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Self-Government in Our Times

Adam Przeworski



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**ADAM PRZEWORSKI**

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## **Abstract**

The eighteenth century ideal of self-government of the people was based on an assumption that renders it incoherent and unrealistic, namely, that interests and values are sufficiently harmonious that each individual needs to obey only himself while living under laws chosen by all. When faced with the reality of political parties, theorists of democracy recognized that some interests and values are inevitably in conflict and that nobody and no body can implement the will of all people. Yet even if no single government can fulfill the will of all the people, successive governments can implement the wills of different people in turn. Partisan alternations in office come as close as possible to fulfilling the ideal of self-government. Not very close, but the closest.



*Self-Government in Our Times*\*

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**The Ideal of Self-Government**

What is democracy good for?

The ideal that propelled the founding of modern representative institutions was “self-government of the people.” The problem to be solved, as posed by Rousseau (1964: 182), was “To find a form of association which defends and protects with all the shared force the person and the goods of each associate, and through which each, uniting with all, still obeys but himself, remaining as free as before.” Self-government of the people was the solution to this problem. Self-government, in turn, was desirable because it was the best system to advance liberty, understood in a particular way as “autonomy”: the idea that we are free when we are bound only by laws we would choose. “It is this goal - the goal of autonomy - that characterizes them [democracies] most centrally in normative and empirical terms,” writes a contemporary theorist (Lakoff 1996: 155). This is because, as Dunn (1993: vi) claims, “The power and appeal of democracy comes from the idea of autonomy - of choosing freely for oneself.”

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This ideal is neither coherent logically nor feasible practically. It is not a reasonable criterion for evaluating real democracies. Yet it is this ideal that throughout their history legitimized representative institutions, that ignites current demands for more direct democracy; that feeds the ubiquitous dissatisfaction with "electoralism." As Morgan (1988) has argued in his magisterial essay, this ideal has so much force that it succeeded in coordinating the political lives of several countries around the globe in spite of all its deficiencies.

If the ideal of self-government cannot be realized, what is the best possible? The question is important for two reasons. On the one hand, there is a tendency, particularly flagrant in new democracies, to pin on democracy hopes and aspirations that cannot be realized, that no regime can realize. Such expectations are dangerous, because they generate disenchantment, weaken the support for democracy, and open room for demagogical populist appeals according to which political order springs spontaneously from the people united under a leader. On the other hand, dissatisfaction with democracy is often fed by deficiencies that are not generic and thus reformable. Hence, understanding the limits of democracy is necessary both to avoid populist deviations and to leave room for reforms that are feasible.

The answer below is twofold. I argue that the closest we can come to the ideal of self-government is partisan alternation in office. While we cannot govern ourselves, we can be governed by different others in turns. The prospect of alternation is sufficient to enable political forces to think in inter-temporal terms, to absorb most political conflicts into institutional channels, and to process them according to rules, without bloodshed. This miracle, however, is not feasible under all conditions: it occurs more frequently in countries above a certain level of development, that are not highly unequal, and where the institutional design gives a fair chance to the current minority. Moreover, while partisan alternation comes the closest, it is not very close in making people feel that their political participation is effective, that the laws under which they live are a result of their actions.

To provide evidence that the "founders" could not even imagine what democracy would become, the text begins with a brief history of ideas. Another piece of history follows to show that even when finally the inevitability of partisan divisions had been admitted, incumbents did not like losing elections and found many ways to prevent it. With this historical background, I then analyze the consequences of partisan alternation in office for civic peace, autonomy, and political participation.

### **Self-government of the people**

What could it mean that "The people governs itself"? Note that "the people" appears in this phrase always in the singular, as *le peuple*, *el pueblo*, etc. This people in the singular is the only authority that can enact laws to which it would be subject. As Montesquieu (1995: 104) observed, it is "a fundamental law in democracies, that the people should have the sole power to enact laws." Clearly, not all commands constitute laws: to qualify as laws, commands must satisfy certain substantive criteria, such as those listed by Fuller (1964). Moreover, ruling entails commands other than laws; it is

not limited to legislating. Still, if only the people can enact laws, the people is always bound only by laws of its own making. And since the laws by which the people is bound are of its own making, the people is free. Hence, at the end of this cascade of tautologies, the people is free, subject only to those laws it chose, when the people governs itself. In Kant's (1891: 43) rendering, "it is only when all determine all about all that each one in consequence determines about itself."

Yet the people in singular cannot act. As the Demiurge, the people is an apathetic one. This is why Rousseau (1964: 184) needed to make terminological distinctions: "As for those associated, they collectively take the name of the *people*, and are called in particular *Citizens* as participants in the sovereign authority and *Subjects* as submitted to the laws of the State."<sup>1</sup>

But how is the will of the people in the singular to be determined by people in the plural? One is free when one rules oneself, but is one free when the people rules?

Clearly, these questions do not arise if all individuals are in some way identical, if the subjects who choose the order which they are to obey are but copies of a species. As Descombes (2004: 337) puts it, "the man as *subject* is not this or that man, but rather something like the rational faculty which is found among human individuals, everywhere identical." In Kant's (1793) view, guided by universal reason, each and all individuals will to live under the same laws, "For Reason itself wills this." And if the same order is considered best by all, the decision of each is the same as would be that of all others. Indeed, the fact that others want the same is irrelevant: if others command me to do the same as I command myself, I obey but myself. Moreover, the procedure for lawmaking is inconsequential: when everyone wants the same, all procedures generate the same decision. Each one and any subset of all can dictate to all others with their consent. Finally, this decision evokes spontaneous assent: if each individual lives under the laws of his or her choice, no one needs to be coerced to follow them.

Hence, the condition under which the people would be free in the plural when they rule themselves, collectively autonomous, is that each and all want to live under the same laws: unanimity. Representative government was born under an ideology that postulated a basic harmony of interests in society. The founders of representative institutions could see no middle road between consensus and civil war, harmony and mayhem. This is not to say that they were blind to conflicts, to the manifest fact that not everyone would agree to everything. Some social divisions were seen as inevitable: as Madison, educated in Hume, would observe in Federalist #10, "the latent sources of faction are ... sown in the nature of man." Hume (2002 [1742]) himself thought that divisions based on material interests were less dangerous than those based on principles, particularly religious values, or affection. Not even Sieyes maintained that the consensus must include all issues: "That people unite in the common interest is not to say that they put all their interests in common" (cited by Pasquino 1998: 48). Condorcet (1986: 22) pointed out that "what is entailed in a law that was not adopted unanimously is submitting people to an opinion which is not theirs or to a decision which they

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<sup>1</sup> Kant (1891 [1793]: 35) made similar distinctions when he spoke of everyone's Liberty as a Man, Equality as a Subject, and Self-dependency (self-sufficiency, autonomy) as a Citizen.

believe to be contrary to their interest.” The classical argument admitted that people may disagree about many issues; it claimed only that some values or interests bind them together so strongly that whatever is common overwhelms all the divisions. All that was required was an agreement on some basics, in Rousseau's (1984: 66) words “some point in which all interests agree.”

