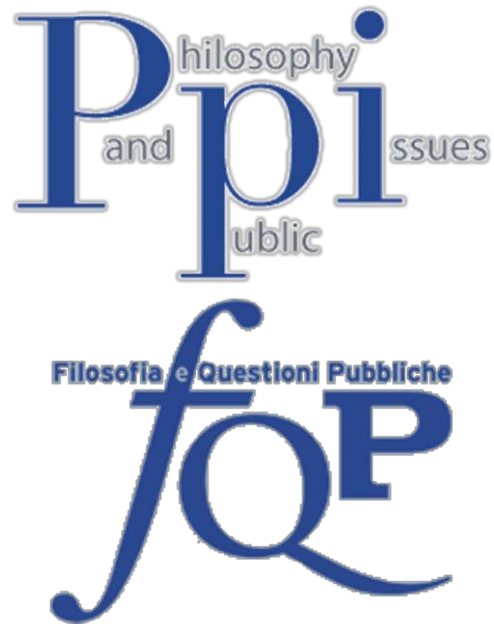


SYMPOSIUM
THE CHINA MODEL



IN FAVOR OF MERITOCRACY,
NOT AGAINST DEMOCRACY

BY

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In Favor of Meritocracy, not Against Democracy

Ricardo Tavares Da Silva

Regarding the selection of the legislative representatives, the elective system is the system that most democratic organizations have adopted. It has become so present nowadays that we take for granted the identification between elective system and representative democracy. But is this identification a correct one? I argue that it is not, since the meaning of ‘representative democracy’ has no reference to a specific mode of selection of the representatives. And, since democracy and other methods of selection are compatible, it should adopted the best one. The criteria of competence for the exercise of the political power ought to be the adopted method of selection, for it is the best one. I too argue that, in the context of division of labor into public and private labor, this is precisely what public representation aims: to leave to the experts the exercise of public labor.

I

Democracy and Elective System

Democracy without elective system

Usually, two identity propositions are thought to hold true: that (representative) democracy is identical with elective system and that meritocracy is identical with aristocracy. But such

identity propositions, I argue, are false: a system of government can be both democratic and non-elective, on the one hand, and can be both meritocratic and non-aristocratic, on the other hand. More specifically, I argue that a system of government can be both democratic and meritocratic, *i.e.*, a meritocratic democracy.

I will start with the first of those two identity propositions: there is no identity (or any conceptual relation) between democracy and elective system. This claim divides itself in two more particular claims: i) the concept of (representative) democracy does not entail the concept of elective system; ii) the concept of elective system does not entail the concept of (representative) democracy.

For now, I will focus on i): it is (conceptually) possible for a system to be democratic without it to be elective. In order to support this claim, I will use the traditional distinction between *ownership* and *exercise* of political power.

A system of government is democratic if (and only if) the people *owns* the political power: democracy is a system that concerns the ownership of power. The opposite concept is the concept of aristocracy: not all (only a few) own the power. Following Aristotle's famous remarks in *Politics*, the criteria of identification of a system of government in respect to the ownership of the political power is merely quantitative: if it is universal (in a given society), the system is democratic; if it is particular (in a given society), the system is aristocratic.

Qualitative criteria concerns, not who owns the power, but how it is exercised¹. Nevertheless, there is still some quantification involved, concerning not who exercise power but

¹ Although some authors, such as Max Weber, have argued the possibility of legitimacy coming from the exercise of power.

who benefits from that exercise: the good exercise of power is the one that benefits (or keeps in mind the interests of) all (it is exercised for the people, one might say); the bad one is the one that only benefits (or keeps in mind the interests of) some. In some sense of the word ‘democracy’, democracy has to do with the good exercise of power.

But, differently from democracy, the elective system is currently used as a method of selection of the people’s representatives: it does not concern those who own but those who *exercise* the power which belongs to the people. On the one hand, representative democracy presupposes the distinction between ownership and exercise: those who exercise the political power are not (all) those who own it. On the other hand, in some sense of the word ‘democracy’, representative democracies are not democratic (the power is not being exercised by the people, one might say), unlike direct democracies.

In spite of that, the elective system is not specifically about who exercises the political power: that problem is supposed to be solved when one says that only a few, not all, exercise the power which belongs to the people. It concerns specifically how those few, the representatives, are selected. Whenever the power is connected with only a few, one needs a way of selecting those few from the domain of candidates.

