

Do the Results of Elections Represent the Will of the People?

Yongjian Huang *

Chinaerkshire School, Sheffield, MA 01257

* Corresponding Author Email: tobyhuang7@gmail.com

Abstract. This research paper explores the evolving concept of the "will of the people" in modern democracies and assesses the limitations of electoral democracy in representing this fluid will. Drawing on the ideas of Jean-Jacques Rousseau, the author argues that the traditional view of the general will, which assumes homogeneity and a single common good, is no longer applicable in heterogeneous and diverse societies. Instead, the author proposes a new measure for the will of the people that acknowledges its fluidity and non-closure. The paper reconciles with the challenges of electoral democracy, including the presence of career politicians, citizen disengagement, and corporate capture, which hamper its ability to effectively represent the will of the people. In response to these limitations, the paper proposes sortition as an alternative approach to governance that promotes citizen engagement, diversity of representation, and responsiveness to the changing wills of the population. By embracing sortition and reimagining the role of elections, democracies can strive for a more representative and responsive democratic system that truly reflects the will of the people.

Keywords: Political participation, general will, electoral democracy, sortition, democratic reform.

1. Introduction

In the UK, new laws limit protest [1]. Lobbying seems exclusively the purview of the rich, and campaigns focus on marginal seats and key demographics. The result is that voting represents the maximum of most people's participation. And yet, each year, fewer people vote. Is this "the will of the people?" To answer this question, we must first decide what this phrase means. After all, Rousseau, its originator, presumed that the will of the people and the common good were synonymous. Is this still true today? I argue that the will of the people is instead fluid — our values change over time and there can be real conflicts between these. Under this revised concept of the will of the people, I examine elections, arguing that the existence of *career politicians*, the *disengagement* of citizens, and the *corporate capture* of politics mean that they fail to represent this general will. Instead, I argue, we should look to sortition to re-engage citizens and resolve these difficulties.

2. The will of the people?

In 1762, as tumult in France grew, Jean-Jacques Rousseau authored *The Social Contract*. What form, he asked, would political authority not defined by coercion take? Not the absolute power of Thomas Hobbes' sovereign to whom citizens relinquish all freedom to evolve past their barbaric "natural state" of fear and form an organized society [2]. Rousseau thinks that citizens must somehow be ruled by themselves. Only in such a system could citizens remain free yet still within a stable flourishing society.

Rousseau distinguishes between the "general will" and a "will of all." If the latter refers to the partial, interested decisions made by citizens, enmeshed in their friendships, commerce, and particular passions, then the former refers to a will beyond these that is good for everyone [3]. When authority abides by the general will, citizens are being ruled by themselves. Governed by such a principle, there would be no need, as John Locke believed, for the freedom to overthrow authority whenever [4].

A few limitations on the general will were established by Rousseau. First, there must not be any "partial interests" that are represented. People must act only according to their beliefs and not of a party, organization, or representative's beliefs. Second, no individual should be rich enough to

influence others. Third, when a majority decision is reached, it must be that the will of the minority is wrong [5].

Rousseau argues that the general will can only be found in a perfectly homogenous society, where the experiences of people are similar and thus moral value differences are at a minimum [6]. This homogeneity was relatable in Rousseau's time, and the general will be more obvious due to the simpler nature of society. Most were concerned about food, shelter, and survival, and it is rather obvious what the morally correct position is. Already, though, in pre-revolutionary France, one can see the potential cracks of the general will, as class and colonialism began to inform distinct value systems across France and its territories [7].

These trends continued and evolved into the complex, multicultural, and multifaith societies we see today in Britain and America [8]. Some of our conflicts are deeply influenced, as Rousseau understood, by partial interests, but many of them are genuine value conflicts. For example, take the issue of abortion. The issue of abortion is a clash between two values: the sanctity of human life and the right of women to their own bodies. Both draw on long histories within different traditions with only limited points of encounter. The values one holds change the way one weighs the facts, and what facts there are at all. Value conflicts complicate Rousseau's general will as it is harder to objectively determine what is best for the people.