Yet even those who recognized the inevitability of social divisions saw parties or factions as spurious divisions of a naturally integral body, products of the ambitions of politicians, rather than reflections of any pre-political differences or conflicts. The people were a body and “No body, corporeal or political, could survive if its members worked at cross-purposes” (Ball 1989: 160). The analogy with the body originated in the late medieval period and was widely utilized until recently. Even when the contractual perspective replaced the organic one, parties to a covenant or contract were seen as parts of a whole, rather than any kind of divisions. Protagonists of representative government thought that since the people was naturally united, it could be divided only artificially. As Hofstadter (1969: 12) reports, eighteenth century thinkers “often postulated that society should be pervaded by concord and governed by a consensus that approached, if it did not attain, unanimity. Party, and the malicious and mendacious spirit it encouraged, were believed only to create social conflicts that would not otherwise occur....” “The spirit of party,” George Washington (2002: 48) sermonized in his 1796 *Farewell Address*, “serves to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms, kindles the animosity of one part against another, foment occasionally riots and insurrections. It opens the door to foreign influence and corruption...”. “There is nothing I dread so much,” his successor, John Adams, remarked, “as a division of the republic into two great parties, each arranged under its leader, and concerting measures in opposition to each other” (cited in Dunn 2004: 39). Perhaps paradoxically, one solution to partisan divisions could be a single party, uniting everyone in the pursuit of the common good. According to Hofstadter (1969: 23) the main proponent of this solution was James Monroe: “It is party *conflict* that is evil, Monroe postulated, but a single party may be laudable and useful, ..., *if* it can make itself universal and strong enough to embody the common interest and to choke party strife....” However unity was to be attained, unity had to prevail.

To prevent partisan divisions, they had to be moderated and mitigated by a proper design of representative institutions. “If ... separate interests be not checked, and not be directed to the public,” Hume predicted, “we ought to look for nothing but faction, disorder, and tyranny from such government.” The first virtue of the United States Constitution Madison vaunted in the opening sentence of *Federalist* #10 was that “Among the numerous advantages promised by a well constructed Union, none deserves to be more accurately developed than the tendency to break and control the violence of factions.” Madison recognized that differences of passions and interests are ubiquitous and inevitable in society; moreover, their most common and durable source has been the “various and unequal distribution of property.” Such differences cannot be permitted to enter into the realm of politics. But the cost of prohibiting them would be the loss of liberty. Thus Madison concluded that “the *causes* of faction cannot be removed; and that relief is only to be sought in the means of controlling its *effects*.” And even if the etymology of the two words is different (Ball 1989: 139), “factions” were exactly what

we would understand today as “parties.”<sup>2</sup> “By a faction,” Madison defines, “I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.” Yet factions would be controlled, Madison asserts, by discussion among representatives as well as by the fact that in sufficiently large districts each representative would respond to heterogeneous interests.

The French were less concerned about liberty: the last decree of the French Constituent Assembly of 1791 stated that “No society, club, association of citizens can have, in any form, a political existence, nor exercise any kind of inspection over the act of constituted powers and legal authorities; under no pretext can they appear under a collective name, whether to form petitions or deputations, participate in public ceremonies, or whatever other goal” (cited in Rosanvallon 2004: 59). This principle seems to have traveled: the 1830 Constitution of Uruguay also made it illegal for citizens to organize into associations. (López-Alves 2000: 55).

The hostility to parties was so profound that they were banned in German principalities in 1842; in some countries it was illegal to refer to parties in the parliament until 1914; and mass parties became fully legal in France only in 1901. While Burke defended parties in 1770, he reverted to what everyone else considered a wishful view: “Party is a body of men united for promoting by their joint endeavours *the national interest* upon some principle in which they are all agreed” (2002: 40; italics supplied).<sup>3</sup> Henry Peter, Lord Brougham (2002: 52), referred in 1839 to party government as “this most anomalous state of things – this arrangement of political affairs which systematically excludes at least one half of the great men of each age from their country's service, and devotes both classes infinitely more to maintaining a conflict with one another than to furthering the general good.” “Party government” was a negative term, connoting conflicts motivated by personal ambitions of politicians, “obsession with winning power by winning elections,”<sup>4</sup> pursuit of particularistic interests, altogether a rather unsavory spectacle. It required a remedy in the form of some neutral, moderating power, such as the Emperor in the 1825 Brazilian Constitution or the President in the Weimar Constitution.<sup>5</sup> Yet, as Schmitt (1993) observed, even this solution was devoured by partisan politics; in the end, presidents were elected by parties. And when this solution failed, constitutional review by independent courts emerged to constrain party government (Pasquino 1998: 153).

While representative government certainly meant that the people have the right to organize in order to remove the incumbent government through elections, the proper role of the people in between elections remained, and continues to remain, ambiguous.

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<sup>2</sup> “Faction,” however, had a more clearly offensive connotation: as Bolingbroke could say, “Faction is to party what the superlative is to the positive: party is a political evil, and faction is the worst of all parties” (cited in Hofstadter 1969: 10)

<sup>3</sup> Moreover, Hofstadter (1969: 34) observes, this view found only a faint echo in the United States. }

<sup>4</sup> This quote is from the German President Richard von Weizsäcker, in Scarrow (2002: 1).

<sup>5</sup> The connection between the emergence of parties and the need for a moderating power was the theme of Henry Saint-John, Viscount Bolingbroke (2002: 29), in 1738: “To espouse no party but to govern like the common father of his people, is so essential to the character of a Patriot King that he who does otherwise forfeits the title.” Washington, in the *Farewell Address*, thought that parties have virtues under monarchy, where the king can arbitrate between them, but not under democracy.

