



Review: A Fresh Look at Representation

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distinction. The mere fact that the above evidence does not fit such an understanding may not be enough to avoid that misconception.

Ideas can be dangerous and public morality is an idea. There are two possible responses to the danger. One can deny that there need be public morality (as Clor carefully defines it) and thus see no danger to liberal democracy except from those who defend public morality. This is the response of liberals from Mill to Dworkin, of most academics who teach and write on these matters, and of those who defended President Clinton against impeachment by accusing his accusers of self-righteousness, moral zealotry, and personal vindictiveness. Alternatively, one can courageously face the danger, even against academic obloquy, in order to avoid the dangers to politics from refusing to face the danger, namely, the triumph of the moral sewer. This is the response of Clor and a very few contemporaries who follow the theoretical spirit of Aristotle and the practical substance of Locke's liberalism. One need not wholeheartedly agree with Clor to see that his book gains a presumption of weight, seriousness, and respect because he has not chosen the way to academic preferment.

This might be why *Public Morality* is explicitly written "with at least one eye on the well-educated citizen" (p. 6). This is not the same audience as *Obscenity and Public Morality* which dealt primarily with the Supreme Court and addressed scholars. He has achieved his aim if "well-educated" means intelligent citizens, capable of following an argument, and willing and able to follow independent thought. There is no explicit explanation for this shift but one presumes it reflects the reasonable judgment that such a public is today more likely to be open to the message than is an academic audience.

—Gary D. Glenn

A FRESH LOOK AT REPRESENTATION

Bernard Manin: *The Principles of Representative Government*. (Cambridge: Cambridge University Press, 1997. Pp. ix, 243. \$54.95. \$16.95, paper.)

One sure sign of an original mind is the ability to transform the mundane and familiar into thought-provoking puzzles. An even surer sign is the ability to solve such puzzles. Bernard Manin's exploration of *The Principles of Representative Government* displays abundant evidence of both kinds of creativity.

Few contemporary political practices seem more solidly established and easily understood than the election of representatives. We may debate about the most effective schemes of representation, the proper units of representation, or the proper function of a representative. But most of these debates start from a common understanding of representative government as the indirect form of democracy in which legislative and executive powers are exercised by a relatively small number of individuals elected by the people, rather than by the people themselves.

Manin challenges this common understanding of representative government in a way that forces us to take a fresh look at some of our most

familiar political practices. Although he modestly describes his book as an attempt to shed light on some of the “unobvious properties and effects” (p. 6) of representative government, it does much more than that. For the “unobvious properties and effects” that he discovers put a new face on our image of representative democracy.

Manin’s reconceptualization of representative government follows from an intuition first advanced by Aristotle: that election is in many ways an *aristocratic* institution. Competitive elections, Manin suggests, are a means, however imperfect, of selecting the best qualified individuals to hold political office. They highlight the distinctiveness of potential officeholders and encourage us to associate ruling with superior qualifications. As a result, no matter how widely shared the vote may be, elections teach citizens that the best, the *aristoi*, should rule.

The common understanding of representative government as indirect democracy has grown out of familiar comparisons with hereditary aristocracy, on the one hand, and with direct democracy, on the other. Unlike hereditary aristocracy, representative government relies on popular consent as the only legitimate source of political power. Unlike direct democracy, representative government invests legislative authority in the people’s representatives, rather than in the people itself. In the light cast by these comparisons representative government looks like the indirect form of democracy. But these comparisons obscure as well as shed light on the character of representative government. The contrast with hereditary aristocracy leads us to minimize the influence of nonhereditary aristocratic principles and sentiments in the practice of representative government. And the contrast with direct legislative democracy leads us to ignore the fact that there are much more democratic ways of selecting individuals to serve in political office than competitive elections.

The most democratic means of selecting individuals for political office, Aristotle argued, is lot. Selection by lot, unlike election, provides a way of guaranteeing that all citizens take turns in ruling and being ruled. It puts its emphasis on willingness to serve rather than superior qualifications and thereby reinforces the democratic idea that the people can and should rule itself. The impracticality of assembling the entire citizenry in our large republics may be the most familiar objection to direct democracy. But, as Manin ably shows, the use of lot to rotate political office among the citizenry was just as important an element of direct democracy in ancient Athens as the creation of citizen assemblies. Our rejection of direct democracy then is based on a preference for political professionals over amateurs, for the better qualified over the willing, not just on the impracticality of citizen assemblies.

Indeed, the one area in which we still distribute power by lot, the selection of juries, amply demonstrates Manin’s point. In criminal juries, we seek an assembly of “our peers,” rather than an assembly of especially gifted or well-trained individuals, to judge the facts of our guilt or innocence. But any move to restore to juries their former power to interpret the law, let alone reject existing law, evokes cries of horror from most liberal democrats today. Jury nullification is viewed with such disdain today because most people seem to assume that interpreting and making law are tasks for professionally trained judges and competitively selected legislators, rather than for well-meaning amateurs.