Therefore, it is (conceptually) possible for a system to be democratic without it to be elective: one just has to think in direct democracies. But, of course, that is not the point: when one thinks in the conceptual link between democracy and the elective system, one is thinking in the concept of representative democracy. So, why does not the concept of representative democracy entail the concept of elective system?

Because several methods of selection of the people's representatives, besides election, are conceivable. For example: lot (sortition) is historically the most adopted method of selection, still used in some (developed) countries (namely, to select the members of the jury in a court of law). If one is looking for a theoretical justification, David Van Reybrouck's *Against Elections: The Case for Democracy* is a contemporary defense of sortition as a method of selection of the political representatives (moreover, as *the* method of selection).²

But there are more. Let us divide the rest of them into two groups: a) the representatives are freely chosen; b) the representatives are selected according to a specific criteria.

Election by vote and nomination belong to a). In the first case, those who are being represented choose their representatives. In the second case, someone else (*i.e.*, not the people as a whole) choose the people's representatives. So, nomination is also a conceivable mode of selecting representatives. Regarding b), there are intrinsic and extrinsic (to the activity) criteria: in the first case, representatives are selected according to their competence for the job; in the second case, selection can be made according to age, gender, economic power, social status, etc..

For the theorist of representative democracy following a kind of authorization definition of 'political representation', representative democracy indeed entails elections because political representation is a *sui generis* one: it distinguishes itself from other forms of public "representation" precisely because the selection of the representatives takes place through the

² David Van Reybrouck's *Against Elections: The Case for Democracy*, trans. Liz Waters (London: The Bodley Head 2016).

elective system (in each election, voters grant the necessary authorization for the representatives to decide on their behalf).

But I think this position reverses the direction of the relationship: it is not the case that we have come to the conviction that political representation entails voting by virtue of the definition of ‘political representation’; the truth is that the “definition” of ‘political representation’ has accommodated itself to the settled conviction that political representation entails election by vote.

The meaning of the phrase ‘political representation’ which has become popular does not coincide with the “correct” one: the use of the word ‘political representation’ has deviated from its pure meaning precisely because of the widespread social acceptance of the thesis that election is the only way to select political representatives.

Some argue that the way in which the people still decide in a representative system is through the selection of representatives: hence, representative democracy entails election by vote. But with the mechanism of representation those represented have nothing to decide: all their decisions are made by their representatives. That is why we have representation in the first place.

Another argument that can be put forward in favor of the conceptual connection between representative democracy and elective system consists in the following: if those who are being represented decide that they will be represented, they also choose who represents them.

But to have freedom to decide (to do something) does not imply having freedom to choose (what is done). One can decide that there is representation without the choice of representatives being at her disposal: the fact that the granting of “powers” of representation to a person is the subject of a decision does not

mean or imply that the selection of that person as a representative is also the subject of a decision.

Elective system without democracy

The claim that the concept of (representative) democracy entails the concept of elective system is falsified by the fact that there are several modes of selecting the people's representatives. But about the claim that the concept of elective system entails the concept of (representative) democracy?

First of all, the concept of elective system does not entail the concept of democracy: it is possible for a system to be elective without it to be democratic. Just think in the elective system as a method of attributing the *ownership* of the political power to only a few. Historically, this corresponds to what has been called 'elective aristocracy'. And I think that is precisely what the so called 'liberal democracies' are. In the words of Collin Bird:

... it is worth noting that the association of democracy and election is relatively recent: from antiquity until roughly the eighteenth century, political theorists more often associated voting and election with elitist forms of rule like oligarchy or aristocracy. (...) From this classical point of view, what we now often identify as a form of democratic rule is better described as a kind of elective aristocracy, in which political elites, organized as political parties, compete for votes in regularly held elections. There is therefore scope for debate about how democratic competitive party politics really is.³

³ C. Bird, *An Introduction to Political Philosophy* (Cambridge: Cambridge University Press 2006), p. 203.

David Miller reinforces this view. While commenting on Mosca's and Schumpeter's elitist theory of democracy, the author says that:

This is strong stuff, and what it really entails is that the best we can hope for is what is sometimes called 'elective aristocracy', where all that can be asked of the ordinary citizen is that she should be able to recognize people who are competent to make decisions on her behalf (and to vote them out of office if they prove not to be).⁴

With this, it is not just the (conceptual) possibility of having elected aristocrats that is being affirmed: it is being asserted that the elective system entails aristocracy. Even when the elective system is allegedly being used to select those who will exercise the political power owned by all, it is really being used to cover an aristocratic system: there is no *de facto* possibility of election of the representatives in a democratic system, even if this is *de jure* conceivable.