Madison (*Federalist* #63) observed that what distinguished the American from the ancient republics “lies in the total exclusion of the people, in their collective capacity from any share in the government.” He seems to have meant it literally, that the people should leave governing to their representatives, “as a defense against their own temporary errors and delusions.” According to Hofstadter (1969: 9), “When they [The Founders] began their work, they spoke a great deal - indeed they spoke almost incessantly – about freedom, and they understood that freedom requires some latitude for opposition. But they were far from clear how opposition should make itself felt, for they also valued social unity or harmony, and they had not arrived at the view that opposition, manifested in organized popular parties, could sustain freedom without fatally shattering such harmony.” Lavaux (1998: 140), in turn, observes that “The conceptions of democracies that emerged from the tradition of the Social Contract do not necessarily treat the role of the minority as that of the opposition. Democracy conceived as identity of the rulers and the ruled does not leave room for recognizing the right of opposition.” The notion that people can freely oppose the government elected by a majority emerged only gradually and painfully everywhere, the United States included. After all, Hofstadter (1969: 7) is right, “The normal view of governments about organized opposition is that it is intrinsically subversive and illegitimate.”

Here is an alternative spin on the concensualist ideology. The ideologues of representative government knew that social divisions and the conflicts they would generate were inevitable. Yet they feared that conflicts, at least some conflicts, would spill beyond institutional boundaries and lead to civil strife, perhaps even civil wars. One way to prevent violence was by properly designing the representative institutions, perhaps most importantly by restricting suffrage to the propertied, but also by a number of other devices, such as bicameralism, indirect or open voting, lists of official candidates, etc. (On these devices, see Przeworski 2008). But another way was to *persuade* everyone that what they share in common is more profound than all that divides them. Hence, the ideology of the harmony of interests was an *instrument* of rule.

Such an interpretation raises complex methodological issues that cannot receive proper attention here. I certainly do not want to suggest that the propertied elites somehow conspired to use the concensualist ideology as an instrument with which to persuade the poor that they are better off being ruled by the rich. Neither do I believe that any ideology can be imposed arbitrarily (Przeworski 1998). An ideology is plausible only if it corresponds to real life experience, only if it is an effective guide in everyday life. The power of the concensualist ideology was perhaps due to the fact that it did speak to the fears and the prospects of broad masses, and to a large extent it still does.<sup>6</sup>

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<sup>6</sup> This ideology satisfies Gramsci's (1971: 161, 182) criteria for hegemony: "The development and expansion of the particular group are conceived of, and presented, as being the motor force of a universal expansion, of a development of all the 'national' energies; in other words, the dominant group is coordinated concretely with the general interests of the subordinate groups, and the life of the State is conceived of as a continuous process of formation and superseding of unstable equilibria (on the juridical plane) between the interests of the fundamental group and those of the subordinate groups - equilibria in which the interests of the dominant social group prevail, but only up to a certain point, i.e. stopping short of narrowly corporate economic interests."

## Partisan Divisions and Alternation in Office

With regard to no other aspect did democratic ideology experience a turnabout as sharp as with political parties. Consider Madison himself. As soon as he found himself in opposition to Hamilton's policies, in the spring of 1791, he undertook with Jefferson a trip through New York and Vermont with no purpose other than to create a party.<sup>7</sup> While he still believed that ideally, if economic differences could be reduced, parties would not be necessary, he came to recognize that “the great art of politicians lies in making one party a check on another” (quoted in Dunn 2004: 53). Soon he used a label, “Republican,” to identify its programmatic orientation. And toward the end of his life, at some time between 1821 and 1829, Madison would arrive at the conclusion that “No free Country has ever been without parties, which are a natural offspring of Freedom.” (In Ketcham 1986: 153).

The first partisan divisions emerged in England in 1679-80.<sup>8</sup> Polarization over the policy toward France led to the rise of parties in the United States in 1794, even if the Federalist Party dissipated after the defeat of 1800 and a two-party system crystallized only a quarter of century later. In France parties became recognizable in 1828. In some Latin American countries, notably Colombia and Uruguay, parties emerged from the wars of independence even before the formation of the state (López-Alves 2000).

By 1929 Kelsen (1988: 29) could write that “Modern democracy rests entirely on political parties.... [T]he hostility of the old monarchy against political parties, ..., the opposition between them and the State, are but a manifestation of poorly veiled hostility against democracy.... It is an illusion or hypocrisy to maintain that democracy is possible without political parties.... Democracy is thus necessarily and inevitably a State of parties (*Parteienstaat*).” Several post-1945 constitutions recognized parties as institutions essential to democracy (Lavaux 1998: 67-68).<sup>9</sup> Moreover, parties developed the capacity to discipline the behavior of their members in legislatures, so that individual representatives could no longer exercise their own reasons. Indeed, in some countries representatives are legally compelled to resign their mandate if they change parties: the law recognizes that they serve only as party members.

Kelsen's observation reflected the changing reality. Figure 1 shows the proportion of countries that had recognizable parties at different times. And by the end

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<sup>7</sup> This account is based on Dunn (2004: 47-61).

<sup>8</sup> Laslett (1998: 31) considers the 1681 “Instructions to the Knights of the Country of - for their Conduct in Parliament,” perhaps written by Locke, as the first party document in history.

<sup>9</sup> The Italian Constitution of 1947 was the first to mention the role of parties in “the determination of national policy” (Article 2). The Bonn Constitution of 1949 (Article 21) and the Spanish one of 1978 render to parties a constitutional status. The Swedish Constitution of 1974 mentions the preeminent role of parties in the formation of the democratic will.

of World War I, a majority of countries had at least two parties represented in the legislature.<sup>10</sup>

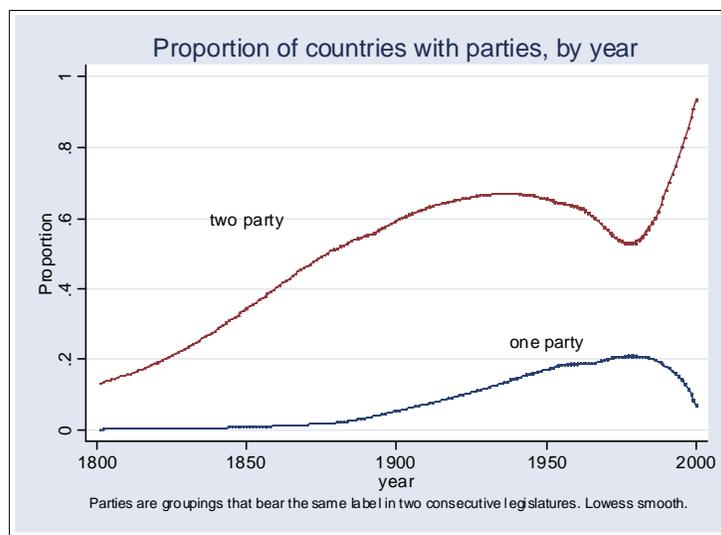


Figure 1

Yet the mere existence of multiple parties did not mean that incumbents were willing to subject their fate to the vicissitudes of elections. The emergence of partisan alternation in office is the most surprising aspect of democratic history. As we have seen, the idea of a government losing office as a result of an election could not have been even conceived within the perspective of the eighteenth-century. The very language would have been incomprehensible, since all its ingredients were missing. Elections were to select individuals, not parties. As representatives, those elected were to serve the interest of all, not of those who had voted for them. Since actions of representatives were not to depend on results of elections, the notion of alternation through elections could not be envisaged and, since there were no parties, alternation could not have been partisan. What happened in the United States in 1801 – “when, without use of a coup d’état, and without armed rebellion against him, a man denounced hysterically in some quarters as a Jacobin calmly assumed the highest executive office,” as Palmer (1964: 511) describes the event, is mind-boggling.<sup>11</sup>