Representative government, Manin argues, is best understood as an institution of mixed government. The popular election of representatives mixes an aristocratic emphasis on superior qualifications with a democratic method of identifying the best qualified. The mixed regime is traditionally understood as an attempt to create balance among competing social groups and principles of justice by recognizing more than one legitimate source of political authority in a community's political institutions. Well-mixed political institutions, according to Aristotle, blend competing principles of legitimacy so well that it is hard to see where one starts and the other begins. Manin argues that representative government is just such an institution. "The ambiguity of election may be one key to its exceptional stability. . . . Elites and ordinary citizens alike can find in it what they are looking for" (p. 156).

Manin defends this interpretation of the principles of representative government with both historical and conceptual arguments. The first half of the book combines a detailed analysis of the use of lot in ancient Athens with an account of the rich tradition of reflection on this practice that flourished until the end of the eighteenth century. There is much to admire in these chapters, but I want to draw attention to two of the most important insights offered there.

First, there is the conceptual point that Manin makes about the kind of equality that characterized Athenian democracy. He suggests that in addition to equality of opportunity and equality of outcome there is a third kind of equality that was very important to the Athenians, but that most political theorists have missed: equal probability of attaining what we seek. Selection by lot provided willing Athenians an equal probability of attaining political office. This kind of equality is badly misunderstood when equated with either equal opportunity or equal results.

Second, there is Manin's question about why serious reflection on selection by lot and on the aristocratic character of elections disappears so abruptly at the end of the eighteenth century. Manin answers this question by pointing to the tension between lot and popular consent, the notion upon which most late-eighteenth-century liberals and republicans grounded their theories. Selection by lot leaves it to chance to determine which individuals occupy positions of authority, thereby denying citizens the right to choose their rulers. As a result, the use of lot to distribute important political offices appears to violate what most defenders of representative government viewed as the fundamental principle of popular sovereignty: legitimation by majority consent. That is why, Manin argues, it disappeared from political discussion with the triumph of representation at the end of the eighteenth century.

In the second half of the book Manin offers a "pure" theory of competitive elections to explain their aristocratic impact on politics. He also offers there a brief account of the three different forms that representative government has taken since its triumph at the end of the eighteenth century. I shall not discuss these ideas in any detail. Suffice it to say that they reward close study. The "pure" theory convincingly shows that competitive elections inevitably place a premium on distinctiveness, the ability to stand above the crowd. (This is true even of candidates who claim to share the perspective of the common man or woman; their commonness provides us with a reason for electing them only if it distinguishes them, as they usually insist it does, from the

rest of the rascally pack of politicians.) And the account of the evolution of representative government gives us a sense of how much there is to be gained from applying Manin's theoretical framework to the study of representative institutions.

The gap between our professed attachment to democracy and the elitist character of so much of our political life has drawn considerable attention from social scientists and political theorists. Manin has given us a new and immensely fruitful way of understanding this gap between political profession and practice. The practice of election itself, even in the best of worlds, legitimates and nourishes the existence of elites. Election is "simultaneously egalitarian and inegalitarian, aristocratic and democratic" (p. 149). Manin's account of representative government as a mixed political institution is an original and important contribution to political theory and political science. It deserves widespread attention and should inspire us to take a fresh look at some of our most familiar political practices.

—Bernard Yack

THE POLITICAL AS PERSONAL

Patricia U. Bonomi: *The Lord Cornbury Scandal: The Politics of Reputation in British America*. (Chapel Hill, NC: University of North Carolina Press, 1998. Pp. xiv, 290. \$29.95.)

The historian Patricia Bonomi seeks to brush away the myth and legend that has surrounded the legacy of Edward Hyde, Viscount Cornbury, for more than two centuries. As an English governor in colonial America, Cornbury was already a stock villain in the American version of Whig history. This reading of the colonial American history sees it progressing toward its inexorable climax: the American Revolution. Bonomi wants her readers to rethink some of the assumptions that have long influenced how Americans conceive of their colonial past.

Cornbury was governor of New York and New Jersey from 1702–1708. He was accused of having worn women's clothes in public as governor, a piece of lore which has had a remarkable currency. The charges of transvestism were in William Smith's 1757 *History of the Province of New York*, and have appeared in American books and newspapers in our own time. Bonomi was struck in her research by the contrast between the contemporary reports she read on Cornbury's talents and character with his unflattering historical reputation. His notoriety as an unusual dresser stems largely from a portrait of what appears to be a woman. Legend holds that the subject of the painting was not a woman at all, but rather Cornbury in drag. In investigating the painting's origins, Bonomi found credible the opinion of one art historian, who concluded that the painting was "a perfectly straightforward British provincial portrait of a rather plain woman c. 1710" (p. 19).

Having dispensed with this mystery early on, Bonomi is left to grapple with the more interesting question of why the allegations that Cornbury was