As a result, the basic idea of the common good is much more elusive, although Rousseau's ideas remain applicable to smaller and more homogenous societies, perhaps on the local level. As states increasingly succeed in satisfying the basic needs of its citizens while the issues increase in scale and diversify, the idea of the general will become less and less relevant.

The will that emerges, which I will call "the will of the people", is fluid. It changes as the pressing issues change, subject to factors like demographics, economy, and environment. Creating a system that acknowledges this diversity of wills and engages it to build consensus is key to representing the will of the people. Rather than denigrating it as mere partiality, politics should balance respecting the diversity of the wills, while allowing consensus to emerge where possible.

3. The woes of electoral democracy

Effective governance should be when policies enacted represent the will of the people. This means that in representative democracy, the representatives have an obligation to identify and respond to such will. Having established that the will of the people is fluid, the test for the effectiveness of governance is the government's ability to engage its citizens.

However, most democracies use plurality systems, which are winner-take-all systems that crown whoever gets the most votes, no matter whether they have a majority of support. This means that the votes of nonsupporters are neglected and thus wasted, making plurality not representative of the entire population. Even systems like proportional representation and alternative vote, although much more representative, threaten to leave minority interests underrepresented. Without specific provisions to encourage voting, they often still suffer from insufficient levels of turnout [9]. Worse still, they often offer less accountability, and thus less engagement from politicians between elections.

Electoral democracy has three major flaws —*career politicians*, *citizen disengagement*, and *corporate capture*. Most democracies have career politicians that serve in public office for most of their lives. These politicians often view politics as a career rather than public service. Being elected to office expecting a lifetime on the political playing field, they prioritize maintaining power through entrenchment and reelections [10].

Entrenchment is when politicians make connections with the political establishment to increase their influence and create a constraint on further changes to the status quo [11]. Entrenching oneself into the political system is at the heart of making politics a career, and such entrenchment deepens with time. As politicians become deeply embedded in the system, they often grow complacent with the status quo, rendering them less inclined to heed the evolving demands of the populace. The resulting political system becomes unresponsive to the shifts in the will of the people [12].

Politicians' fixation on reelections can cause them to prioritize short-term political expediency that galvanizes support over the long-term interests of society. Such an interest is partial as it is not directly derived from the people and may not align with the direction of their will. While some may argue that this interest can be beneficial as it keeps the representative accountable, this is rarely true today.

For politicians to have "meaningful accountability" from the public, I argue, following Alexander Guerrero, that there must not only be free and fair elections but also elaborate citizen engagement [13]. Accountability entails the informed monitoring of the activities of the politician, evaluating whether their actions reflect the will of the people. However, if the citizens are not informed of the representative's actions, the detail of the issue, or the implications of a policy, then they are unable to make the evaluation. This ignorance — as Guerrero calls it, makes holding politicians meaningfully accountable increasingly difficult due to the complexity of issues established earlier [14]. Such ignorance is also a factor contributing to *citizen disengagement*.

Empirically, electoral democracy has resulted in representatives being influenced by the interests of corporations and the wealthy [15]. Holding elections means that candidates must spend time gaining the recognition and support of voters through campaigns. Although Guerrero's analysis of representative democracy is robust, he narrowly focuses on the outcomes of elections, not the electoral process. Electoral campaigns are often logistically challenging and expensive, and thus often sponsored by rich and powerful individuals or corporations. This provides a path for the inclusion of the partial interests of organizations, as they can use campaign support as leverage to favor politicians with similar interests or ideologies, or even alter their ideologies [16]. In American democracy, Martin Gilens's data shows that policies are most responsive to the views of high-income populations [17]. This means that politicians can thus become *captured* under the influence of corporations and rich individuals, exaggerating their partial interests in the process of balancing the divergent wills of the population.

