequences of that fact. It is even more extraordinary that political theory has so neglected the question of electoral expenses. John Stuart Mill was one of the few exceptions, and his work was scarcely followed up on.⁶ With so much attention focused on the extension of the right of suffrage (or on the Marxist critique of the “formal” character of “bourgeois democracy”), political thought failed to look into the complex aspects of election – that seemingly straightforward institution.

Definition of elective aristocracy

We can see now how the dynamics of choice and cognitive constraints usually lead to the election of representatives perceived as superior to those who elect them. However, it is a particular concept of superiority that is employed here, and it needs to be carefully defined. First, when we say that a candidate must be deemed

⁶ Faced with the peculiar features of nineteenth-century British politics (outright bribery, with candidates buying votes and paying for voters to travel – see chapter 3), Mill doubtless had every reason to be particularly alert to the phenomenon of electoral expenses. However, his thinking went beyond corruption and the peculiarities of the British system. He wrote, for example: “Not only should not the candidate be required, he should not be permitted to incur any but a limited and trifling expense for his election.” *Considerations on Representative Government* [1861], in H. B. Acton (ed.), *Utilitarianism, Liberty, Representative Government* (London: Dent & Sons, 1972), p. 308. Mill also advocated public financing of electoral expenses.

superior in order to be elected, we are not talking about a global judgment on his personality. To elect a person, voters do not have to believe that person to be better in every respect; they may despise one or even most of his character traits. The foregoing arguments merely show that voters, if they are to elect a candidate, must regard him as superior in the light of the quality or set of qualities that they consider *politically relevant*.

Second, cognitive constraints and the constraints of choice relate only to a *perceived* superiority (the situation is different, of course, concerning wealth). Candidates must stand out, but that does not mean they have to be outstanding by rational or universal criteria. They must be perceived as superior according to the dominant values of the culture. Measured against rational, universal standards, the (culturally conditioned) perception of what characterizes the best may well be mistaken and inadequate. But this is beside the point. The claim here is not that elections tend to select the "true" *aristoi*. Elected representatives only need to be *perceived* as superior; that is to say, they have to display an attribute (or set of attributes) that on the one hand is valued positively in a given context, and that on the other hand the rest of the citizens do not possess, or not in the same degree.

Two consequences follow from this. In the first place, the elective principle does not guarantee that true *political* excellence gets selected (again, if "true" means what conforms to rational, universal standards). Elections operate on the basis of a culturally relative perception of what constitutes a good ruler. If citizens believe that oratorical skills, for example, offer a good criterion of political excellence, they will make their political choice on that basis. Clearly, there is no guarantee that a gift for public speaking is a good proxy for capability to govern. The recurrent nature of elections certainly introduces a measure of objectivity: voters may discover from experience that the criteria they employed at the previous election led to a government which turned out to be extremely bad or incompetent, and they can alter those criteria at the next election. Repetition makes elections a learning process in which voters can discover the objective political value of their criteria for selection. Nevertheless, the fact remains that on each occasion they choose what they perceive to be a relevant political

superiority, their current perception being also based on earlier experience.

Second, nothing in the nature of the elective method guarantees that it will result in the selection of elites in the general (as opposed to purely political) sense that Pareto gave to the term. Although Pareto's formulations are not wholly unambiguous on this point, his concept of elite seems to imply universal criteria. In his *Treatise of General Sociology*, the term "elite" denotes those who have the highest ranking in "capacity" in their sphere of activity.

Let us assume, then, that in every branch of human activity each individual is assigned an index which stands as a sign of his capacity, very much the way grades are given in examinations in the various subjects taught in schools . . . To the man who has made his millions – honestly or dishonestly as the case may be – we will assign 10. To the man who has earned his thousands we will assign 6 . . . Let us then form a class of those who have the highest indices in their branch of activity, and to that class give the name of elite.⁷