Isolated instances of partisan alternation occurred first in the United States in 1801, then again in 1829 and 1841. Columbia experienced peaceful alternations in 1837 and 1849, but then not until 1930. Nicaragua had an alternation in 1847 but had to wait until 1990 for the next one; having gone through an alternation in 1852, Honduras

<sup>10</sup> This graph, as well as all other systematic information is based on the PACKT (Przeworski et al. 2008) data set. “Two parties” stands for at least two: the exact number is impossible to determine since few sources include very small parties.

<sup>11</sup> Calm it was not. Indeed, probably at no other time in its history did the United States come as close to a coup d’etat as in 1800. For detailed accounts of these events, see Dunn (2004) and Weisberger (2004).

waited until 1928 for it to be repeated; Dominican Republic had one in 1853 but the next one occurred in 1978; Argentina experienced a partisan change in 1868, again only in 1916, and then only in 1989. Most European countries waited even longer for the first partisan alternation to transpire, but once an alternation had occurred it was typically accepted as an inevitable feature of the democratic future: in England after 1834, Belgium after 1847, Netherlands after 1866, and Italy after 1867. Figure 2 shows the proportion of elections that resulted in partisan alternation over time.

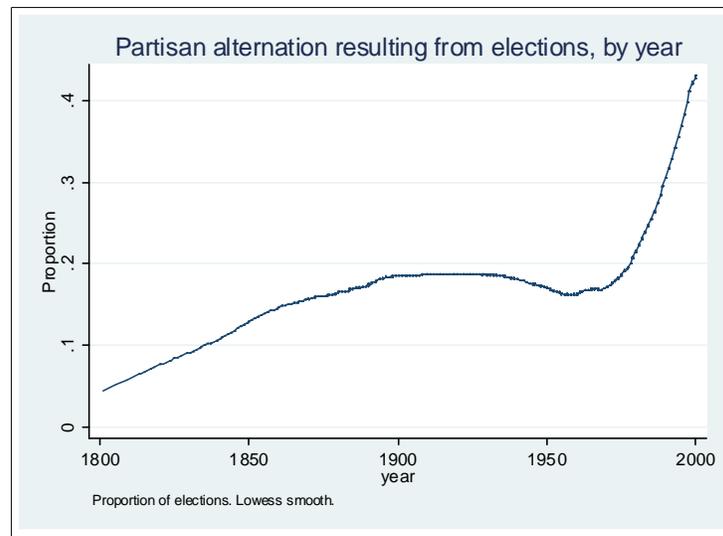


Figure 2

Only about one election in six resulted in alternation until the last quarter of the past century and still only one in three recently. Yet today most people living under representative governments take it as perfectly natural, as inherent in democracy, that multiple parties would compete in elections and that the result may be that control over governments would change partisan hands.

## **Partisan Alternation in Office as an Implementation of Self-Government**

### **Democracy as a Method of Processing Conflicts**

Can the ideal of self-government be implemented differently than the founders envisaged? What could it mean today, in the presence of parties?

The silence of democratic theory, even in its most modern versions, about alternation in office is astonishing. Neither Kelsen (1988 [1929], 1954), nor Schumpeter (1942), Downs (1957), Dahl (1971, 1989), nor Bobbio (1987, 1989) pause to consider its consequences. Indeed, the only theorist on this list who even mentions alternation is Kelsen, who in what seems to be an afterthought, ends his essay with the sentence

“And it is necessary that this coercive order [democracy] be organized in such a way that the minority as well ... could at any time become majority” (1988: 93). And these are theorists who emphasize the role of political parties in organizing and representing public opinion and who see electoral competition among parties as the essential feature of democracy. Yet they either stop at competition (contestation) or suggest that the people are represented when parties negotiate and make compromises, not when parties alternate in office. Dahl (1971) is perhaps most striking: his entire emphasis is on contested elections but he never reflects why it matters that elections be contested. In the end, he throws his hands up in the air: “But it is not my purpose here to make a case for polyarchy” (1971: 31).

Beginning with Kelsen (1988 [1929]: 27), these theorists take it as the point of departure that all citizens cannot rule at the same time: “[I]t is not possible for all individuals who are compelled and ruled by the norms of the state to participate in their creation, which is the necessary form of exercise of power; this seems so evident that the democratic ideologists most often do not suspect what abyss they conceal when they make the two 'people' [in the singular and in the plural] one.” People must be represented and they can be represented only through political parties,<sup>12</sup> which “group men of the same opinion to assure them real influence over the management of public affairs” (Kelsen 1988: 28) or which are groups “whose members propose to act in concert in the competitive struggle for political power” (Schumpeter 1942: 283) or “a team of men seeking to control the governing apparatus by gaining office in a duly constituted election” (Downs 1957: 25). Isolated individuals cannot have any influence over the formation of general will; they exist politically only through parties (Kelsen 1988: 29).

Parties, in turn, have followers and leaders, who become representatives through elections. Representatives will for the people. “Parliamentarism,” Kelsen (1988: 38) says, “is the formation of the directive will of the State by a collegial organ elected by the people.... the will of the State generated by the Parliament is not the will of the people ....” Schumpeter (1942: 269) echoes: “Suppose we reverse the roles of these two elements and make the deciding of issues by the electorate secondary to the election of the men who are to do the deciding.” While in the classical theory “the democratic method is that institutional arrangement for arriving at political decisions ... by making *the people decide issues* through the election of individuals who are to assemble in order to carry out its will,” in fact the democratic method is one in which the individuals who are to assemble *to will for the people* are selected through elections (1942: 250).

