

A Proposal for Electoral Reform

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Introduction

Libertarians are often very dismissive of government. For example, they argue that since government has no government over it, and is therefore in a state of anarchy itself, it cannot possibly be justified. In other words, if without government there is a war of all against all, and government consists of these same people who need a government over them, then there is no improvement from anarchy, as no one governs the governors. It follows that there cannot be such thing as government, since it is actually in a state of anarchy – whenever someone claims to be the government, they are usually criminals.

Having established this, we will now tackle the important task of electoral reform. After all, maybe our analysis was too harsh. There may be some errors in our electoral system, just as there are some errors in the world, and for the same reason that we should not scrap the world, we also should not scrap elections. We should give elections a chance at least, especially since the alternative – if we are going to go scrapping things just because they are full of errors – may mean the end of the world.

Give Elections a Chance

So, for the first proposal for electoral reform, I propose that we give elections a chance.

The superiority of election by chance – also known, in various degrees and manifestations, as ballot, conscription, demarchy, draft, klerostocracy, lot, lottery, raffle, random election, random selection, rotation and sortition – over our current system, which is election by choice or mistake, has been illustrated by many authors, who together represent all of society.

John Rawls, the most famous modern political theorist, suggests that when we are deciding what is the best political system to live under, we must imagine that we are under a veil of ignorance.¹ And so it follows, as Hayek said, that “we should regard as the most desirable order of society one which we would choose if we knew that our initial position in it would be decided purely by chance.”² And how could we live in a society when our position in it was decided purely by chance and we didn't know what our future place would be in society? Simple: through random election.

Rawls and Hayek are arguing that when making political decisions we must ignore our individual differences, think of everyone in general and imagine that we could be any random member of society. That way undue consideration of undemocratic special-interests is avoided. But if this is good in theory, then it must be good in practice too. If a social order selected by random persons is so good, then why not allow it to continue past the mere thinking about and founding of a social order? What is the principle limiting the thought experiment to thought and not expanding it to practice?

¹ John Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971), p. 137.

² F.A. Hayek, *Law, Legislation and Liberty*, vol. 2: *The Mirage of Social Justice* (London and Henley: Routledge & Kegan Paul), p. 132.

According to no lesser figure than Aristotle, “the filling of offices ... by lot [chance] is regarded as democratic, by selection oligarchic.”³

With Rawls, Hayek and Aristotle for support, surely we have everyone interested in political theory on our side, since every political theorist will follow at least one of these thinkers. But what about for those people who prefer other writers?

The great journalist, H.L. Mencken, proposed that:

[T]he method of choosing legislators now prevailing in the United States [should] be abandoned and ... the method used in choosing juries be substituted ... [T]he men who make our laws [should] be chosen by chance and against their will, instead of by fraud and against the will of all the rest of us, as now.⁴

Imagine how beneficial this would be. It would do away with all the expense, disruption, compromise and pandering that elections cause.

Now, to cater to the Christian audience members, G.K. Chesterton made a very similar proposal to Mencken:

The old idealistic republicans used to found democracy on the idea that all men were equally intelligent. Believe me, the sane and enduring democracy is founded on the fact that all men are equally idiotic ... Can you find a deep philosophical difference between the Stuarts and the Hanoverians? Believe me, I will undertake to find a deep philosophical meaning in the contrast between the dark tragedy of the A's, and the solid success of the B's ... Do we not assume the same thing in a jury?⁵

Lest you think Chesterton was being flippant, he elsewhere further supports the idea:

I try in vain to locate and fix any authority that could rationally rule men ... little would be gained by ordinary men doing it to each other ... while we can always get men intelligent enough to know more than the rest of us about this or that accident or pain or pest, we cannot count on the appearance of great cosmic philosophers; and only such men can be even supposed to know more than we do about normal conduct and common sanity. Every sort of man, in short, would shirk such a responsibility, except the worst sort of man, who would accept it.⁶

This observation is pretty standard among observers of humanity. Adam Smith said that a government office “would nowhere be so dangerous as in the hands of a man who had folly and presumption enough to fancy himself fit to exercise it.”⁷ Wyndham Lewis agreed, “To rule is a painful, dangerous and arduous duty. It is only when it becomes too much of a pleasure that it is a danger for other people.”⁸ In Thomas

³ Aristotle, *Politics*, trans. T.A. Sinclair, rev. Trevor J. Saunders (London: Penguin, 1992), bk. IV, ch. ix, p. 262.

⁴ H.L. Mencken, *A Mencken Chrestomathy* (New York: Vintage Books, 1982), pp. 378-80.

⁵ G.K. Chesterton, *The Napoleon of Notting Hill*, bk. I, ch. II, in vol. VI of *The Collected Works of G.K. Chesterton* (San Francisco: Ignatius Press, 1991), pp. 238-40.

⁶ G.K. Chesterton, *Eugenics and Other Evils*, part one, ch. VIII, in vol. IV of *The Collected Works of G.K. Chesterton* (San Francisco: Ignatius Press, 1987), p. 350.

⁷ Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, ed. W.B. Todd (Indianapolis: Liberty Fund, 1981), vol. I, bk. IV, ch. ii, para. 10, p. 456.