Pareto is very careful to strip his concept of elite of any moral dimension. He explains, for example, that a clever thief who is successful in what he undertakes will receive a high index and will consequently belong to an elite, whereas a petty thief who fails to elude the police will get a low ranking. Moral considerations aside, however, Pareto's elites are apparently defined by universal criteria. The ranking or grading that defines who belongs to an elite is made, in the passage quoted above, by the social scientist himself ("To the man who has made his millions . . . we will assign 10. To the man who has earned his thousands we will assign 6"), who is by definition an outside observer. Therefore what defines an elite is not what a given society perceives as the embodiment of success or excellence in each field of activity, but what the social scientist views as such.⁸ If the term "elite" is taken in Pareto's sense, then, the

⁷ Vilfredo Pareto, *Traité de Sociologie Générale* [1916], ch. XI, §§ 2027–31, in *Oeuvres Complètes*, publiées sous la direction de G. Busino (Genève: Droz, 1968, 16 vols.), Vol. XII, pp. 1296–7. English translations: *Compendium of General Sociology*, ch. 8, ed. E. Abbott (Minneapolis: University of Minnesota Press, 1980), pp. 272–3, or *A Treatise on General Sociology*, trans. A. Bongiorno and A. Livingston, four volumes bound as two (New York: Dover Publications, 1935), Vol. II, pp. 1422–3.

⁸ The purely objective or universal character of what defines an elite is not entirely clear in the body of Pareto's writings. It appears to be deduced in the main from the definition given in the *Treatise on General Sociology*. In an earlier work,

constraints of cognition and choice mentioned above do not prove that the elective method inherently favors elites. Voters choose what they perceive as an instance of superiority, but in every sphere their culturally determined standards may be mistaken when compared with criteria of the type employed by Pareto. To return to the example of skill in public speaking, voters may not only be mistaken in thinking that such a characteristic indicates political talents; they may also consider someone a good public speaker who would not be so judged by the social scientist or by the expert in rhetoric. The crucial distinction in the arguments put forward here is not between moral value and success in activity, however immoral (in fact, there is every reason to believe that voters do bring moral criteria to bear); it is between perceived superiority and superiority defined by universal standards. The elective principle leads naturally to the selection of the former but not of the latter.

Finally, it should be pointed out that the attributes which, in a given context, produce the perception of superiority do in all likelihood have objective existence. Since the problem for voters is to find criteria that enable them to distinguish between the candidates, they most probably use easily *discernible* traits to make their choice. If the presence or absence of those traits were open to doubt, the traits would be useless in the process of selection, and they would not have been adopted in the first place. In other words, although voters may very well be mistaken in their belief that oratorical talents are a good proxy for political skills, and may also be mistaken in their conception of what a good orator is, they are unlikely to err in their perception that, with respect to public speaking, candidate X possesses some characteristic that others do not. This last element is of critical importance, because it means that, to get elected, candidates must *actually* possess some attribute that distinguishes them from their fellow-citizens. The superiority of

however, Pareto had defined elites as follows: "These classes represent an elite, an aristocracy (in the etymological sense of *aristos* = the best). So long as the social equilibrium is stable, the majority of the individuals composing these classes appear highly endowed with certain qualities – good or bad as may be – which guarantee power" V. Pareto, *Les Systèmes Socialistes* [1902–3], in *Oeuvres Complètes*, Vol. V, p. 8. English translation: *Sociological Writings*, selected and introduced by S. E. Finer, trans. D. Mirfin (New York: Praeger, 1966), p. 131. If elites are defined by the qualities that "guarantee power" in a particular society, the objective or universal character of the definition disappears.

candidates (the positive evaluation of their distinguishing attributes) is merely perceived or subjective, but the difference between them has to be objective. In other words, election selects perceived superiorities and actual differences.

Given this particular definition of superiority, one may wonder whether it is still justified to speak of the "aristocratic" nature of election. The term is indeed conventional and might be replaced by any other ("elitist," for example), so long as we keep in mind the precise phenomenon that it denotes: the selection of representatives different from and perceived as superior to those who elect them. The adjective "aristocratic" is used here largely for historical reasons.

The arguments put forward above offer, at least in part, an explanation of the phenomenon that the Athenian democrats, Aristotle, Guicciardini, Harrington, Montesquieu, and Rousseau had in mind when they claimed that election was inherently aristocratic. The American Anti-Federalists also used the term "aristocratic" to denote the lack of similarity between electors and elected, which is another reason for retaining it. But the only essential point in the argument developed here is that, for reasons that can be discovered and understood, election cannot, by its very nature, result in the selection of representatives who resemble their constituents.