Thus far these views do not diverge as far from the classical conception as Schumpeter would have it. Although they would be uncomfortable with the emphasis on interests and parties, Madison or Sieyès would have agreed that the role of representatives is to determine for the people, and sometimes against the people, what is good for them. But here comes the crucial break with the classical tradition: Kelsen, Schumpeter, Bobbio, Downs, and Dahl all agree that nobody and no body can represent the will of all the people. In sharp contradistinction to the classical view, these theorists

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<sup>12</sup> Both Kelsen and Bobbio consider and reject the alternative of functional representation, by corporatist bodies.

maintain that political parties represent distinct interests. The theory of democracy based on the assumption of the common good is just incoherent. As Shklar (1979: 14) put it, in an article entitled "Let Us Not Be Hypocritical," "A people is not just a political entity, as was once hoped. Parties, organized campaigns, and leaders make up the reality, if not the promise, of electoral regimes...."

Kelsen (1988: 25-26) was perhaps the first to systematically challenge the theory of self-government based on the assumption of unanimity: "Divided by national, religious and economic differences, the people presents itself to the view of a sociologist more as a multiplicity of distinct groups than as a coherent mass of one piece." He rejected what Schumpeter would dub "the classical conception" with an equal vigor: "Moreover, the ideal of a general interest superior and transcending interests of groups, thus parties, the ideal of solidarity of interests of all members of the collectivity without distinction of religion, of nationality, of class, etc. is a metaphysical, more exactly, a metapolitical illusion, habitually expressed by speaking, in an extremely obscure terminology, of an 'organic' collective or 'organic' structure..." (Kelsen 1988: 32-33).

Schumpeter (1942: 250ff) offered a systematic critique of the concept of the common good or general will by making four points: (1) "There is no such thing as a uniquely determined common good that all people could agree on or be made to agree on by the force of rational argument." (2) The individual preferences which the utilitarians adopted to justify their conception of common good are not autonomous but shaped by persuasion, "not a genuine but a manufactured will." (3) Even if a common will would emerge from the democratic process,<sup>13</sup> it need not have the rational sanction of necessarily identifying the common good. Given the pathologies of mass psychology, nothing guarantees that people would recognize what is good for them. (4) Even if we could know the common good, there would still be controversies about how to implement it.

If no body, parliament or government, can will for all the people, is democracy just a method for imposing the will of some, who happen to constitute a numerical majority, on others? Schumpeter (1942: 272-3) does pose the question but quickly dismisses the only negative answer that occurs to him, which is proportional representation. "Evidently," he observes, "the will of the majority is the will of the majority and not the will of 'the people'." Then he mentions that some authors - he must have had in mind Kelsen (1988 [1929]: 60-63) - tried to solve the problem by various plans for proportional representation. He finds this system unworkable, since "it may prevent democracy from producing efficient governments and thus prove a danger in times of stress." "The principle of democracy," Schumpeter insists, "merely means the reins of government should be handed to those who command more support than do any of the competing individuals or teams."

Kelsen (1988: 34) did offer a solution: a compromise among parties. He argued that "the general will, if it should not express the interest of a single and unique group,

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<sup>13</sup> The difficulty of identifying the common will was recognized only nine years after Schumpeter published his text, by Arrow (1951).

can be only a result of such oppositions, a compromise between opposing interests. The formation of the people in political parties is in fact an organization necessary to realize such compromises, so that the general will could move in the middle (*dans une ligne moyenne*}).” “The application of the majority principle,” Kelsen (1988: 65) maintained, “contains quasi-natural limits. Majority and minority must understand each other if they are to agree.” But here he encounters a problem so thorny that it requires Freudian psychology, the “unconscious,” to solve: why would “compromise,” in fact concessions made by the majority to the minority, be specific to democracy? He claimed - erroneously so in the light of recent research (Gandhi 2008) - that autocracies do not make compromises.<sup>14</sup> The only reason he could adduce was psychological: “Democracy and autocracy thus distinguish themselves by a psychological difference in their political state” (1988: 64). But if this solution – preserving political rule by making concessions - is not exclusive to democracy, a central value Kelsen claims for democracy vanishes.

Bobbio (1989: 116), attributing this view to Max Weber, observed that the normal procedure for making decisions under democracy is one in which collective decisions are the fruit of negotiation and agreements between groups which represent social forces (unions) and political forces (parties) rather than an assembly where majority voting operates.” And when party leaders negotiate, the role of voters is reduced to a minimum. All that voters can do is to ratify agreements “reached in other places by the process of negotiation”.

Compromise among party leaders, subject to periodic ratification by voters, is as much as Kelsen or Bobbio can salvage from the classical conception of self-government. Self-government now means the government of parties in the parliament. Parties do not pursue the common good but search for compromises among partisan interests. Bargaining replaces deliberation. The outcomes are to a large extent independent of results of elections. The specificity of democracy is reduced to the requirement that from time to time these bargains must be approved by voters. Yet all voters can do is either to approve the deals negotiated by party leaders or to throw the rascals out: in the language of recent Argentine outburst against the political class, “*fuera todos!*,” everyone out. And then?

In what follows, I offer an alternative view. Even if at each time a government can represent only some people, parties can take turns, and most people could be represented some of the time. While the people does not govern itself, it is governed by different others in turn. This, I think, is the meaning of self-government in our times.

### **Self-Government as Rotation in Office**

To understand the role of alternation, it is enlightening to take a detour to classical Greece (The following is based on Hansen 1991). For Aristotle, the essential feature of

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<sup>14</sup> The difference between these two types of regimes is not that compromises occur only under democracy but that autocracies can be, and many are, ruled by a minority. But dictators also combine repression with cooptation to maintain their rule (Gandhi and Przeworski 2006).

democracy, the mechanism of the connection between democracy and liberty, was that everyone “would rule and be ruled in turn.” Here is his crucial passage:

A basic principle of the democratic constitution is liberty. That is commonly said, and those who say it imply that only in this constitution do men share in liberty; for that, they say, is what every democracy aims at. Now, one aspect of liberty is being ruled and ruling in turn.... Another element is to live as you like.... So this is the second defining principle of democracy, and from it has come the ideal of not being ruled, not by anybody if possible, or at least only in turn. (Cited in Hansen 1991: 74)

The difference between the Greek and the modern concepts of self-government is striking. Commenting on a passage by Castoriadis - “I give here the term human being, *anthropos*, the sense ... of a being that is autonomous. One can say as well, remembering Aristotle, a being capable of ruling and being ruled” - Descombes (2004: 327) observes, “It is remarkable that Castoriadis did not say, as would only naturally a partisan of autonomy in the modern sense, 'a being capable of ruling himself.' ... The good citizen is someone who is as capable to command as to obey.” In Manin's (1997: 28) rendering, “democratic freedom consisted not in obeying only oneself but in obeying today someone in whose place one would be tomorrow.”

