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IN DEFENSE OF ELECTIONS[1]

Abstract
This article presents the case for the defence of a beleaguered creature in the twenty-first century: elections. It looks first at the arguments against elections, recently articulated by David Van Reybrouk. It then revises the value of representation to restate the central place elections have had and ought to have in modern democracies. It does so particularly by highlighting Nadia Urbinati's important contribution to our understanding of representative democracies. The article however questions the validity of the distinction between 'electoral democracy' and 'representative democracy', before concluding with some final reflections.

I

Elections have hardly had a good name in history.

In his letter to Cicero, in BC 64, Quintus offered his brother a list of suggestions to win the race for consul in Rome[2]. Quintus had no doubt of Cicero's attributes and abilities but he felt his brother should also know the details of how he ought to run an electoral campaign. "Favours, hope and personal attachment" were highlighted as the "three things that guarantee votes in an election"[3]. It was important, as starting point, to cultivate "certain key men" who held the keys to power[4]. A different notion of friendship applied at electoral times, an expansive one which included "people no decent person would talk to"[5]. Nothing was gratuitous. Of course, a candidate could only get support if the people believed they had "something to gain"[6]. Feeding their hope then

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[2] Originally published as *Commentariolum Petitionis* in 64BC, attributed to Quintus Cicero, brother of the famous orator of Rome, Marcus Tullius Cicero. I have used the recent English translation by Philip Freeman, Q.T. Cicero, *How to Win an Election. An Ancient Guide for Modern Politicians*, ed. P. Freeman, Princeton NJ and Oxford: Princeton University Press, 2012. Quintus's authorship has been questioned by some scholars, see M.C. Alexander, "The *Commentariolum Petitionis* as an Attack on Election Campaigns", part II, *Athenaeum*, 97 (2009): 380 and 389.

[3] Q.T. Cicero, *How to Win an Election*: 33.

[4] *Ibidem*: 9 and 37.

[5] *Ibidem*: 41.

[6] *Ibidem*: 47.

proved crucial: "promise everything to everyone" was the motto of the "master of campaigning"[7]. A basic piece of advice was the "need to learn the art of flattery – a disgraceful thing in normal life but essential when you are running for office." "For a candidate," Quintus warned Cicero, "must be a chameleon, adapting to each person he meets, changing his expression and speech if necessary"[8].

Manipulation, "deceit, betrayals"[9].

That Quintus's *Commentariolum Petitionis* has recently been translated as *How to Win an Election* is perhaps indicative of a renewed dominant trend against the value of elections, often confined to the "down-and-dirty business… of campaigning"[10]. There have certainly been moments when elections were identified with "democracy." "I was looking the other day… into Noah Webster's Dictionary for the meaning of democracy," Norton Townshend observed at the Ohio Constitutional Convention in 1850, "and I found as I expected that he defines a democrat to be 'one who favors universal suffrage'."[11] However, these have been brief, exceptional moments. A Spanish political dictionary in 1855 defined elections as a "prologue of a comedy," or as a "battlefield where victory is produced not by the number of soldiers but by the strategy of the generals."[12]

Democracy and elections have not always been natural companions[13]. Since their inception, modern democracies have struggled to accommodate elections. While accepted as a principle, there remained the question of defining the electoral body – who had the capacity to vote and to be elected? Very early on, modern democracies were additionally challenged in their foundations: the idea of representative government was considered for some 'alien to pure and simple democracy'. Throughout history, elections have not only been despised for all the 'down-and-dirty business of campaigning', but have also been under attack from at least two opposing camps: those who distrust the capacity of the people to be part of the electoral universe; and those who think that elections subvert the very idea of democracy. These two different foes of elections seem to have received fresh impetus, following the increasing loss of prestige of representative institutions and the political class worldwide and, more recently, as a result of the

[7] *Ibidem*: 69.

[8] *Ibidem*: 63.

[9] "Politics is full of deceit, treachery, and betrayal" (*ibidem*: 57).

