

*The principles  
of representative government*

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## *Introduction*

Contemporary democratic governments have evolved from a political system that was conceived by its founders as opposed to democracy. Current usage distinguishes between “representative” and “direct” democracy, making them varieties of one type of government. However, what today we call representative democracy has its origins in a system of institutions (established in the wake of the English, American, and French revolutions) that was in no way initially perceived as a form of democracy or of government by the people.

Rousseau condemned political representation in peremptory terms that have remained famous. He portrayed the English government of the eighteenth century as a form of slavery punctuated by moments of liberty. Rousseau saw an immense gulf between a free people making its own laws and a people electing representatives to make laws for it. However, we must remember that the adherents of representation, even if they made the opposite choice from Rousseau, saw a fundamental difference between democracy and the system they defended, a system they called “representative” or “republican.” Thus, two men who played a crucial role in establishing modern political representation, Madison and Siéyès, contrasted representative government and democracy in similar terms. This similarity is striking because, in other respects, deep differences separated the chief architect of the American Constitution from the author of *Qu'est-ce que le Tiers-Etat?* in their education, in the political contexts in which they spoke and acted, and even in their constitutional thinking.

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Madison often contrasted the “democracy” of the city-states of Antiquity, where “a small number of citizens ... assemble and administer the government in person,” with the modern republic based on representation.<sup>1</sup> In fact, he expressed the contrast in particularly radical terms. Representation, he pointed out, was not wholly unknown in the republics of Antiquity. In those republics the assembled citizens did not exercise all the functions of government. Certain tasks, particularly of an executive nature, were delegated to magistrates. Alongside those magistrates, however, the popular assembly constituted an organ of government. The real difference between ancient democracies and modern republics lies, according to Madison, in “*the total exclusion of the people in their collective capacity from any share in the latter, and not in the total exclusion of the representatives of the people from the administration of the former.*”<sup>2</sup>

Madison did not see representation as an approximation of government by the people made technically necessary by the physical impossibility of gathering together the citizens of large states. On the contrary, he saw it as an essentially different and superior political system. The effect of representation, he observed, is “to refine and enlarge the public views by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations.”<sup>3</sup> “Under such a regulation,” he went on, “it may well happen that the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves, convened for the purpose.”<sup>4</sup>

Siéyès, for his part, persistently stressed the “huge difference” between democracy, in which the citizens make the laws themselves, and the representative system of government, in which they

<sup>1</sup> Madison, “Federalist 10,” in A. Hamilton, J. Madison, and J. Jay, *The Federalist Papers* [1787], ed. C. Rossiter (New York: Penguin, 1961), p. 81.

<sup>2</sup> Madison, “Federalist 63,” in *The Federalist Papers*, p. 387; Madison’s emphasis.

<sup>3</sup> Madison, “Federalist 10,” in *The Federalist Papers*, p. 82. Note the dual meaning of the phrase “a chosen body of citizens.” The representatives form a chosen body in the sense that they are elected but also in the sense that they are distinguished and eminent individuals.

<sup>4</sup> *Ibid.*

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entrust the exercise of their power to elected representatives.<sup>5</sup> For Siéyès, however, the superiority of the representative system lay not so much in the fact that it produced less partial and less passionate decisions as in the fact that it constituted the form of government most appropriate to the condition of modern “commercial societies,” in which individuals were chiefly occupied in economic production and exchange. In such societies, Siéyès noted, citizens no longer enjoy the leisure required to attend constantly to public affairs and must therefore use election to entrust government to people who are able to devote all their time to the task. Siéyès mainly saw representation as the application to the political domain of the division of labor, a principle that, in his view, constituted a key factor in social progress. “The common interest,” he wrote, “the improvement of the state of society itself cries out for us to make Government a *special profession*.”<sup>6</sup> For Siéyès, then, as for Madison, representative government was not one kind of democracy; it was an essentially different and furthermore preferable form of government.

At this point we need to remind ourselves that certain institutional choices made by the founders of representative government have virtually never been questioned. Representative government has certainly seen changes over the past two hundred years: the gradual extension of voting rights and the establishment of universal suffrage being the most obvious among them.<sup>7</sup> But on the other hand several arrangements have remained the same, such as those governing the way representatives are selected and public

<sup>5</sup> *Dire de l'Abbé Siéyès sur la question du veto royal* [7 September 1789] (Versailles: Baudoin, Imprimeur de l'Assemblée Nationale, 1789) p. 12; see also Siéyès, *Quelques idées de constitution applicables à la ville de Paris* [July 1789] (Versailles: Baudoin, Imprimeur de l'Assemblée Nationale, 1789), pp. 3–4.

<sup>6</sup> Siéyès, *Observations sur le rapport du comité de constitution concernant la nouvelle organisation de la France* [October 1789] (Versailles: Baudoin, Imprimeur de l'Assemblée Nationale, 1789) p. 35. On the link between the advocacy of representation and that of division of labor and modern “commercial society,” see Pasquale Pasquino, “Emmanuel Siéyès, Benjamin Constant et le ‘Gouvernement des Modernes’,” in *Revue Française de Science Politique*, Vol. 37, 2, April 1987, pp. 214–28.

<sup>7</sup> A detailed and penetrating analysis of this change and in particular of its symbolic significance in France is given in Pierre Rosanvallon, *Le sacre du citoyen. Histoire du suffrage universel en France* (Paris: Gallimard, 1992).