THE TWO FACES OF ELECTION: THE BENEFITS OF AMBIGUITY

However, just as elections undoubtedly have inegalitarian and aristocratic aspects, so too are their egalitarian and democratic aspects undeniable, so long as all citizens have the right to vote and are all legally eligible for office. Under a system of universal suffrage, elections give each citizen an equal say in the choice of representatives. In this respect, the humblest and poorest carry the same weight as the wealthiest and most distinguished. More importantly, they all equally share the power of dismissing those who govern at the end of their term. No one can deny the existence of this double power of selection and rejection, and it is sheer sophistry to dismiss it as negligible. The fundamental fact about elections is that they are *simultaneously* and indissolubly egalitarian and inegalitarian, aristocratic and democratic. The aristocratic dimension de-

serves particular attention today because it tends to be forgotten or attributed to the wrong causes. This is why, in what precedes, the emphasis has been placed on that aspect. But this by no means implies that the egalitarian or democratic side of election is any less important or real than its inegalitarian and aristocratic side. We spontaneously tend to look for the ultimate truth of a political phenomenon in a single trait or property. However, there is no reason to suppose that an institution presents only one decisive property. On the contrary, most political institutions simultaneously generate a number of effects, often very different from one another. Such is the case with election. Like Janus, election has two faces.

Among modern political theorists, Carl Schmitt seems to be the only author who notes the dual nature of election. Schmitt writes:

In comparison with lot, designation by election is an aristocratic method, as Plato and Aristotle rightly say. But in comparison with appointment by a higher authority or indeed with hereditary succession, this method may appear democratic. In election both potentialities lie [*In der Wahl liegen beide Möglichkeiten*]; it can have the aristocratic sense of elevating the superior and the leader or the democratic sense of appointing an agent, proxy, or servant; compared to the elected, the electors can appear either as subordinates or as superiors; election can serve the principle of representation as well as the principle of identity . . . One must discern which sense is given to election in the concrete situation [*in der Wirklichkeit*]. If election is to form the basis of true representation, it is the instrument of an aristocratic principle; if it merely signifies the selection of a dependent delegate [*eines abhängigen Beauftragten*], it may be regarded as a specifically democratic method.⁹

This passage can only be understood in the light of Schmitt's distinction between identity and representation, the two principles which can form the political content of a constitution ("election can serve the principle of representation as well as that of identity"). Schmitt describes these principles as two opposite conceptual poles between which every actual constitution falls. Any constitution, Schmitt argues, presupposes a certain conception of the unity of the people. To be considered capable of agency, a people must be seen as unified in one way or another. Identity and representation are the two extreme conceptions of what may make a people a unified agent.

⁹ C. Schmitt, *Verfassungslehre*, § 19 (Munich: Dunker & Humblot, 1928), p. 257.

The principle of identity rests on the notion that the people "may be capable of acting politically by the mere fact of its immediate existence – by virtue of a powerful and conscious similarity [*Gleichartigkeit*], as a result of clear natural boundaries, or for some other reason. It is then politically unified and has real power by virtue of its direct identity with itself."¹⁰ When a group of individuals has a strong sense of being similar in a way that is particularly important, that group thereby becomes a community capable of political action. Their unity is spontaneous; it is not imposed upon them from outside. In such a case, since the members of the community perceive themselves as being fundamentally similar, they set up institutions that treat all members in a similar fashion. Above all, though, because they see one another as sharing essentially the same nature, they tend to abolish, as far as possible, any difference between rulers and ruled. In this sense, according to Schmitt, the principle of identity forms the basis for democracy, and it has found its most profound expression in Rousseau. "Democracy," Schmitt writes, "is the identity of the dominant and the dominated [*Herrscher und Beherrschten*], the ruler and the ruled, of those who command and those who obey."¹¹ In its purest form, democracy is not compatible with representation. However, democracy does not necessarily exclude a functional differentiation between rulers and ruled. What it does exclude is:

that within the democratic state the distinction between dominating and being dominated, ruling and being ruled, is based upon, or gives rise to, a qualitative difference. In democracy, domination and government cannot be based on inequality, and hence not on any superiority of those who dominate or govern, nor on the fact that the rulers are in some way qualitatively better than the ruled.¹²

Rulers may hold a particular role or position different from that occupied by the ruled, but that position can never be the reflection of their superior nature. If they are authorized to rule, it is only because they express the will of the people and have received a mandate from them.