[10] P, Freeman, "Introduction", in Q.T. Cicero, *How to Win an Election*: xvi. According to Alexander, the *Commentariolum Petitionis* "was not a serious treatise of how to campaign… [It] was written with the ostensible purpose of providing information to Marcus about election strategy and tactics, but its real purpose was to poke fun at elections and at what candidates did to win them… [Its] testimony about the nature of Roman campaigning needs to be used with great caution" (M.C. Alexander, "The *Commentariolum Petitionis* as an Attack on Election Campaigns", part II: 369, 387 and 388). I am highlighting here the possible meaning of its recent translation in the politics of today, regardless of its historical accuracy.

[11] Cited in A. Keyssar, *The Right to Vote. The Contested History of Democracy in the United States*, New York NY: Basic Books, 2002: 27.

[12] J. Rico y Amat, *Diccionario de los politicos*, ed. J. Paredes, Madrid: Homolegens, 2012 (first published in 1855): 177.

[13] For the changing notions of democracy, see J. Innes-M. Philp (eds.), *Re-Imagining Democracy in the Age of Revolutions. America, France, Britain, Ireland 1750-1850*, Oxford: Oxford University Press, 2013.

referendum in the United Kingdom in 2016, where the British electorate voted to leave the European Union, and of a wave of populism that reached its apogee with the election of Donal Trump to the presidency of the United States.

In this article, I wish to present the case for the defence of a beleaguered creature in the twenty-first century. I propose a line of argumentation in favour of representative democracy, where elections take centre stage. I distinguish elections, as the method used by the people to choose their governments, from referendums, a mechanism of direct democracy. While I will be referring to the latter, my focus here is on the former. I will be resorting to the old argument, rooted in Churchill's famous speech in the House of Commons in 1945, that elections may produce "the worst form of government except all those other forms that have been tried from time to time,"[14] but I will give more emphasis to the positive values of elections. By offering a defense of elections, my final aim is to move the debate from the eternal pursuit of ideal alternatives to the more pressing pragmatic concerns for reform. I proceed by looking first at the case against elections, recently articulated by David Van Reybrouck.

II

"Elections are the fossil fuel of politics," the Belgian intellectual David Van Reybrouck tells us[15]. They might have boosted democracy in the past, but today they are the problem. In his book, *Against Elections. The Case for Democracy*, he argues that, for its survival, democracy needs to bury elections as its central mechanism and bring back in its place the system of sortition practiced by the Athenians. He is not the only person searching for solutions to problems of the post-modern world in the ancient past[16]. However he provides an intelligent and systematic criticism of elections while suggesting some alternatives that are worthy of consideration.

Why does democracy need to bury elections? According to Van Reybrouck the malaise of our times lies in a combination of a double crisis: legitimacy and efficiency. People have abandoned the ballot box. Party membership has declined. Governments are failing to deliver. As a result we are suffering from what he calls 'democratic fatigue syndrome.' There does not seem to be a point in troubling with fixing the problems of parliaments and parties – these are things of the past. The fault rests squarely on elections and their advocates, the 'electoral fundamentalists' whose poor understanding of history has led them to believe that the "only way to choose a representative is

[14] Cited in J. Keane, *The Life and Death of Democracy*, London: Norton, 2009: 581. I am paraphrasing Churchill here who referred to 'democracy' not to 'elections'.

[15] D. Van Reybrouck, *Against Elections. The Case for Democracy*, London: The Bodley Head-Penguin, 2016: 57.

[16] See, for example, Roslyn Fuller's criticism of 'electoral democracy', and her proposals for direct democracy inspired on the Athenians, who "succeeded where we are failing". Thanks to the digital revolution, Fuller suggests that "it should be possible to closely mimic the Athenian Assembly in an online national forum within the next few years". See R. Fuller, *Beasts and Gods. How Democracy Changes its Meaning and Lost its Purpose*, London: Zed Books, 2015: 42 and 288.

through the ballot box"[17]. For a better understanding of the past, Van Reybrouck found inspiration in Bernard Manin's study, *The Principles of Representative Government*, where Manin examined how the founders of modern democracy preferred elections over the lot, the method favoured by the Athenians and also used by Rome and the Italian city-republics[18]. Indeed, Aristotle had contrasted the 'democratic' nature of the lot against the 'oligarchic' features of elections. The Florentine Francesco Guicciardini favoured elections but he thought that they were often too divisive.

