

Elections as a Collective Choice: The Factual Consequences of a political Fiction

A Short Draft not for Quotation

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I—Elections Events as Rituals of Legitimation

As a principle of political order popular sovereignty is globally recognized and adopted today as the most acceptable basis for legitimating political power and authority. As a political practice popular sovereignty has been a fiction just a bit closer to political “reality” than the fiction of the divine right of kings, the principle of the monarchic order it replaced. I should stress in the outset that I take such political fictions very seriously because once widely adopted they produce some facts, some patterns of behavior and some institutions that usually remotely correspond to, or rather try to perform the basic principle of the democratic order. This is why I prefer to call them “imaginaries” rather than fictions. Collective imaginaries of political order are fictions that by virtue of their wide social appeal can acquire regulatory power. While they start as fictions they can produce some facts that influence the shaping of political orders. This was the great insight that constitutes the core of Thomas Hobbes corpus of work and even more directly of Giambattista Vico's great book *New Science* of 1744. Hobbes famously noted in the *Leviathan* that people tend to worship the creations of their own imagination and Vico in his *new science* insisted on the impact of “believable impossibilities” on political history. I want to suggest that one of those believable impossibilities is self government by a people based on freedom and equality. Nevertheless the believability and even more the strong normative commitment to this imaginary have sometimes produced sufficient albeit meager institutional and behavioral facts to lend credibility to the principle. Vico's *new science* was a combination of philology, history, sociology and political theory, fields of knowledge that became differentiated as disciplines only in later centuries. But in order to understand how the imaginary of democratic elections works in regulating a polity and legitimating political power it is time to reassemble some of the perspectives of these distinct disciplines and discern the relations between the normative-moral principle of

election events, their epistemological-perceptual conditions and their behavioral-institutional aspects. Obviously in the following I shall only briefly touch these links.

Election events are based on the normative commitment to the notion that a legitimate government is self government and that the governed are both the source and the object of power and authority. It was precisely in this connection, in the attempt to establish the people as the cause of the government and the laws, that political theorists like Rousseau tried to replace the conception of the people's obedience to a commanding sovereign separated from the people to obedience of the people to itself, that is to the voluntary self imposed restraints by a free people. Without getting into the long history of this idea and the attempts to embody it, it is obvious that in liberal democracies election events are suppose to establish human individuals as the cause of the government, the ultimate power that establishes and disestablishes political authority. If in monarchic regimes rituals of crowning were meant to establish the material link between the physical body of the king and the divine source of power in democratic systems election events have been serving the link between the "body" of the "people" and the "body politic", the body of the state. The materialization of the state in the body of the monarchic ruler was replaced by the attempt to materialize both the people as a unified agent and the causal link between "the people" and the rulers of the state. Elections events have emerged as "material" causal processes that visibly locate the act of election by the people within the spatial-temporal coordinates of lay common sense field of perceptions and actions. Political history is, of course, rich with examples of the variety of strategies to materialized imaginaries of the people as agency from nationalization of the people as an organic group entity, a sort of an extended family, to its imaginary as an aggregate of autonomous, yet cooperating, individuals who form a civic whole. [For an election event to be a proper agent for legitimating a new or an existing government it has to produce a political majority whose composition can in principle and practice change between elections. In Israel for instance elections events tend to materialize the political agency of the Jewish people and systematically diminish the influence of the Arab minority on the making and unmaking of governments. The tendency to exclude the Arab minority from government coalitions, from appointments to top government

positions and from fair allocations of resources and services, reinforced by the relentless attempts to institutionalize a permanent ethnic Jewish majority, diminish the democratic meaning of the majority produced by Israeli elections among a significant part of the citizenry].

While for us as participants in this system it may look obvious that the religious-mystical causality symbolized by coronation rituals of the monarchy was replaced by the more transparent perceivable plane material act of popular elections, there are good reasons not to neglect the role of make-believe, ritual and mystification in commonly familiar popular elections events. The historian Edmund Morgan discerns great similarity between the make believes as well as the rituals of elections and carnivals. In both the roles and the normal hierarchy between the lay public at the bottom and those on top are reversed. These aspects may be revealed in moments when Election Day does not proceed smoothly. The deadlock in the 2000 US elections, broken only by a Supreme Court's ruling issued considerable time after elections, and the shock waves it produced in that usually stable democracy, provide a rare insight into the problematic relations between the fictive and the factual components of election events. During a period of about thirty-six days following Election Day, the choice of the president was fraught with uncertainties which could be resolved only by providing evidence beyond doubt that one of the candidates had won most of the votes in the state of Florida. Nevertheless, following an arduous campaign, televised debates, and an avalanche of commercials, the electoral machinery failed to produce a clear-cut result, an election event that can be regarded as the "cause" that determines the next government. In the end it was the Supreme Court, not the people that appeared to decide the outcome. But this could not constitute the kind of fact, the kind of event that brings the fiction of the people's choice closer to reality. This weakness haunted the entire presidency of the candidate who finally made it to the White House.