"The opposite principle [that of representation] stems from the idea that the political unity of the people as such can never be

¹⁰ Schmitt, *Verfassungslehre*, § 16, p. 205.

¹¹ *Ibid.*, § 17, p. 235.

¹² *Ibid.*

present in its real identity and must therefore always be represented by particular persons."¹³ The person of the representative makes present in a certain sense that which is not actually present (in this case, the political unity of the people). The body of the people becomes unified solely through the medium of a person or institution external to it. One can think here of Hobbes's Leviathan, which bestows (from above) political unity and agency upon what is concretely at first no more than a disbanded multitude. Understood in this way, the principle of representation has a variety of implications, according to Schmitt. Here we need note only that the representative, who by definition is external to the people, is independent from them and cannot be bound by their will.¹⁴

Schmitt sensed, then, the dual nature of elections. Strangely, however, he did not realize that, on his own definition of democracy – a political system based on identity between rulers and ruled – elections inherently entail a non-democratic element in that they cannot produce similarity or likeness between rulers and ruled. Rather, his account relates the duality of elections to the legal and constitutional form of the relationship between electors and elected. Election, he argues, *can* be a democratic method if those elected are regarded as "agents, proxies, or servants," that is, if they are treated as "dependent delegates." This, however, implies that elections are aristocratic if representatives are independent in the sense that constitutional theory gives to the term – that is to say, if they are not bound by instructions or imperative mandates. The term used in this passage ("*abhängigen Beauftragten*") belongs to the standard vocabulary of constitutional theory. For Schmitt, election is potentially *either* democratic *or* aristocratic ("*In der Wahl liegen beide Möglichkeiten*"). One or the other is actualized by the constitutional provisions regulating the relationship between constituents and representatives in the particular concrete case ("*in der Wirklichkeit*"). In other words, Schmitt does not see that elections *actually* have both an aristocratic and a democratic component, irrespective of the constitutional relationship between elected and electors. Even if representatives are not bound by mandates, elections are democratic in that they give each citizen an equal say in the selection and

¹³ Schmitt, *Verfassungslehre*, § 16, p. 205.

¹⁴ *Ibid.*, p. 212.

dismissal of representatives. Conversely, even if representatives are bound by mandates or instructions, elections have an aristocratic character in that representatives cannot be similar to their constituents. They cannot be a people in miniature, spontaneously thinking, feeling, and acting like the people at large. And this is probably why the most democratically minded among the partisans of representative government advocated the practice of mandates and instructions. They wanted representatives to be constrained by legal provisions to counteract the effects of their inevitable dissimilarity.

Nevertheless, Schmitt's theory remains crucial to the understanding of elections in so far as it characterizes the fundamental principle of democracy as identity or resemblance between rulers and ruled. Schmitt perceives with great acumen that one of the most powerful appeals of democracy lies in the idea of similarity between rulers and ruled, even though he does not realize that the very nature of election impedes such similarity.

The specific form of the aristocratic component of election probably accounts for much of the exceptional success of this method for selecting rulers. In the allocation of public offices, election favors individuals or groups endowed with distinctive traits that are positively valued. However, elections present first the notable property that, except for the influence of wealth, the method does not predetermine *which* traits confer advantage in the competition for office. Even assuming that people are aware of the aristocratic effect, anyone may hope to benefit from it one day as a result of changes, either in the distribution of traits among the population, or in the relevant culture and value judgments, or both.

Moreover, in a particular context (i.e. taking as fixed the distribution of traits among the population and the value judgments that it makes), the simultaneous presence of elitist and egalitarian components helps secure a broad and stable consensus in support of the use of the elective method. In any society or culture, there are usually groups distinguished by their wealth or by some favorably judged trait not possessed by other groups. Such elites generally exercise an influence disproportionate to their numbers. Their support is, therefore, particularly important for the establishment and stability of institutions. Because the elective method tends *de facto* to reserve representative functions for those elites, it is particu-

larly likely to get their support and approval, once such elites have grasped the aristocratic nature of the procedure. The advantages of wealth, as we have seen, can be mitigated or even abolished. But even if the effect of wealth is entirely canceled, the elective procedure still favors groups in possession of a favorably judged distinctive characteristic. One distinctive trait or another will inevitably be utilized in political choice, since cognitive constraints and the constraints of choice cannot be removed.