Perhaps the most important weakness of electoral democracy lies in the *disengagement* of its members. A global average of 66% of eligible voters turn out to vote in democracies [18]. There are many ways to interpret the intentions of the 34%, but experts generally cite a lack of faith in the system, voter suppression, and lack of obligation to vote [19]. All three reflect the problem with citizen participation in electoral democracy. While one may argue it is within one's rights not to vote, it is only when an overwhelming majority of people participate in democracy that the wills of all of them can be reconciled. Nonvoters potentially contribute to a lack of responsiveness of governance. These major failures of electoral democracy are overwhelming evidence of its ineffectiveness in adapting to the fluid will of the people.

4. The alternative: sortition

What would guarantee citizen engagement? Sortition. Sortition adds an element of randomness—thus diverse representation into the selection process. With sortition, citizens have direct access to political change and new ideas are quickly reflected through high turnover rates.

Democracy itself began with sortition. Public representatives and juries in Ancient Athens would be chosen by sortition from a pool of citizens who expressed the will to learn and participate in politics [20]. The high turnover of officeholders was intended to engage, and thus, educate the public.

A system purely based on sortition; however, I deem too radical. I argue that combining sortition with electoral systems would overcome many current flaws, with citizens not only having a meaningful check on the representatives' power but often directing the political conversation.

In 2019, the Ostbelgian region's parliament adopted a similar model. A permanent Citizen's Council with members serving 18 months [21]. The council's job is to consider which issues are worth deliberating to form citizens' panels on each issue. Citizens' panels include 25-50 members who refer to experts, seek legal guidance, and access the Parliament's Library to form a proposal for the parliament [22, 23].

The Ostbelgian model should be praised for effectively incorporating the diverse voices of the people, and the results seem to show this, as Belgian citizens' trust in government has increased 28% after 2020 [24]. By choosing representatives randomly, there is a higher chance that the chosen ones accurately reflect the demographics of society. An unchosen citizen is also more likely to have someone of similar background in the legislature. By having a more representative legislature, the diverse individual wills of the public are more likely to be included. The high turnover rate means that the system will respond to the changing wills. Thus, sortition serves as a better medium for the will of the people to emerge.

The problems that come with career politicians—reelections and entrenchment—are eliminated in offices based on sortition. Individuals are unable to remain in and solidify their political power due to the term limits inherently built into the system. Since each citizen's panel debates one issue, it is much more difficult for wealthy and powerful organizations to exert significant influence on the policy-making process as establishing private connections and *capturing* representatives with such a high turnover rate is more challenging. Through participating in policymaking, citizens that are usually disconnected from the world of politics reported a significant increase in interest in government [25].

5. Conclusion

Rousseau never foresaw the complexity that arises with establishing the general will. In today's pluralist society, politicians can only hope to focus on respecting the diversity of wills and drawing consensus when possible. Given the poor state of citizen engagement, a new tool is required to remedy this—sortition. Only then can elections be representative of the will of the people.