I agree with Mosca when he says that:

When we say that the voters 'choose' their representative, we are using a language that is very inexact. The truth is that the representative *has himself elected* by the voters, and, if that phrase should seem too inflexible and too harsh to fit some cases, we might qualify it by saying that *his friends have him elected*. In elections, as in all other manifestations of social life, those who have the will and, especially, the moral, intellectual and material *means* to force their will upon others take the lead over the others and command them.⁵

⁴ D. Miller, *Political Philosophy. A Very Short Introduction* (Oxford: Oxford University Press 2003), p. 41.

⁵ C. Mosca, *The Ruling Class*, transl. Hannah D. Kahn (New York: McGraw Hill Book Company 1989), p. 154.

First of all, only those who have the means to reach the electorate have the real chance to persuade it to vote for them and, therefore, to take political seats. More specifically, the capacity to fund the electoral campaign and the proximity to the media already delimit the universe of potential candidates. And this comes with a price: whoever is elected will have in mind, once in office, the will/interest of those who financed and/or disseminated his message, not of those who he represents.

Secondly, speaking of informal “primaries”, one must mention the close relationship between the electoral system and the party system and, hence, once again, the delimitation of the potential candidate universe. On the other hand, it is still the party system that generates the circularity of those in office. The practical result is equivalent to aristocracy: there is no real democracy.

It's not just equality that's missing: there is no real freedom of choice too. At most, those represented have the capacity to block the granting of representation powers (in case of 100% abstention). But there is no real plurality of candidates to choose from. Again, I agree with Mosca on this:

The political mandate has been likened to the power of attorney that is familiar in private law. But in private relationships, delegations of powers and capacities always presuppose that the principal has the broadest freedom in choosing his representative. Now in practice, in popular elections, that freedom of choice, though complete theoretically, necessarily becomes null, not to say ludicrous.⁶

The existence of political parties is good evidence for the existence of a *de facto* aristocracy, independent of the formal system of government. Regular citizens do not stand a real chance of being at government's office unless they join some

⁶ Ibid., p. 154.

political party. Liberal democracy, the sort of “representative democracy” modeled by the “founding fathers of modern democracy”, is in fact disguised aristocracy, the bourgeois aristocracy.⁷

And too the concept of elective system does not entail the concept of representative democracy: it is possible for a system to be elective in the context of representative aristocracy. Let us

⁷ Liberal representation is the bourgeois equivalent of the Hobbesian representation: the former was thought by and for the bourgeoisie just as the latter was thought by and for the nobility. In Hobbes’s model, there is truly no representation: “representatives” are not limited to exercising political power in the name of the people; with the social contract, they become their holders. The Hobbesian model is a mere theoretical artifice to further justify the old aristocratic *status quo*. In the liberal model, elections play the same role the social contract plays in the Hobbesian model, while the party system ensures that only a privileged class of the people (the economic elites – the bourgeoisie) will really have political power (besides economic power). Moreover, given this direct relationship between political and economic power, this model stimulates the promiscuity between both. Rousseau strongly opposed both kinds of “representative democracy”, a move that led Mosca to call him the real parent of the doctrine of popular sovereignty. Van Reybrouck beautifully describes the intrinsic connection between the rise of the bourgeoisie and the implementation of the elective system: “We know well enough that the upper bourgeoisie, which threw off the British and French crowns in 1776 and 1789, fought for a republican form of government, but whether it was devoted to the democratic variety of that form of government is open to question. There are certainly plenty of references to ‘the people’, the revolutionaries repeatedly declaring that they believed the people were sovereign, that the Nation should be spelt with a capital ‘N’ and that ‘We the People’ was the start of everything. But when it came down to it they nevertheless had a fairly elitist concept of ‘the people’. (...) It soon became clear in both countries that the republic the revolutionary leaders had in mind, and to which they then gave shape, tended more to the aristocratic than the democratic. Elections could help.” D. Van Reybrouck, *Against Elections*, pp. 55-56.

imagine that only a few own political power: if there is need that even less exercise it, than those fewer can be selected by election. If election is conceivable as a way of selecting political representatives, then it is conceivable as a way of selecting the representatives of those few who own political power.