The unavoidable constraint of distinction further allows for some flexibility and leaves a margin of uncertainty, even within the limits of a given culture. In a specific cultural context not anyone can hope that his distinctive quality will be judged favorably, but nor does the culture unequivocally determine a single quality that people view positively. Therefore, various elites may hope to have their distinctive trait judged favorably or may at least attempt to achieve that result. The elective method is thus capable of simultaneously attracting support from a number of different elites.

Finally, even those who, in a given context, do not see themselves as possessing any favorably judged distinctive trait, cannot fail to realize (or can at least always be brought to realize) that they have a voice equal to that of everyone else in the selection and dismissal of rulers. They may also become aware that it is they who have the power to arbitrate between various elites in the competition for public office. Thus, because of its dual nature, election also gives to such ordinary citizens powerful motives for supporting its use.

The combination of election and universal suffrage even constitutes what might be called a point of argumentative equilibrium. Imagine a situation in which ordinary citizens (as defined above), realizing that elections reserve political office to persons superior to themselves, demand a new method of selection, one that ensures greater equality in the allocation of offices or a greater degree of similarity between rulers and ruled. The partisans of the existing elective system can argue that if, under conditions of universal suffrage and in the absence of legal parliamentary qualifications, the electorate decides to elect mainly elites, the responsibility lies with the voters, ordinary citizens included. Ordinary citizens are unlikely to insist that the power of selecting rulers be given to an authority other than the people. Similarly, if a particular elite calls for a

distribution procedure that gives it a larger share of posts than it obtains under an elective system, a counterargument is readily available. It can be retorted that having an outside authority arbitrate the competition for office among the various elites is the most prudent arrangement, because none of them could award itself a larger share of posts (or impose a procedure leading to that result) without some risk of provoking the opposition of the others. As Guicciardini was probably among the first to point out, letting those who do not have access to office arbitrate between competing elites is an acceptable solution from the standpoint of those elites themselves, because it avoids open conflict between them. So in both cases of protest against the elective system, a powerful argument can be mobilized to restore the initial situation.

This brings us back to the idea of the mixed constitution. The mixed constitution was defined as a mix of monarchical, aristocratic (or oligarchic), and democratic elements, the combination of which was seen as the cause of its astonishing stability.¹⁵ Leaving aside the monarchical dimension, election could, by analogy, be termed a mixed institution.

It should be stressed that the two dimensions of election (aristocratic and democratic) are objectively true and both carry significant consequences. Well-intended but perhaps naive democrats, when not simply unaware of the aristocratic aspect, are always looking for new arguments to prove that only the egalitarian dimension counts. But there will always be an empirical study to show that representatives belong primarily to certain distinguished strata of the population, and that this influences their decisions, thereby giving the lie to whatever novel argument has been advanced by pious democrats. Conversely, partisans of realism and demystification, whether they welcome or deplore the fact, will never succeed in demonstrating convincingly that the egalitarian aspect is pure delusion. No doubt the debate will go on.

Not only are the two dimensions equally real; they are inseparable. Unlike the mixed constitution, which was a complex structure comprising a number of elements, election by the people is a *simple* operation that cannot be split into its component parts.¹⁶ Its two

¹⁵ See chapter 2.

¹⁶ Recall that, in the mixed-constitution models, each of the three dimensions was

The principles of representative government

properties are so tightly interwoven that they cannot possibly be separated from each other. Neither the elites nor the ordinary citizens are in a position to retain the property that they regard favorably, while getting rid of the other, because neither dimension is embodied by a distinct institution. Moreover, the egalitarian and inegalitarian properties being the two sides of a single, indissoluble operation, the elective procedure may be perceived either as wholly democratic or as wholly aristocratic, depending on which way it is looked at.