The institutional feature that implemented taking turns in Greece was rotation in office: a combination of selection by lot with short terms and restrictions on re-eligibility. Thus 6000 jurors were picked by lot at the beginning of each year and from those as many as needed were picked by lot on a given day. About 540 magistrates, who had to prepare the decisions of the Council and implement them, were picked by lot for a year and could not hold the office more than once (or at most a few times). Members of the Council of 500 were chosen by lot for one year from among those who presented themselves and could hold the office at most twice in their life, but not in consecutive years.<sup>15</sup> Finally, the ceremonial office of the *epistates*, who held the seal of Athens and the keys of the treasuries as well, and counted as the head of state of Athens in relation to other states, could be held for only one night and one day in one's life. Here is Hansen's (1991: 313) summary of these arrangements:

The rule that a man could be a councilor no more than twice in a lifetime means that every second citizen above thirty ... served at least once as a member of the Council; and three quarters of all councilors in any one year had to serve for a night and a day as *epistates ton prytaneon* (and never again). Simple calculation leads to this astonishing result: every fourth adult male Athenian citizen could say. “I have been for twenty-four hours President of Athens” - but no Athenian citizen could ever boast having been so for *more* than twenty-four hours.

Rotation could not have become the institutional form of taking turns in modern democracies. While Manin (1997) may be correct that their large size does not preclude direct democracy, size would render rotation meaningless. The 1776 Constitution of Pennsylvania, where legislators, sheriffs, coroners, tax-assessors, and justices of peace

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<sup>15</sup> According to Finley (1983: 74), in any decade between a fourth and a third of citizens over thirty would have been Council members and fewer than 3 percent served a second term.

were elected for one year and executive councilors for three, all with limitations on re-eligibility, came closest to the ideal of rotation in the modern era. But even if we assume that no one ever served twice, at most one person in thirteen would serve ever.<sup>16</sup>

One can draw contrasts between the Greek and modern democracy in several ways. The standard distinction is that Greek democracy was direct, while the modern one is representative. Manin (1997) highlights the method for selecting to public offices: in Greece it was predominantly lot, while elections characterize modern democracies. But the power of lot stemmed not from “simple political equality” in the sense of Beitz (1989), an equal procedural chance, but from short terms in office and prohibitions on re-eligibility, rotation. After all, we could use lot to choose even a hereditary monarch. The sharpest contrast, in my view, was that the Greek democracy assured that most citizens would rule and be ruled in turn, while nothing of the sort would even enter the minds of modern democrats. Even short terms in office and restrictions on reelection, wherever they were introduced, were intended to prevent entrenchment by the incumbents, rather than to give everyone a chance to rule. I find it astonishing how far were the early democrats from the Greek ideal of self-government. For the Greeks - Rousseau (1964) had it right - “democracy was a state in which there are more citizens who are magistrates than ordinary citizens who are not.” And while Paine (1989: 170) described the American system of government as “representation ingrafted upon Democracy,” the graft transformed the entire body. All the elaborate constructions about the common good, ideal preferences, and collective will masked a basic fact that nothing in the modern conception of democracy precluded the possibility that some people could rule always and others never.<sup>17</sup> George Washington could say, “I have been for eight years President of the United States” and almost no one else could say that they were president even for a day.

### **Self-government as Partisan Alternation in Office**

Given the size of modern democracies, the closest substitute for individual rotation is partisan alternation in office. I know that caveats jump to everyone's mind. They will appear here as well, at length and with a destructive force. But hear me out first. Suppose that people sort themselves into parties, according to their interests, values, ideals, or whatever, “wills.” Suppose that this sorting is sufficient to render coherence to some notion of partisan interests. Suppose that party leaders - there are leaders - act in the best interest of their supporters. This is not yet enough: if this sorting were

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<sup>16</sup> I assume that 1000 people were elected. The population of Pennsylvania was 434,373 in 1790 and I use 400,000 for 1776. I also assume that adult life lasted 30 years.

In the United States, there were 511,039 popularly elected local officials in 1992 ([www.census.gov](http://www.census.gov)), 7382 state, and 535 federal legislators, for a total of 518,956. Even if everyone served only one year and could not serve again ever in their life, only one in seven would ever rule.

<sup>17</sup> Indeed, Sieyes justified representation by claiming that the people would want those who make laws to have specialized knowledge. Having observed that in modern society individuals must have specialized skills, he concluded that “The common interest, the improvement of the state of society itself cries out for us to make Government a *special profession* (cited after Manin 1997: 3; a more extensive discussion of Sieyes's view is in Pasquino 1998).

permanent, some parties would rule always and other parties still never. But suppose that people can change their mind and enough do, for whatever reasons. Then parties, or coalitions thereof, will alternate in office and most people will be represented in turn. Here lies the genius of elections and, in my view, the cornerstone of their staying power.

This argument is developed in three steps. First, I claim that it is reasonable to think that parties represent specific interests. Secondly, I argue that the prospects of alternation may serve to maintain civil peace. Finally, I investigate the relation between partisan alternation and autonomy, always understood as the proportion of the people who live under a legal order they would have chosen. Only then do I ask whether it makes a difference whether people actually choose the order under which they live.

While governments may not be able to express the will of all the people, supporters of particular parties may be sufficiently homogeneous to render meaning to a notion of partisan interest. True, even the will of supporters of particular parties is still likely to be multidimensional, so partisan interest need not be uniquely determined. But given the platform of other parties - by which I mean both the issues on which to take a position and the positions taken - the platforms to which supporters of a particular party would agree are circumscribed.<sup>18</sup> In elections, people sort themselves out by their distinct wills in response to proposals of parties which, in turn, must anticipate how people would sort themselves out. In the end, "the electoral equilibrium," people vote for particular parties because they think that they will represent them better than others. Hence, partisan interests are distinct.

To understand this process, it is useful to consider electoral competition between two parties (or coalitions) which choose policies from a single dimension of policy, say the extent of redistribution. As long as parties propose or implement different platforms, almost all voters, except for those whose ideal preferences are equidistant from the proposals of the two parties, strictly prefer one party over another. But even if the two parties offer the same platform (as in the median voter model), parties still represent different constituencies. The electoral constraint pushes the parties to the center (the position of the median voter). But the parties are still distinguishable as "left" and "right," which can be seen as follows. If the electoral constraint were relaxed by a notch, so that both parties would have had the same chance to win the election (which in this story is 50/50) if they proposed to implement the ideal preference of the voter removed from the median by one to the left, the left party would move to this voter while the right party would not. Hence, even when parties converge, they converge "from the left" and "from the right." And voters know it. Parties may change their objectives and voters may change their preferences from one election to another - indeed, alternation is possible only if they do - so that different groups of voters may be represented by different parties at different times. But at each time, interests and values align along partisan lines.