No less damaging than the inconclusiveness of the elections results to the efficacy of the election event of 2000 were the gaps, uncertainties and contingencies that were brought to light and exposed to the lay public by the close legal, technical, and media interrogation of the electoral process. Actually any minute examination of the electoral process is likely to reveal details which can undermine the public imaginary of

the election event as a credible manifestation of the national will, of a public choice. The late American political philosopher Judith Shklar had pointed out that the genealogy of any hegemonic authority is fraught with cracks which may be easily exploited to subvert the regime. She observed that that is why already thinkers such as Hobbes, Kant and Burke believed that too close a scrutiny of the origin of any authority on behalf of the lay public may plant the “most effectual seeds of death of any state”.(her “subversive genealogies” pp 132-33) The case of the American elections discussed here, illustrates how such a close scrutiny of electoral process reveals flaws in a series of matters like the working of the automatic and human vote-counts, the observers responsible for supervising the process, the managers of the election process, and standards fixed for the interpretation of ballots and irregularities.(See in Clark A. Miller, “Interrogating the Civic Epistemology of American Democracy: Stability and Instability in the 2000 US Elections” *Social Studies of Science* 34/4 Aug 2004: 501-530. Not surprisingly the judges of the Supreme Court were wise enough not to shake the necessary legal and political fictions that sustain the credibility of the elections by deciding “to avoid detailed investigations of electoral practice, unless enough votes are in question to alter the outcome” (Ibid). While constructively protecting the opaqueness that covers the incongruities between the idea and practice of the elections the Supreme Court realized the risks to the American system by allowing the ambiguity of the outcome to linger too long and moved to resolve the uncertainty by deciding the final result of the “people choice”.

This case indicates the precariousness of all attempts to embody or institutionalize a political imaginary. In the American case the resolution produced by the court was based on a remedy enabled by the constitution and therefore ultimately by the democratic system. Without such support, similar flaws in the electoral process of other democracies are likely to be much more disruptive.

II— Political Persuasion from Classical Rhetoric to Modern Communications.

Another aspect of the election is, of course, the interaction between citizens and candidates during the period of the election campaign. The classical model of the Athenian democracy was based on classical rhetoric. Classical rhetoric was based on

the live encounter between speakers and audience. In modern mass societies such encounters have become increasingly impractical and the rhetorical model had to be radically transformed. This state of affairs has raised the question of what are the current forms of democratic persuasion that replaced the classical rhetorical model of immediate interactions between orator and auditor in the *Agora* of ancient direct democracy. David Marshall in a recent book on *Vico and the Transformation of Rhetoric in Early Modern Europe* (Cambridge Univ. Press 2010) credits Giambattista Vico with the conceptual innovation of bridging classical and modern modes of political persuasion. The basic innovation has been the shift from personal communication to impersonal-institutional techniques of persuasion and their independence of any particular context. By this Vico meant the school as an institutional instrument of shaping minds, the symbolic import of actions attributable to multiple political agents as well as to imaginaries that pose as "self evident" facts, and most importantly by the tacit arguments (which, we can add, have eventually taken the form of sometimes explicit ideologies) whose social diffusion by means of texts often bounded as books (and during subsequent centuries by means of newspapers, modern electronic media and styles of visual culture,) is not tied up to particular encounters of orators and auditors in specific moments and localities. (See in my *The Descent of Icarus, Science and the Transformation of Contemporary Democracy*, [Harvard Univ. press 1990 Chapter 3 on Science and the Visual Culture of Liberal-Democratic Politics]. The crucial role of the impersonal authority and rhetorical powers of science, especially economics and other social sciences, and the influence of the style of systematic (theoretical) arguments deployed in modern conflicts for example between Marxists and free market Liberals or between liberal individuals and communitarians can be illustrative. In this context the powers of science to depersonalize political arguments and other components of the election event by enveloping them in the language of technical facts are evident in the massive engagement of election statistics, votes' counting, public opinion surveys, political analysis and legal framing of the election process and its "official" results. Such scientific-technical framing of important components of election events has obviously supported the effort to dearbitrarize the elections as a transparent objective material cause of the government. In other words this process has helped to naturalize as an unproblematic given a complex mixture of fictions and