II

Meritocracy and Aristocracy

Meritocracy without aristocracy

Now, I will focus on the second of those two identity propositions: there is no identity (or any conceptual relation) between meritocracy and aristocracy. This claim divides itself in two more particular claims: iii) the concept of meritocracy does not entail the concept of aristocracy; iv) the concept of aristocracy does not entail the concept of meritocracy.

Let us start with iii): it is (conceptually) possible for a system to be meritocratic without it to be aristocratic.

First, when the competence or merit criteria is used to attribute the political power's ownership, the output may be the people's ownership: that was indeed Rousseau's belief in *The Social Contract* – the general will is more competent to decide about public affairs. This was the main reason that led him to defend so ferociously direct democracy.⁸

Using such a criterion to attribute the political power's ownership may also result in an aristocratic system, of course.

⁸ The phrase 'all men know what is best for themselves' is ambiguous between 'every man knows what is best for himself' and 'the set of all men knows what is best for itself'. I believe Rousseau was not aware of this ambiguity.

That was Plato's project in *The Republic*: only the few that are the most competent to exercise political power are its holders. But this is only a possibility: the meritocratic criteria does not entail aristocracy.

Both Rousseau and Plato share one mistake, I think: they both use the meritocratic criteria as an ownership criteria. But if one says that only those who are competent should exercise political power, one is using an *exercise* criteria, not an ownership criteria. That the most competent to exercise political power, either all or some, should exercise political power is, perhaps, trivially true; but that the most competent to exercise political power, either all or some, should be the owners of political power is surely not trivially true.

If Rousseau is right and the general will is more competent to decide about public affairs, then all of us should exercise political power, regardless of whether the ownership belongs to all or only some. The following situation is then compatible with the exercise of political power by all: a small aristocratic group grants powers of representation to the competent general will. This system is aristocratic regarding ownership ('aristocratic' in its proper sense) and democratic regarding exercise ('democratic' in a non-proper sense).

If Plato is right and only few of us are competent to exercise political power, then only those few should exercise political power, regardless of whether the ownership belongs to all or only some. The following situation is then compatible with the exercise of political power by some: the people as a whole grants powers of representation to a small group of competent individuals. This system is democratic regarding ownership ('democratic' in its proper sense) and aristocratic regarding exercise ('aristocratic' in a non-proper sense).

I was thinking in this last situation when I argued that meritocracy does not entail aristocracy. Since the merit criteria concerns the *exercise* of political power and the democratic principle concerns its *ownership*, political representatives can be selected according with their competence for the job and still be representing the people, the holder of that power. Again, the traditional distinction between ownership and exercise of political power is decisive.

One could argue that when only a few exercise legislative power, then there isn't real democracy. But this is a critique to representative democracy, not to the competence criteria. When legislative representatives are selected by election, there are only a few exercising legislative power: this would be aristocratic too. In any case, we are talking about 'democracy' and 'aristocracy' in a non-proper way: in the sense of the word 'democracy' that concerns exercise and not ownership, representative democracies are not democratic (the power is not being exercised by the people), unlike direct democracies.

One is used to associate meritocracy with aristocracy because one is thinking of the meritocratic method as a method of attributing the ownership of political power. Even though the conceptual association is already illegitimate in this last case, once the meritocratic method is thought as a method of selecting the political representatives, the association becomes clearly over the top.

This misconception is still found in Van Reybrouck's *Against Elections. The Case for Democracy*. For instance, Van Reybrouck says that "democracy is the least bad of all forms of government precisely because it attempts to find a healthy balance between legitimacy and efficiency, resulting in criticism sometimes of one

side, sometimes of the other”⁹ and that “politics is more than simply a matter of good government”, since “democracy is not just government for the people but government by the people.”¹⁰

The last two assertions are made in a particular context. Van Reybrouck is presenting four diagnostic proposals for what is going wrong in modern democracies. He thinks (and I agree with him) that it is the fault of electoral-representative democracy. But he distinguishes his diagnosis from another one, the technocratic one: using Van Reybrouck’s title, ‘It’s the fault of democracy: *The diagnosis of the technocracy.*’

But the two diagnostics are not incompatible: one can argue it’s the fault of electoral-representative democracy and give a technocratic remedy. In fact, I will argue later on that, if one is thinking in the exercise of political power, then politics is really nothing more than simply a matter of good government: what else could it be? Therefore, representative democracy is just government for the people, and surely not government by the people (although of the people). One can have maximum efficiency with maximum legitimacy.