This is not to say that governments can admit that they act in partisan interests. The censoring power of the universalistic ideology of democracy recurrently conflicts with the partisan organization of elections. Elections must carve the electorate into

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<sup>18</sup> These intuitions, and they are only that, are based on Roemer (2001).

partisan constituencies; the elected governments must each time stitch together the electoral wounds. After an exceptionally divisive campaign, Jefferson was the first to do so in 1801 by offering concessions to the Federalists. After an almost equally conflictive election in 2004, having appealed to most extreme religious groups, George W. Bush rushed to preach “national unity” in his victory speech.<sup>19</sup> Salvador Allende's declaration that “*No soy Presidente de todos los Chilenos,*” (I am not the President of all the Chileans) was an enormous blunder. The accusation that parties divide people is perennial in the history of democracy. Yet elections evolved to be partisan and governments learned that they would face elections, so they must act in partisan ways as well, even if they cannot admit it.

### **Partisan Alternation and Civil Peace**

The magic of alternation in office lies in the possibility that its mere prospect can induce the current minority to wait for its turn while obeying the current majority. Since I have written extensively on this topic, I reproduce here only the core of the argument (Przeworski 1991, 1999, 2005).

If one party is certain to stay in power for ever, the supporters of other parties know that they would never live under laws they prefer. Suppose that under such conditions, the losers rebel against the outcome of the election: they prefer to engage in a struggle for their own dictatorship rather than suffer the prospect of an indefinite rule of their opponents. In contrast, assume that a party won the current election but other parties have some positive probability of entering the government as the result of the next one or the one after that or even in a more distant future. Now the supporters of these parties expect that they may be victorious, with some positive probability that depends on the design of the democratic institutions. It may well be, and the empirical evidence shows that under some conditions it is, that the losers prefer to fight if they have no prospect of winning but are willing to obey and wait if they do. And if everyone makes the same calculation, then everyone obeys the current rulers while waiting for their turn to rule. Conflicts are processed according to rules.

The prospect of alternation in office enables the political forces to say “All is not lost; we were defeated this time, but we will win at some time in the future, and we can wait for our turn.” The prospect of alternation is an eternal spring of hope: I have suffered in 2000, suffered even more deeply in 2004, yet as I am writing this text a glimpse of change is on the horizon. The genius of democracy is that it enables conflicting groups to think in inter-temporal terms, to wait for their chance to be represented, respecting the verdict of the polls while they wait. As Bobbio (1984: 116) put it, “democracy is a set of rules ... for the solution of conflicts without bloodshed” (See also Popper 1962: 124 and Przeworski 1999).

Yet this magic may not work under all conditions. Poor people may be unwilling to wait. Wealthy people may fear redistributive demands by the poor. The military may

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<sup>19</sup> How empty this “unity” talk is was immediately manifested by Bush's invitation to “all those who share our goals.”

be too eager to enter into politics, taking a partisan stance. Institutions may be badly designed, enabling the incumbents to benefit from increasing returns to power and foreclosing the chances of the current minority. Research shows that each country has at each time some income threshold above which both the electoral winners and the losers observe the rules. This threshold is lower when incomes are more equally distributed, when the military are non-partisan, and when institutional devices limit the advantage of incumbency (Przeworski 2006, Benhabib and Przeworski 2006). The aggregate consequence is that the probability of a peaceful alternation in office increases in per capita income:

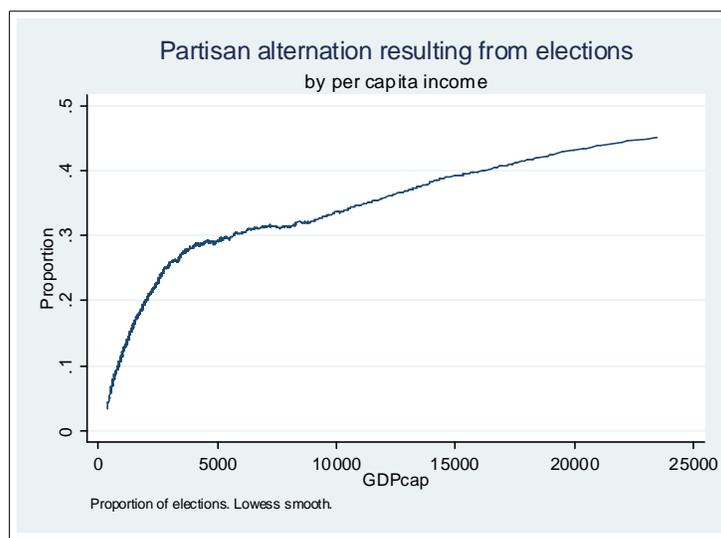


Figure 3.

Note that frequency of alternation increases steeply until about \$5,000 and then rises slowly. But the reason need not be that the poor value democracy less, but rather that wealthier people care less about marginal losses or gains that may result from outcomes of elections. As countries become richer on the average, less is at stake in elections.

The prospect of alternation may also serve to induce moderation on the part of the current incumbents: the mechanism that induces "compromise" is precisely alternation. As Alesina (1988) has argued, if voters are risk averse (their utilities are concave), then they prefer smaller oscillations of policies over larger ones and they can enforce an equilibrium in which parties behave in a moderate way by the threat of voting them out of office. Hence, "compromise" is endogenous with regard to the prospects of alternation.

## Partisan Alternation and Autonomy

Alternation in office enhances autonomy in the precise sense of the proportion of citizens who live under a legal order they would choose. Moreover, autonomy is maximized when alternation occurs according to the simple majority rule.<sup>20</sup>

Kelsen (1988: 19) posits the following theorem. In his words, "There is only one idea which leads in a reasonable way to the majoritarian principle: the idea that, if not all individuals, at least the largest possible number of them should be free, said differently that the social order should be in contradiction with the will of the smallest number of people possible."