political realities. According to Vico, perceptions, words and actions generated by hegemonic imaginaries penetrate into the communal common sense and become integrated into habitual, unreflective opinions and judgments (Marshall P92). Such perceptions, words and actions are naturalized by what Benedict Anderson suggests is their sheer diffusion in the larger society. Usually then when substantive public choice of governors and policies are not entirely practical a much more minimal sense of public participation and influence can be sufficient to produce tacit legitimation for political power and authority. In these cases the causal relations between voters and elected officials are produced by politically held fictions which tend to support an exaggerated view of the public's operational power to delegitimize governments for taking "wrong" decisions. When, however, public officials believe that the lay public actually has a real power to penalize them for the improper use of the power to serve the public it would tend to induce in these public officials a desirable sense of anxious vulnerability to public disappointment. Paradoxically, what sustains democracy under such circumstances is not so much the transparency of public policy process and of the actions of the government to a probing and a critically rational evaluation by the public but rather an interaction between necessary political fictions of control, transparency, and vulnerability. On the one hand the governors' fear the moments when the gaps between their decisions or actions and the usually unrealistic expectations and principles that legitimate them in the eyes of the public will be exposed and on the other hand the citizens tend to consider a relatively small number of such cases of politically consequential exposure as a sufficient demonstration of their democratic influence on the composition and course of the government. Combined, these orientations seem to support the minimal democratic requirement that the government be dependent on the people. In the contemporary postmodern condition what enables democracy is the readiness of both the governors and the governed to suspend disbelief in such behavior- mediating fictions in order to enter a political game in which the self-denying theatricality of government by gestures is complemented by fictions of the politically real held by citizens as virtual critical witnesses. (Yaron Ezrahi, *Necessary Fictions: Democracy after Modernity-Forthcoming*).

III—Democratic Fictions in the Service of Capitalism

Such a game is played out also in the economic sphere where the fiction of free consumers' choice is sustained by the imaginary of autonomous politically neutral market mechanism that ensures competition between producers and between salesman and secured the equality of consumers' autonomy to exercise their preferences. As a matter of fact there is a great affinity between these two systems of regulatory imaginaries that are wrongly perceived to be sufficiently differentiated to allow the economy to pose as an object of the social sciences and in particular economics and politics as a power game bounded by ethical-moral and legal norms. The affinity between the imaginaries of free market economy and liberal democracy go even farther. The British political philosopher John Dunn observes that the spectacular success of contemporary capitalism lies in the efficacy and determination with which capitalists appropriated the rhetoric of democracy and used it to gloss over inequalities and injustice. In his own words, capitalism which he calls the "order of egoism... [has] captured the word of the Equals" of democracy. "In embracing the term democracy... the political leaders of capitalism...have recognized, and done their best to appropriate and tap, a deep reservoir of political power". He concludes with the assertion that "the market economy is the most powerful mechanism for dismembering equality that humans have ever fashioned".(John Dunn *Democracy: A History* Atlantic Monthly Press 2005)Chapter 3). This conclusion does not necessarily contradict the observation that the market has proved at times a very effective means to curb the power of the government. But it has often been convenient for the government to indirectly pursue its purposes indirectly by means of the market. In capitalist liberal democracies the government has been commonly using arguments about the superior efficiency of the market or the necessary requirements of the "national economy" to present itself as helpless in the face of gross inequalities and distributive injustice. The power with which capitalism has succeeded to convert citizens into consumers has been compatible with the trend to diminish the stature of citizenship in contemporary democracy. The convergence of the rhetoric of capitalism with the rhetoric of democracy, and the projection of the affinity between democracy and affluence have served both sides so well that political candidates have not been hesitant to market themselves during the election campaign as commodities while treating voters as consumers.

All these problematic aspects of contemporary democracy do not change the fact that as a system of government based on the commitment to the rule of law and the peaceful transition between governments it is apparently more violence free than its alternatives and that generally the political practice of democracy corresponds more closely to the political imaginaries and norms of freedom and common conceptions of the public good. Again, the fact remains that politics is shaped by processes through which historically shifty collective political imaginaries of order are intuitively or consciously selected out to become hegemonic in particular societies and then produce institutions, behavioral patterns and a whole series of cultural forms that approximate these hegemonic imaginaries. Because what is perceived as a political reality is derivative of the hegemonic imaginaries of order the meaning of election must be assessed in the context of continual vulnerable efforts to institutionalize and sustain these democratic imaginaries of political order in particular societies. As such, elections events are a part of the ritual dramas that establish the perception of some factual causal relation between citizens and their governments in democracies. As such, election events provide a symbolic expression of the idea that political power is subordinate to the people's choice. I therefore suggest to regard the crisis in some contemporary democracies not so much as the failure to practice deliberative politics, secure "true" representatives, make rational policy choices or enhance the public interest but rather as the consequence of declining lay trust in (mostly Enlightenment) political imaginaries, the fictions that were necessary to uphold a particular version of democratic regimes prior to the relatively recent social, economic, technological and psychological developments that rendered them anachronistic. I believe that in order to understand and anticipate the forms of democracy that are emerging after modernity it is necessary to examine the novel fictions and practices that currently generate, or can generate, trust in the dependence of the government on the people.