In a passage of the *Politics* that can be interpreted in a number of ways, Aristotle wrote:

In a constitution that is well mixed, both of the elements [the democratic and oligarchical elements], and neither of them, should seem to be present [*dei d'en tē politeia tē memigmenē kalōs amphotera dokein einai kai mēdeteron*]. It should be preserved by its own means and not by external aid, and by its own means not merely because a majority wants its preservation (for that could be the case even with a poor constitution), but because no single part of the city would wish to have a different constitution.¹⁷

One possible interpretation of this complex passage is that a mixed constitution is “well mixed” if it can be perceived as simultaneously democratic and oligarchic, or neither the one nor the other, because then both democrats and oligarchs will be able to see in it what they are looking for, and thus equally support the constitution.

Election is perhaps one of those institutions in which the mixture is so complete that elites and ordinary citizens alike can find what they want. The ambiguity of election may be one key to its exceptional stability.

ELECTION AND THE PRINCIPLES OF MODERN NATURAL
RIGHT

As we have seen, the triumph of election as a method of selecting rulers owes much, historically, to the modern conception of natural

embodied in a distinct organ: consuls (or the king in the English system, which was also seen as a model of a mixed government) embodied the monarchic element, the Senate (or House of Lords) the aristocratic element, and the assemblies (or the House of Commons) the democratic element.

¹⁷ Aristotle, *Politics*, IV, 9, 1294b 35–40.

right which developed from writers such as Grotius, Hobbes, Pufendorf, Locke, and Rousseau. However, when compared with the principles of modern natural right, the aristocratic nature of election, as defined and set out here, seems to raise two related problems.

The modern conception of natural right rests on the idea that all human beings share an essential element of equality, whether it is termed free will, reason, or consciousness. Modern natural right theory acknowledges that many inequalities of strength, ability, virtue, or wealth separate human beings, but it holds that none of these inequalities gives by itself to those who are superior in one respect or another the right to rule over others.¹⁸ Because of the fundamental equality of all human beings, the right to rule can only come from the *free consent* of those over whom power is exercised. But if the intrinsic properties of election are such that the ruled are able to choose their rulers only from certain categories of the population, can they still be said to be giving their consent freely? Moreover, if it is true that election necessarily leads to the selection of individuals who are in some way superior, does it not follow that under an elective system it is their superior qualities that give some people power over others?

In response to the first problem, it must be noted that the constraints of distinction and salience do not in fact abolish voters' freedom. They merely imply that voters are only able to choose individuals who (1) possess a distinctive trait, that (2) is judged favorably, and (3) provides a criterion of political selection. However, as has been pointed out, only the first element (the existence of a distinctive trait) is an objective fact, determined by the

¹⁸ This is where the crucial difference lies between the ancient conception of justice (as found in Aristotle, for example) and the modern conception of natural right. For Aristotle, certain characteristics give by themselves or by nature to those who possess them a title to govern and to impose their will on others, even if in a city it is neither prudent nor entirely justified to reserve positions of power exclusively to those in possession of such characteristics. Certain people have a particular title to govern others, says Aristotle, because they realize or come closer than others to the excellence and flourishing of human nature. The fundamental divergence separating Aristotle from Grotius, Hobbes, Pufendorf, or Locke concerns the question of what it is that confers such a title to govern and impose one's will on others. Modern natural right theorists maintain that no particular quality gives a person the right to govern others. That right must of necessity be conferred externally, through the consent of those others.

statistical distribution of qualities within a given population. The other two elements (positive evaluation of the trait in question and its use as a criterion for selection) are decided by the electorate. So voters are free to choose among persons presenting qualities that are sufficiently rare to be noticeable. Their freedom is limited but not abolished. Not just anyone can be selected in a particular context (unlike with lot), but, within the limits traced by that objective context, any individual may appear superior to others in one respect or another. He may then be chosen in an elective system, so long as the others judge that person's distinctive feature positively and make it their criterion of selection. Since the elective method sets no objective limits on what may be judged favorably and serve as such a criterion, voters retain a broad measure of freedom.