But let us agree that meritocracy does not entail aristocracy (in the proper sense of the word) since it is a mode of selection concerning the exercise of political power. Nevertheless, one may argue, it still is an elitist system. However, this sentence can mean two different things.

On one hand, it may mean that we are discriminating those who are not wise from those who are. However, whenever there is a selection, there is discrimination. Once again, that is not a problem of the competence criteria but of representation. But,

⁹ D. Van Reybrouck *Against Elections*, p. 28.

¹⁰ *Ibid.*, p. 34.

since there is discrimination, it has to be made based on factors relevant to the exercise of political power, such as competence. Otherwise, there is inequality. Thus, in a meritocratic system, there is discrimination, but a positive one and, as such, due.

On the other hand, it may mean that we are not letting everybody running for office: one must fulfill some requirements. But this is not a problem: the same holds true for all professions and one does not say that they are elitist or anti-democratic (other than a technical or intellectual sense).

Aristocracy without meritocracy

My last claim is that the concept of aristocracy does not entail the concept of meritocracy: it is possible for a system to be aristocratic without it to be meritocratic.

On one hand, although attributing the political power's ownership to those who are more capable of exercising it would be a straightforward solution, it can be attribute disregarding any quality of the owners; it can be attribute on the basis of numerical identity (to *a* just for being *a*), for example; even through elections.

On the other hand, direct aristocracy is as conceivable as direct democracy: in the absence of any method of selection of representatives, the meritocratic method is not established. Hence, such a system would be aristocratic without being meritocratic. But even in a representative aristocracy, representatives can be selected in other ways besides their merit: they can be elected by those few who own the political power, for instance.

In short. The characterization of a given organizational system as a democratic representation is not related to the way in which

the representatives are selected. The system is democratic if the holder of the political power is the people: the characterizing factor is the identity of the represented—and the people is not less owner of political power if they do not choose their representatives.

Conceptually, there are no reasons to exclude meritocracy from democracy, namely, representative democracy. Neither representative democracy is identical with elective system nor meritocracy with aristocracy: a system of government can be both democratic and non-elective, for example, meritocratic, and can be both meritocratic and non-aristocratic, *i.e.*, democratic. In other words: there is nothing wrong with the concept of meritocratic democracy.

III

Meritocratic Democracy and Division of Labor

The case for meritocracy

Since democracy is as compatible with meritocracy as with the elective system, one must inquire which one of them (or another method of selection of legislative representatives) should be adopted by political institutions. I argue that meritocracy should be the one. Two main arguments will be ahead presented.

I accept the traditional claim that the democratic system must be established as a matter of principle (in order to respect the autonomy of the common decision: what concerns the community must be decided by the community) and not taking into account its consequences, because I place the weighing of consequences on the exercise of political power, not its ownership.

In *Against Democracy*, Brennan contests the traditional claim that the democratic system must be established as a matter of principle. In his words:

Others think we should value democracy the way we value a person, as an end in itself. But as we saw over the past few chapters, arguments for these conclusions don't work. This leaves us with a final option. Perhaps democracy is valuable the way a hammer is valuable. It's nothing more than a useful tool.¹¹

Regarding the ownership of political power, I must agree with Van Reybrouck that politics is more than simply a matter of good government and that democracy is not just government for the people. The ownership of political power has to do with respecting the people's *will* while the exercise of political power has to do with respecting the people's *interest*.

Views such as, as Van Reybrouck calls it, electoral fundamentalism contests weighing of consequences at the level of the exercise of political power: one may argue that the elective system must be adopted just because it is the right one, even if may not be the one that brings more benefits. According to Van Reybrouck:

Electoral fundamentalism is an unshakeable belief in the idea that democracy is inconceivable without elections and elections are a necessary and fundamental precondition when speaking of democracy. Electoral fundamentalists refuse to regard elections as a means of taking part in democracy, seeing them instead as an end in themselves, as a holy doctrine with an intrinsic, inalienable value.¹²

¹¹ J. Brennan, *Against Democracy* (Princeton: Princeton University Press 2016), p. 204.

¹² D. Van Reybrouck *Against Elections*, p. 45.

However, any method of selecting the representatives can only be judged according to the consequences or the results since individuals are being selected for a particular function: they are not being selected just for the sake of selecting. What would justify the intrinsic value of the elective system? Its intrinsic democratic character? But we have already seen that such a conceptual link does not exist.