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decisions made. They are still in force in the systems referred to as representative democracies today.

The primary goal of this book is to identify and study those constant elements. I shall call them principles of representative government. By principles I do not mean abstract, timeless ideas or ideals, but concrete institutional arrangements that were invented at a particular point in history and that, since that point, have been observable as simultaneously present in all governments described as representative. In some countries, such as Britain and the United States, these arrangements have remained in place ever since their first appearance. In others, such as France, they have occasionally been abolished, but then were revoked all of a piece and the form of government changed completely; in other words, the regime ceased, during certain periods, to be representative. Finally, in many countries none of these arrangements was ever put in place. Thus, what was invented in the seventeenth and eighteenth centuries, and has not seriously been challenged since, was a particular combination of these institutional arrangements. The combination may or may not be present in a country at any given time, but where it is found, it is found *en bloc*.

In the late eighteenth century, then, a government organized along representative lines was seen as differing radically from democracy, whereas today it passes for a form thereof. An institutional system capable of sustaining such divergent interpretations must have an enigmatic quality about it. One might, of course, point out that the meaning of the word "democracy" has evolved since the rise of representative government.<sup>8</sup> Undoubtedly it has, but that does not get rid of the difficulty. In fact, the meaning of the word has not changed entirely; what it meant then and what it means now overlap to some extent. Traditionally employed to describe the Athenian regime, it is still in use today to denote the same historical object. Beyond this concrete common referent, the modern meaning and the eighteenth-century meaning also share the notions of political equality among citizens and the power of the people. Today those notions form elements of the democratic idea, and so

<sup>8</sup> On this point, see Pierre Rosanvallon, "L'histoire du mot démocratie à l'époque moderne," and John Dunn, "Démocratie: l'état des lieux," in *La Pensée politique, Situations de la démocratie* (Paris: Seuil-Gallimard, 1993).



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they did then. More precisely, then, the problem appears to lie in discerning how the principles of representative government relate to these elements of the democratic idea.

But genealogy is not the only reason for looking into the relationship between representative institutions and democracy. Modern usage, which classifies representative democracy as one type of democracy, when looked at more closely reveals large areas of uncertainty regarding what constitutes the specific nature of this type. In drawing a distinction between representative and direct democracy, we implicitly define the former as the indirect form of government by the people, and make the presence of persons acting on behalf of the people the criterion separating the two varieties of democracy. However, the notions of direct and indirect government draw only an imprecise dividing line. In fact, as Madison observed, it is clear that, in the so-called "direct democracies" of the ancient world – Athens, in particular – the popular assembly was not the seat of all power. Certain important functions were performed by other institutions. Does that mean that, like Madison, we should regard Athenian democracy as having included a representative component, or ought our conclusion to be that the functions of organs other than the assembly were nevertheless "directly" exercised by the people? If the latter, what exactly do we mean by "directly"?

Furthermore, when we say that in representative government the people govern themselves *indirectly* or *through* their representatives, we are in fact using somewhat muddled notions. In everyday parlance, doing something indirectly or through someone else may refer to very different situations. For example, when a messenger carries a message from one person to another, we would say that the two persons communicate indirectly or through the messenger. On the other hand, if a customer deposits funds in a savings account, charging the bank with the task of investing his capital, we would also say that the customer, as owner of the funds, lends indirectly or through the bank to the companies or institutions that are borrowing on the market. There is obviously, however, a major difference between the two situations and the relationships they engender. The messenger has no control over either the contents or the destination of the message he bears. The banker, by contrast, has

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the task of choosing what in his judgment is the best investment possible, and the customer controls only the return on his capital. Which of these two types of indirectness – or indeed what other type – best represents the role of political representatives and the power the people have over them? The modern view of representative democracy as indirect government by the people tells us nothing here. In reality, the information provided by the usual distinction between direct and representative democracy is meager.

The uncertainty and poverty of our modern terminology, like the contrast that it presents with the perception of the eighteenth century, show that we do not know either what makes representative government resemble democracy or what distinguishes it therefrom. Representative institutions may be more enigmatic than their place in our familiar environment would lead us to believe. This book does not aspire to discern the ultimate essence or significance of political representation; it merely sets out to shed light on the unobvious properties and effects of a set of institutions invented two centuries ago.<sup>9</sup> In general, we refer to governments in which those institutions are present as “representative.” In the final analysis, though, it is not the term “representation” that is important here. It will simply be a question of analysing the elements and consequences of the combination of arrangements, whatever name we give it.

Four principles have invariably been observed in representative regimes, ever since this form of government was invented:

- 1 Those who govern are appointed by election at regular intervals.
- 2 The decision-making of those who govern retains a degree of independence from the wishes of the electorate.
- 3 Those who are governed may give expression to their opinions and political wishes without these being subject to the control of those who govern.
- 4 Public decisions undergo the trial of debate.

The central institution of representative government is election,

<sup>9</sup> In this the present work differs from two books that particularly stand out among the many studies of representation: G. Leibholz, *Das Wesen der Repräsentation* [1929] (Berlin: Walter de Gruyter, 1966) and H. Pitkin, *The Concept of Representation* (Berkeley: University of California Press, 1967).

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and a large part of this book will be devoted to it. We shall also be analysing the principles that shape the policies pursued by those who govern and the content of public decisions. A final chapter will look at the different forms assumed by the principles of representative government from the time of its invention to the present day.