The response to the second problem has to do with a different consideration. Saying that, in an elective system, only those who are objectively different and perceived as superior can reach positions of power, is not the same as saying that *objectively superior* individuals alone can reach power. In the latter case, individuals would owe their position of power to their superiority. In the former, what brings them to power is the *perception* of their superiority or, to put it another way, the *judgment* other people pass on their distinctive characteristics. In an elective system, although an individual may be objectively outstanding in every respect, he will not be elected if his qualities are not perceived as superiorities by his fellow-citizens. Thus, power is not conferred by distinctive traits themselves, but by the agreement of others about what traits constitute superiority.

Thus the aristocratic nature of election *can* be compatible with the fundamental principles of modern political right. This compatibility, however, is actually achieved only if one crucial condition is met: voters must be free to determine which qualities they value positively and to choose from among those qualities the one they regard as the proper criterion for political selection. A distinction needs to be made between the purely formal constraints of objective difference and of perceived superiority on the one hand, and the specific contents of the distinctive traits and of the standards of judgment on the other. Formal constraints are compatible with the principles of modern right on the condition that the particular content of the superiority is a matter of free choice. It is not against the principles

of modern natural right that representatives belong mainly to certain categories of the population, so long as (and this is the essential condition) those categories are not objectively pre-determined, but are freely chosen by the electorate.

Clearly, this freedom of choice regarding the content of the superiority is only imperfectly realized in contemporary representative governments. Nor was it ever actually achieved in the past. In this respect, the argument defended here does not amount to a justification of the status quo; rather, it points to the direction of the changes that would be required in representative governments in order to bring election into line with the normative principles that presided over its establishment.

The first and most important of those changes concerns the role of economic resources in elections. While the constraints of distinction and salience do not contravene the norms of modern political right, there is no doubt the constraint of wealth does. The reason is not, however, that there is something about wealth that makes it particularly unworthy to serve as a criterion for selecting rulers. It is rather that, if the advantage enjoyed by wealthy candidates (or the wealthy classes which candidates are inclined to address principally in their appeals for funds) derives from the cost of disseminating information, then superiority in wealth confers power *by itself*, and not because voters choose it as the proper criterion of selection. One can imagine a situation in which voters particularly value wealth and freely decide to adopt it as their selection criterion. They may believe that the rich are more likely to be good rulers than the poor, because, for example, there is often a correlation between wealth and education. In that case, wealth being freely chosen as the appropriate superiority, the principles of modern right are not violated. So the first change required is the elimination of the effect of wealth on election. A ceiling on electoral expenses, a strict enforcement of that ceiling, and a public financing of electoral campaigns are the most obvious means of progressing towards this goal. However, recent experience seems to show that such arrangements are not sufficient. They also present a number of technical difficulties, and no representative government appears, not even in our own day, to have solved this problem in a satisfactory manner. But even if the skewing effect of wealth is hard

to eliminate completely, the general direction of the changes required is fairly clear.

A second change would be needed, but its practical implications are far less clear. The elective method, as we have seen, is in itself open to changes in the distinctive traits that can serve as selection criteria. History shows that such changes have indeed taken place over the last two centuries. Different types of elites have succeeded one another in power.¹⁹ In light of the exigencies of natural right, this openness to change is one of the merits of election. It is a necessary condition if citizens are to be able to choose freely the kind of superiority they wish to select. However, openness to change is not in this case sufficient to secure freedom of choice. Such variation, as seen in the types of elites selected in the last 200 years, appears to have resulted mainly from social, economic, and technological developments. But freedom of choice is not secured if the specific content of the superiority is determined solely by external factors and circumstances. The distinctive traits of those who are elected ought, as far as possible, to result from a conscious and deliberate choice of the electorate.

One must note, however, that even if such changes were effected, one thing would still be ruled out by the elective procedure, namely that representatives be similar to their constituents. Elected representatives must of necessity have a positively valued trait that distinguishes them from, and makes them superior to, those who elect them. The democratic ideal of similarity between rulers and ruled has demonstrated, since the end of the eighteenth century, such a powerful appeal that it may not be unimportant to show that it is incompatible in principle with the elective procedure, however amended.

In an elective system the only possible question concerns the type of superiority that is to govern. But when asked "Who are the *aristoi* that should govern?" the democrat turns to the people and lets them decide.

¹⁹ We shall return to this point in chapter 6.