References

- [1] UK. House of Commons. *Public Order Act 2023*. Adopted May 2, 2023.
- [2] Hobbes, Thomas. *Leviathan*. Edited by Richard Tuck. Rev. student ed. Cambridge Texts in the History of Political Thought. Cambridge; New York: Cambridge University Press, 1996.
- [3] Rousseau, Jean-Jacques. *The Social Contract*. Early Modern Texts. 14. Accessed March 13, 2023. <https://www.earlymoderntexts.com/assets/pdfs/rousseau1762.pdf>.
- [4] John Locke, *Two Treatises of Government*, ed. Peter Laslett, Student ed, Cambridge Texts in the History of Political Thought (Cambridge [England]; New York: Cambridge University Press, 1988), 212–17.
- [5] Rousseau, *The Social Contract*. 14-15.
- [6] Offe, Claus. "On the Will of the People: Notes on the Political 'Theory' of Populism." *Global Perspectives* 1, no. 1 (July 31, 2020): 13380. <https://doi.org/10.1525/gp.2020.13380>.
- [7] Weale, Albert. *The Will of the People: A Modern Myth*. Cambridge, UK: Polity, 2018.
- [8] Munger, Michael. "Division of Labor." Accessed May 1, 2023. <https://www.econlib.org/library/Enc/DivisionofLabor.html>.
- [9] Blais, André, Jean-Benoit Pilet, Karine Van Der Straeten, Jean-François Laslier, and Maxime Héroux-Légault. "To Vote or to Abstain? An Experimental Test of Rational Calculus in First Past the Post and PR Elections." *Electoral Studies* 36 (December 2014): 39–50. <https://doi.org/10.1016/j.electstud.2014.07.001>.
- [10] Mattozzi, Andrea, and Antonio M. Merlo. "Political Careers or Career Politicians?" *SSRN Electronic Journal*, 2005. <https://doi.org/10.2139/ssrn.870305>.
- [11] Levinson, Daryl J., and Benjamin I. Sachs. "Political Entrenchment and Public Law." *Harvard Public Law Working Paper*, no. 15-07 (April 15, 2015). <https://ssrn.com/abstract=2596216>.
- [12] Levinson and Sachs. "Political Entrenchment."
- [13] Guerrero, Alexander A. "Against Elections: The Lottocratic Alternative: Against Elections: The Lottocratic Alternative." *Philosophy & Public Affairs* 42, no. 2 (March 2014): 135–78. <https://doi.org/10.1111/papa.12029>.

- [14] Guerrero, “Against Elections.”
- [15] Gilens, Martin. “Chapter 3.” Essay. In *Affluence and Influence: Economic Inequality and Political Power in America*, 76–77. Princeton University Press, 2014.
- [16] Dawood, Yasmin. “Campaign Finance and American Democracy.” *Annual Review of Political Science* 18, no. 1 (May 11, 2015): 329–48. <https://doi.org/10.1146/annurev-polisci-010814-104523>.
- [17] Gilens, Martin. “Chapter 3.” Essay. In *Affluence and Influence: Economic Inequality and Political Power in America*, 76–77. Princeton University Press, 2014.
- [18] Solijonov, Abdurashid. “Voter Turnout Trends around the World.” International Institute for Democracy and Electoral Assistance, 2016. <https://www.idea.int/sites/default/files/publications/voter-turnout-trends-around-the-world.pdf>.
- [19] Lutz, Georg, and Michael Marsh. “Introduction: Consequences of Low Turnout.” *Electoral Studies* 26, no. 3 (2007): 539–47. <https://doi.org/10.1016/j.electstud.2006.10.001>.
- [20] David, Ephraim. “Selection by Lot and Democracy: New Trend, Ancient Model.” *Advances in Historical Studies* 10, no. 01 (2021): 7–20. <https://doi.org/10.4236/ahs.2021.101002>.
- [21] Parlament der Deutschsprachigen Gemeinschaft Belgiens. “Parlament beschließt Einführung eines permanenten Bürgerdialogs” February 25, 2019. <https://www.buergerdialog.be/news/detail/parlament-beschliesst-einfuehrung-eines-permanenten-buergerdialogs>.
- [22] Crowd.law. “Belgian Sortition Models,” 2019. <https://congress.crowd.law/case-belgian-sortition-models.html>.
- [23] Politicsreinvented.eu. “The “Ostbelgien-Model” – a Permanent Citizen’s Council at Eye Level with Politics | Politics Reinvented,” 2018. <https://politicsreinvented.eu/model/the-ostbelgien-model-a-permanent-citizens-council-at-eye-level-with-politics/>.
- [24] OECD (2023). “Trust in government (indicator).” Accessed on 28 June 2023. doi: 10.1787/1de9675e-en.
- [25] The Scottish Government. “Citizens’ Assembly of Scotland: Research Report.” Gov.scot, The Scottish Government, 25 Jan. 2022, <https://www.gov.scot/publications/research-report-citizens-assembly-scotland/pages/2/>. Accessed 22 May 2023.