However, while Manin aimed at unveiling the 'mixed constitution' of modern representative governments – the presence of both oligarchic and democratic elements (including the democratic dimension of elections, a point I should return to later), Van Reybrouck seems solely concerned with highlighting the superiority of the lot. His proposed 'aleatoric-representative democracy' does in the end include a combined method of voting and sortition. This is somewhat a surprising outcome from an analysis that has little sympathy for elections, identified throughout the text as a simple hindrance to democracy, in contrast with the lot. For Van Reybrouck, the advantages of sortition are almost unquestionable: the risks of corruption are lowered; it guarantees more attention on the public good; it restores a 'great deal of peace' whereas electoral competition encourages confrontation; it is far more inclusive, as it embraces 'a greater cross section of society'; citizens selected by lot will "not be driven by commercial and social media;" they will not have to be bothered by campaigning either. A basic underlying argument is that representative democracy, a 'vertical model', has lost currency in the 'twenty-first century, increasingly horizontal'. Deliberation and the lot are thus better suited to the new era. Furthermore, by reducing "democracy to representative democracy and representative democracy to elections", an "archaic ritual," democracy has been "wrecked."[19]

III

The case for elections has to begin, perhaps inevitably, by revising the value of representative democracy. Are we facing its real demise, its displacement by the increasing demands of participation and deliberation? Is it true that representative democracy has been confined to elections? How do elections relate to democracy?

The 'need' for representative government was ably advocated by Benjamin Constant in his famous speech at the French Athénée Royal in 1819, "De la liberté des anciens comparée à celle des modernes."[20] Two centuries later his lucid reasoning remains as valid as ever. There is no need to go into details here about the diverse ideas of liberty he identified in the ancient and the modern worlds. Suffice it to say that the main distinction drawn by Constant was anchored in notions of time. If liberty for the ancients was found in the active participation of collective life, the moderns found it in

[17] D. Van Reybrouvk, *Against Elections*: 34 and 39.
[18] B. Manin, *The Principles of Representative Government*, Cambridge: Cambridge University Press, 1997.
[19] D. Van Reybrouvk, *Against Elections*: 55, 57, 167.
[20] B. Constant, "The Liberty of the Ancients Compared to that of the Moderns", in Id., *Political Writings*, ed. B. Fontana, Cambridge: Cambridge University Press, 1988: 308-328.

the joys of private pleasure. From these principles Constant derived different social organizations: the ancients felt 'freer' "the more time and energy" they dedicated to the exercise of their political rights; the moderns in contrast saw the latter as the means to secure more time for their private interests. Here laid the foundations of the 'representative system', "a proxy given to a certain number of men by the mass of the people who wish their interests to be defended and who nevertheless do not have the time to defend them themselves."[21] It is important to register that Constant did not envisage a representative system where the people's actions were just limited to selecting their representatives. He called for an "active and constant surveillance" of the people "over their representatives:" they should "reserve for themselves, at times which should not be separated by too lengthy intervals, the right to discard them if they betray their trust, and to revoke the powers which they might have abused."[22] Constant also referred to an additional condition that made the representative system necessary, contrasting the narrow territories of ancient republics with the size of the states in the modern world, where "the smallest states […] are incomparably larger than Sparta or than Rome was over five centuries"[23].

I will confine myself to time and size for the moment, as two fundamental elements in support of representative government. "Time and scale", as Paul Ginsborg recognized, are the "most serious objections" against his own proposals for a "reanimated and repopulated democracy" today – for which Ginsborg means a democracy that incorporates more participation and deliberation[24]. His attempt to deal with those 'serious objections' is far from a rebuttal. Both the internet and globalisation, where he identifies new democratising arenas, pose simultaneously challenges and possibilities. Ginsborg himself acknowledges the limitations of 'e-democracy' and 'participatory transnational politics'[25]. He doesn't seem to be arguing against representative democracy altogether, but in favour of complementing it with other democratic forms. His answer to the apparent democratic crisis is to widen the democratic horizon beyond the vote, without offering much reflection on the role of elections. Ginsborg's proposals cannot in the end resolve the problems of 'time and scale', which can only be properly addressed by representation.

It is the need for representative democracy that gives value to elections. Sortition cannot replace the basic representative function of elections. The lot may serve to tackle some of the problems identified by Van Reybrouck but it is hard to see how it could grant representation. "What makes a system representative", Manin has observed, "is

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[21] *Ibidem*: 325-326.