His reasoning goes as follows. Suppose that there is a status quo social order, as there always is. There are  $n$  people. Now, if the rule for changing the status quo is unanimity,  $n-1$  may want to alter it and cannot. Hence,  $n-1$  will live under an order not to their liking. Assume now the rule is that the status quo is altered if at least  $n/2+2$  people support a change. Then  $n/2+1$  still suffer under a status quo they do not like. In turn, assume that the qualifying number is  $n/2-1$ . Then the status quo can be altered leaving  $n-(n/2-1) = n/2+1$  people unhappy. But under simple majority rule the decisive number is  $n/2+1$  which leaves at most  $n-(n/2+1) = n/2-1$  dissatisfied. Hence, majority rule minimizes the proportion of people who are unhappy about the laws under which they live.

This theorem was proved formally by Rae (1969) and generalized by Taylor (1969). Rae seems to have been unaware of Kelsen's argument and used a different language: what for Kelsen was "autonomy," for Rae became the criterion of "political individualism." But the intuition is the same: the virtue Rae (1969: 42) claims for majority rule is that it "will optimize the correspondence between individual values and collective policies."

Consider now the role of alternation. Suppose that the society faces two alternative legal orders, the status quo,  $A$ , and an alternative  $B$ , advocated respectively by parties  $A$  and  $B$ . Let  $v(t)$  be the proportion of citizens who support  $A$  at  $t$ , and suppose that  $v(t) = 1/2 + \varepsilon(t)$  while  $v(t+1) = 1/2 - \varepsilon(t+1)$ , where  $\varepsilon(t), \varepsilon(t+1) > 0$ . If there were no alternation at  $t+1$ , the extent of autonomy over two electoral periods would have been  $(1/2 + \varepsilon(t)) + (1/2 - \varepsilon(t+1)) = 1 + \varepsilon(t) - \varepsilon(t+1)$ , while with alternation it would have been  $(1/2 + \varepsilon(t)) + (1/2 + \varepsilon(t+1)) = 1 + \varepsilon(t) + \varepsilon(t+1)$ . Conversely, suppose that alternation occurs even if  $v(t) = v(t+1) = 1/2 + \varepsilon > 1/2$ . Then the extent of autonomy would have been  $(1/2 + \varepsilon) + (1/2 - \varepsilon) = 1 < 1 + 2\varepsilon$ , which would have been the case without alternation. All this much is embarrassingly obvious but important, because it shows that autonomy is maximized over time if partisan control alternates according to current majorities.

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<sup>20</sup> Note that simple majority rule has other features one may find attractive: it is decisive, it does not favor one individual over another, it does not favor one alternative over another, and it responds positively to individual preferences. See May (1952).

Yet this defense of democracy must be mitigated on several grounds. While the Greeks assured that everyone would have an equal chance to rule by using lot and that the chance would materialize by keeping the terms in office short, representative government offers no such assurances. Some people may have to wait for ever. Indeed, in an unchanging electorate, in which children inherit the preferences of their grandparents, an accountable party would stay in office indefinitely. Hence, if parties did not slip up in representing their constituencies, some people, perhaps as many as a half, would never be represented. This possibility haunts democracy in ethnically divided societies. For alternation to be possible, that is, for the chances of victory of particular alternatives to be uncertain, either individual preferences must be changing or the incumbents must err in representing them. And even then people who are unlucky to have unpopular preferences will never see them implemented.

Secondly, one should not confuse autonomy with welfare. Social welfare is defined over consumption of commodities from which individuals derive utility. Because laws distribute consumption and allocate resources between public and private goods, one could think that a preference for a legal order is just a preference over distributions of consumption. Autonomy, however, is not a welfarist concept. Laws differ not only in what they generate but in what they allow individuals to achieve by their own actions; they differ in the extent to which they allow individual choice. A law may order individuals with particular incomes to pay a specific amount of taxes or it may leave to individual discretion how much they contribute to the welfare of others: the latter was an idea of President Bush Sr. A law may force all people to read *The Bible* or it may leave to their discretion whether they read *The Bible* or *Lady Chatterley's Lover*, neither, or both. Laws shape what Sen (1988) refers to as “capability sets,” defined as bundles of “functionings” that a person may achieve by one's own efforts. Since capability sets include the ability to exercise choice, they are not exhausted by consumption of commodities or leisure, Rawlsian primary goods, or utilities. Autonomy, thus, is not a welfarist criterion because laws determine what one can, rather than what one does, achieve.

Finally, and perhaps tragically, while alternation according to majority rule does satisfy Kelsen's criterion of maximizing the number of people who live under the laws they like, autonomy is not the same as self-government. Following Rousseau, Kelsen (1949: 284) claimed that “Politically free is he who is subject to a legal order in the creation of which he participates.” But as long as I live under a social order which I *would* choose, why does it matter that I *did* choose it, that is, that I did something that caused it to prevail? One could argue, à la Sen (1988), that being an active agent, a chooser, has an autonomous value for us, that a result obtained by my actions is more valuable to me than the same result generated independently of them.<sup>21</sup> But why would it matter that I had voted for it rather than just observed that a coin landed on the side I prefer? It cannot be a causal difference: the probability that my vote matters is miniscule in any large electorate. From an individual point of view, the outcome of an election is a flip of a coin; it is independent of one's action. Collective self-government is achieved

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<sup>21</sup> Sen's classical example is “starving vs. fasting.” Whether I starve or fast, I consume the same number of calories. But starving is not a matter of choice, while fasting is, and Sen sees choosing as valuable in itself. On the value of choosing under democracy, see Przeworski (2003).

not when each voter has causal influence on the final result, but when collective choice is a result of aggregating individual wills.<sup>22</sup> The value of voting rests in the ex-post correspondence between the laws everyone must obey and the will of a majority: selecting governments by elections does maximize the number of people who live under laws to their liking even if no individual can treat these laws as a consequence of his or her choosing. Thus people may value voting as a procedure for making collective choices while at the same time seeing their own vote as ineffective. But without effective participation, autonomy is not the same as self-government. And in modern democracies, Kelsen (1988: 35) is forced to concede, “political rights - which is to say liberty - are reduced in the essential to a simple right to vote.”

## **Conclusion**

The conception of democracy as a system of self-government was based on an assumption that rendered it unrealistic and incoherent, namely, that interests and values are sufficiently harmonious so that each individual needs to obey only himself while living under laws chosen by all. The merit of the modern revision was to recognize that wills are inevitably divided and that no body can implement the will of all people. Yet even if no single government can fulfill the will of all the people, successive governments can implement the wills of different people in turn. To the extent that democracy is a system of majority rule, it comes as close as it is possible to fulfilling the ideal of self-government.

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<sup>22</sup> I owe this formulation to Ignacio Sánchez-Cuenca.

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