So, why merit and not elections? My first argument is this. Since the traditional critique of representative democracy (namely, that the voters do not vote with the required knowledge and rationality and that the elected representatives do not govern with the required competence) is, indeed, a critique of the elective system and since the *cons* of the elective system are the *pros* of a meritocratic method of selection, than meritocracy is the method that, by nature, satisfies such objections.

Two of the main sources of disappoint towards (representative) democracy are really problems concerning the elective system. Thus, the problem is not with (representative) democracy but with the elective system. One of those problems has to do with those who vote: they are not necessarily informed and/or rational in their decisions. It may be the case that the electorate meets those requirements: but this is not guaranteed by the fact that those who are being represented are the ones who select their representatives.

Brennan argues that he has an antidote to this problem. He calls it ‘epistocracy’: the voters are themselves qualified people. Just those who know how to choose wisely our political representatives are the ones who can vote. But since we are going to impose competence requirements, why not do it with the representatives themselves? It seems simpler to me. On the other hand, why are not the qualified voters elected? Are not the

reasons for defending the elective system for representatives the same for voters?

The second main problem concerning the elective system has to do with the representatives: they are not necessarily good for the job. Of course, here too, it may be the case that, casually, one is elected and competent for the position. But this is not guaranteed by the selection mode in question; it is accidental to it.

A third problem arises from the relationship between who votes and who wants to be elected. This relationship is one of persuasion and/or popularity: election is reduced to a competition that is won by the force of publicity and rhetoric, not by the force of rationality and dialectics.

The growing dissatisfaction of citizens is a result of the growing perception of the defects pointed out. They are dissatisfied with the quality of politicians' work, they are dissatisfied with political parties—independents and civic movements' participation in elections is becoming banal—and they are dissatisfied because they do not feel truly represented. I think that citizens want to be represented but well represented.

The second argument in favor of meritocracy is inspired in the 'analogy with the professions argument' from Plato's *The Republic*: if there is not a voting process to select those who will cure diseases, for example, being instead that job left to trained professionals—who will secure that the job will be well done—, why not doing the same when it comes to government? Isn't that a job that, for its special importance to society, really requires competence for its exercise?

Restricting the analogy to public professions, one may ask: if access to common public office is made on the basis of the satisfaction of competence requirements and not by election, is there any reason the same should not occur regarding public

office of government? If all public workers are selected *via* competence, why are not political representatives selected in the same way? I don't think there is a difference.

The argument can be reformulated as follows: if one can be a legislator without fulfilling competency requirements, then one can be a public doctor, teacher, police, etc., without fulfilling competence requirements. Or, what is equivalent, if one cannot be a public doctor, teacher, police, etc., without fulfilling competency requirements, then one cannot be a legislator without fulfilling competence requirements.

Philip Pettit, in *Meritocratic Representation*, sees two problems with meritocracy as a method of selecting those in office. First of all, I must emphasize that the author criticizes the meritocratic method, not because of its inconceivability as a way of selecting representatives in a democracy, but because of its drawbacks.

The first problem he sees relates to the claim that those in office are, besides talented, virtuous. The ancient system of examinations to the mandarinates, he says, may have worked well as a way of selecting the talented and it could presumably be resurrected in today's world but it is not fit to select the virtuous. We will have to rely on a system that leaves room for more personal assessments of the candidates and, therefore, for bias or favor.

This problem, if it exists, is transversal to all public positions that resort to the criterion of competence; however, this is not a sufficient reason to exchange such a method for elections, for example: we are not willing to have elections to choose the public health system's doctors, among others—that would be ridiculous. And I'm not so sure that merit is a combination of talent and virtue.

The second problem he sees relates to the legitimacy of those in office that are not actually meritorious (not suitably talented or not suitably virtuous). Pettit thinks that it is important that legitimacy should not be tied in this way to performance. But I believe that this will only be a problem for those who, *a priori*, are not willing to accept the criterion of competence. For those who are, there isn't a problem: if those in office are not actually meritorious, then they should leave the office.

Mutatis mutandis, the same holds true for the other modes of selection, such as lot. Lot (or sortition) has one great advantage over election: it is not so especially susceptible to corruption. But better performance of functions is yet not guaranteed; perhaps, such a guarantee is lower.