[22] *Ibidem*: 326. For a recent development of the notion of 'overseeing democracy', see P. Rosanvallon, *Counter-Democracy. Politics in an Age of Distrust*, Cambridge: Cambridge University Press, 2008. A similar notion, 'monitory democracy', is explored in J. Keane, "Monitory Democracy", in S. Alonso *et al.* (eds.), *The Future of Representative Democracy*, Cambridge-New York NY: Cambridge University Press, 2011: 212-235.

[23] B. Constant, "The Liberty of the Ancients Compared to that of the Moderns": 313.

[24] P. Ginsborg, *Democracy. Crisis and Renewal*, London: Profile Books, 2008: 102.

[25] *Ibidem*: 104-109. For a recent critical account of the impact of the social media, see C.R. Sunstein, *#republic. Divided Democracy in the Age of Social Media*, Princeton NJ-Oxford: Princeton University Press, 2017.

not the fact that a few govern in the place of the people, but that they are selected by election only".[26] If this is the case, elections under the conditions outlined below are constitutive of democracy. Elections are, in Giovanni Sartori's words, "what make democracy possible."[27] "Once we admit the need for elections", Sartori adds, "we minimize democracy for we realize that the system cannot operate by the *demos* itself."

Talk of minimising democracy, as in the references to 'minimalist' definitions of democracy, tend to undermine the very significance of representative democracy and its basic component, elections. That was not, I should clarify, the intention of Sartori, who stands out among the political theoreticians for his forceful defense of representative democracy. However, the term 'electoral democracy' is nowadays often used to denote a lower level of democracy, where voting seems taken for granted as a simple mechanical operation. For a start, to be considered democratic, elections require a degree of inclusion that has only been achieved recently, even in the so-called developed democracies – consider the discriminations against black Americans until the passing of the civil rights act in the United States (1964); the late accession of women to federal elections in Switzerland (1971); or the long way to the illiterates right to vote in Brazil (1985). In addition, elections are meaningless without the full company of all sorts of rights beyond the right to vote, including the freedoms of speech, press, movement and association. "Free elections with unfree opinions express nothing", noted Sartori[28]. They are also meaningless without fair procedures, in the conduct of the electoral campaigns, in the counting of the votes, and in the resolution of contentious electoral outcomes. To put it bluntly, a political system that resorts to elections without such attributes cannot today be properly called a democracy. From this perspective, the expression 'electoral democracy' seems to me to be redundant (more on this soon).

It should be clear by now that representative democracies are not defined by the mere act of voting, though voting in itself is a highly significant act whose devaluation can only put democracy in peril. Nadia Urbinati has proposed to "stretch the meaning of representation" in ways that I find compelling. In her view, representation should be seen as a process that transcends elections. "A democratic theory of representation", she points out, ought to go "beyond the intermittent and discrete series of electoral instants… and investigate the continuum of influence and power created and recreated by political judgement [expressed in the vote]."[29] Urbinati underlines the significance of elections: representative democracy starts with them. She also highlights some of the 'outstanding virtues' of electoral competition: "it teaches the citizens to rid themselves of governments peacefully; it also makes them participants in the game of ridding themselves of governments."[30] But she directs our attention to a wider temporal dimension of electoral politics, and thus to what representative politics in the end entail. From the vote there emerges 'a rich political life', as elections create close bonds between state and society in the continuum process of decision-making. Central to her

[26] B. Manin, *The Principles of Representative Government*: 41.
[27] Cited in N. Urbinati, *Representative Democracy. Principles and Genealogy*, Chicago IL-London: The University of Chicago Press, 2006: 3.
[28] G. Sartori, *The Theory of Democracy Revisited*, Chatham NJ: Chatham House, 1987, vol. I: 102.
[29] N. Urbinati, *Representative Democracy*: 10, 15.
[30] *Ibidem*: 26.

argument is the pivotal place given to 'opinion' in the electoral cycle. Voting in representative democracies reflects political opinions not just about candidates and parties, but also "citizens' judgement of a political platform, or a set of demands and ideas, over time."[31] What makes representative democracy unique, according to Urbinati, is not the electoral act but the expansion of politics to "an open arena of contestable opinions and ever-revisable decisions" in the "ongoing job of contesting and reconstructing legitimacy."[32] Note by contrast that opinion plays no role at all in sortition.