The division between private and public labor

From this last argument in favor of meritocracy I will proceed to another claim: there is a conceptual connection between representative democracy and meritocracy. More specifically, I argue that there is an identity relation between political (public, to be more precise) representation and division between private and public labor, which entails competence. This claim divides itself in two more particular claims: v) the concept of political (public) representation (and, hence, of representative democracy) entails the concept of division between private and public labor; vi) the concept of division between private and public labor entails the concept of political (public) representation.

If claim v) is true, then it is not just (conceptually) possible for a representative democracy to be meritocratic: it is (conceptually) necessary. Why? Because the concept of division of labor entails the concept of competence, since labor is divided in order to

maximize efficiency and quality in the performance of the social activities and, for that, one needs to be competent.

I support claim v) with the following argument: ‘political representation’ means ‘fewer individuals than the owners exercise political power’; if the owner of political power is the people, then only a few individuals exercise political power; now, those representatives will exclusively exercise that public function and the rest will exclusively dedicate to other activities, like their private jobs; therefore, the public labor of exercising political power is separated from other kinds of labor, like private labor.

Supposing that the people is not the most competent entity to exercise political power of which it is the holder, only some individuals will exercise political power, and they will do so in the context of division of labor, *i.e.*, as specialists in this activity. In Kelsen’s words, “differentiation of social conditions leads to a division of labor not only in economic production but within the domain of the creation of law as well.”¹³ So, if the argument is valid and the premises true, which I think they are, then representative democracy entails meritocratic.

One has to ask the fundamental question: why is there political representation? The most common answer is this: in large and complex societies such as the present, direct democracy is impracticable. But the technological means at our disposal would already allow us to get around this obstacle. Besides that, small groups do not abandon the use of representation mechanisms. My answer is another one: the reason for having political representation is the division of labor, namely, between private and public labor.

¹³ H. Kelsen, *General Theory of Law and State*, trans. Anders Wedberg, (Cambridge (MA): Harvard University Press 1949), p. 289.

I support claim vi) with the following argument: ‘division between private and public labor’ means ‘not all individuals carry out private activities nor public activities’; now, let us restrict to political activity, *i.e.*, to the exercise of political power; therefore, only some individuals exercise political power, which belong to all in a democratic system.

Since the concept of division between private and public labor entails the concept of political (public) representation, there is more than a mere analogy between political representatives and public servants: political representation is just a particular case of public representation.

As Pitkin points out in *The Concept of Representation*, in the sense of ‘representation’ advanced by the *Organschaft* authors (namely, Weber, Gierke and Jellinek), any person who performs a function in the name of the group can be seen as its representative.¹⁴ An official, a representative, is the specialized “organ” of a group. All government officials, all organs of the state, are representatives (both the postmen and the ambassadors represent the people), and representation is necessary in any complex society. Thus, representatives defined in this manner need not be elected to office: the manner of their selection is irrelevant so long as they became organs of the group.

Hence, a meritocratic method of selection is already the adopted one when it comes to selecting public officers, such as public professors and public doctors. The same must be done when it comes to the exercise of political power: for the sake of consistency, political representatives must be selected according with the same criteria other public representatives are.

¹⁴ H. Pitkin, *The Concept of Representation* (Berkeley: University of California Press 1967).

In conclusion: political activity must be carried out by specialists and according to the same professional and deontological criteria as in all public activities. Those who perform public activities on behalf of the people must be selected in the same way, *i.e.*, according to the criterion of competence. Political representatives are the experts to whom we leave the exercise of political power.

The reason for political representation is, on the one hand, the fact that most citizens are unavailable to exercise their part of the political power, because they have specialized in any other activity (usually private), and, on the other hand, the fact that exclusive dedication to political activity by certain individuals warrants the best results in that activity.

Rousseau had already seen this conceptual link between political representation and division of labor: his disapproval of public representation was linked with his disapproval of division between private and public labor, and he disapproved that for the reason that the people is the most competent entity to decide about public affairs. In Rousseau's view, as soon as public service ceases to be the main task of citizens and they prefer to serve with money instead of serving with their person, the state is already close to ruin.

If they have to fight, they pay troops and stay home and, if they have to go to the council, they appoint deputies and stay at home: by force of laziness and money, says Rousseau, they finally have soldiers to subdue their homeland and representatives to sell it. Rousseau sees no legitimate reason for political representation or, which is the same, for giving up public service. Had he not had insisted that the general will is the most competent to decide on public affairs, I

think he would assert something very similar to what I have asserted.

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