'Opinion' becomes the centre of analysis in Urbinati's more recent book, *Democracy Disfigured*, where she expands on her already enriched notion of 'representative democracy' while offering an intelligent criticism of technocracy, populism and plebiscitarian democracy[33]. She restates the view that representative democracy is 'government by opinion', where citizens mainly participate 'by voting' and also "by knowing and seeing what the government does and by proposing alternative courses of action."[34] Both the 'suffrage and the forum of ideas' are therefore closely inter-related. Nonetheless what seems to matter most in her analysis is the state of public opinion in the electoral cycles. Citizens in her view are 'more than electors' because their political involvement "transcend[s] the act of voting in the efforts to reassess the relationship between the weight of their ideas and the weight of their votes through the time between elections"[35]. But doesn't the act of voting in democratic conditions, as presented in her own narrative, presuppose a free and informed opinion? Perhaps in theory; certainly not in practice. For Urbinati the main battle in contemporary democracies is that fought 'over political equality'. Addressing the problems of representation at least requires 'containing the opacity' that often develops in the relationship between elected representatives and the citizens, regulating electoral campaigns, and protecting the "independence and pluralism of the public forum of information from both the power of political majorities and the power of private potentates."[36]

Urbinati's reassessment of the place of opinion in representative democracy is opportune and convincing. It would seem at times that she treats voting as of secondary importance compared to the process of opinion formation – "opinions", notes Urbinati, "generate a surplus of activity and make representative democracy more than electoral democracy". But if to be meaningful elections have to be accompanied by free opinion, and if "the suffrage and the forum of ideas are intertwined powers and essential conditions of democratic liberty," I wonder if the distinction between electoral democracy and representative democracy is necessary. Furthermore, the normative values Urbinati confers to political procedures (they satisfy two fundamental conditions: 'equal political liberty and civil peace'), would also indicate the primacy of elections in the democratic process.

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[31] *Ibidem*: 31.
[32] *Ibidem*: 224.
[33] N. Urbinati, *Democracy Disfigured. Opinion, Truth, and the People*, Cambridge MA-London: Harvard University Press, 2014.
[34] *Ibidem*: 6.
[35] *Ibidem*: 26.
[36] *Ibidem*: 59, 239-240.

IV

In this essay I put the case in defense of elections, an institution that is under attack by both friends and enemies of democracy. A case for elections ought to start by revaluating representative democracy. But is also needs to be defended against the advocates of representative democracy, who in their aim of stretching the concept seem at times to relegate elections to a second place or to take them for granted.

Elections have many functions. I have focused here on their role in solving the problems of 'time and size' that explain the need of modern representative government. There is a higher good involved: they do serve as an alternative to the bomb and the bullet. In spite of all the sneering, elections do offer opportunities for new thinking in troubled times, for redirecting political trajectories, for replacing ineffective governments. Elections set limits to rulers as they become subjects to the regular verdict of the ballot box. Of course electoral outcomes can go wrong, but this cannot be an argument against elections. No one is arguing that elections only produce good results – there is no guarantee against the human folly. And, as in the times of Cicero, elections are subject to manipulation. It is the task of societies to design them in ways that elections can produce the best results.

Conquered or granted, the achievement of universal suffrage should not be underestimated. Its adoption, Urbinati has noted, "has produced radical changes that cannot be appreciated unless we review the overall political life generated by the representative process."[37] But that achievement, she also tells us, only "signals the beginning rather than the end of the history of democracy."[38] In many ways the beginnings are very recent, and full of imperfections. And this is a history without an end. As Margaret Lavinia Anderson noted, "democracy is never a destination, a resting place; it is always a work in progress."[39]

[37] N. Urbinati, "Representative Democracy and its Critics", in S. Alonso *et al.* (eds.), *The Future of Representative Democracy*: 25.
[38] N. Urbinati, *Representative Democracy*: 59.
[39] M.L. Anderson, *Practicing Democracy. Elections and Political Culture in Imperial Germany*, Princeton NJ: Princeton University Press, 2000: 437.