⁸ Wyndham Lewis, *The Art of Being Ruled*, ed. Reed Way Dasenbrock (Santa Rosa, CA: Black Rose

More's *Utopia*, "anyone who deliberately tries to get himself elected to a public office is permanently disqualified from holding one."⁹ Douglas Adams said the same, "anyone who is capable of getting themselves made President should on no account be allowed to do the job" as they are "least suited to do it."¹⁰ Arthur C. Clarke also said the same, "Once it was universally accepted that anyone who *deliberately* aimed at the job should automatically be disqualified, almost any system would serve equally well, and a lottery was the simplest procedure."¹¹ In W.S. Gilbert's *Happy Land* Mr. A. says, "it's one of the beautiful principles of our system of government never to appoint anybody to any post to which he is at all fitted." Jean de la Bruyère said, "I place nobody above a great politician but a man who does not care to become one."¹² And in the *Chuang Tzu* it reads, "Only one who does not wish to take on the rulership ... may be entrusted with the rulership" and "those who are skilled at governing ... would not do so."¹³

James Bovard used many of these, suggesting that Congress should be drafted.¹⁴ If conscription is good enough for defence personnel to represent the people, as has been accepted in many countries on various occasions, why not for those who send them off? Drafting politicians is a far more moderate suggestion than drafting soldiers – they need not leave home and do not risk their lives – yet it is given far less consideration.

The knight of the rueful countenance, Don Quixote de la Mancha, thought election of the unambitious congruent with chivalry:

"Signor, replied Sancho, if your worship really thinks I am not qualified for that government, I renounce it from henceforward for ever, amen ... If your worship will consider, your worship will find, that you yourself put this scheme of government into my head: as for my own part, I know no more of the matter than a bustard [game bird] ..."

"Before God! cried the knight, from these last reflections thou hast uttered, I pronounce thee worthy to govern a thousand islands."¹⁵

Many politicians have expressed this sentiment (though rarely sincerely), but I will only quote one of them. Thomas Jefferson said, "[W]henever a man has cast a longing eye on [public office], a rottenness begins in his conduct."¹⁶ Jefferson said that he had "no claims or wishes on [the Presidency]" and that the Presidency

Books, 1989), p. 92.

⁹ Thomas More, *Utopia*, trans. Paul Turner (London: Penguin, 2003), p. 86.

¹⁰ Douglas Adams, *The Restaurant at the End of the Universe*, ch. 28, in *The Ultimate Hitchhiker's Guide* (New York: Wings Books, 1996), p. 278.

¹¹ Arthur C. Clarke, *The Songs of Distant Earth* (New York: Del Rey, 1987), p. 62. Also, on p. 61 Clarke makes a similar comment to Mencken, saying that the President who was drafted into office did not want the job so much that he almost committed murder so as to make him ineligible. And despite this, the President admits that it is "probably the best form of government".

¹² Jean de la Bruyère, *The Characters*, trans. Henri van Laun (New York: Brentano's, 1929), p. 356.

¹³ Chuang Tzu, *Wandering on the Way*, trans. Victor H. Mair (Honolulu: University of Hawai'i Press, 1998), p. 284 and p. 81.

¹⁴ James Bovard, "Why Not Draft the Next Congress?" *The New York Times*, July 4, 1979. Available online: <http://www.jimbovard.com/Satire%20Why%20Not%20Draft%20the%20Next%20Congress%201979%20New%20York%20Times.htm>.

¹⁵ Miguel de Cervantes, *Don Quixote*, trans. Tobias Smollett (New York: The Modern Library, 2004), vol. II, bk. III, ch. XI, p. 898.

¹⁶ Thomas Jefferson, *The Collected Work of Thomas Jefferson*, vol. IX, ed. Paul Leicester Ford (New

is “but a splendid misery.”¹⁷ And then, to show that he was not bluffing, *in his first Inaugural Address* he declared, “a sincere consciousness that the task [of the Presidency] is above my talents, and that I approach it with anxious and awful presentiments which the greatness of the charge and the weakness of my powers so justly inspire.”¹⁸

There are historical precedents and detailed practical proposals for random and randomizing election, but we have not discussed it to promote it. We have used election by chance against election by mistake. We have used it as a tool to attack those who support the office of government and election by mistake, because using their definition of “representation” and “democracy” it is shown to be preferable.

Random election would also be a mistake, unless it was truly random and no human will had anything to do with it. It is not random to suggest random selection and debate its merits, to decide on the scope and frequency of the random election, or for someone to oversee the randomness of the random elections. There is also the issue of how to stop the administrator of the election or their overseer from rigging it into following their own choices instead – though if they or their overseer did decide to ensure it was random that would be because of their own non-random judgement. Random elections would still be elective and so there is still the big question of who oversees the elections; whether it is to be the individual with the consent of the people or government without the consent of the people. What is random about deciding whether everyone is to win the election or only one person, whether the one winner should rule over everyone or rule only himself? What is random about electing a ruler, rather than something else? There must be something behind random election, but if it is not random election itself, then its suggestion and defence is contradictory.

Either Limit or Extend Suffrage

Some people may believe that in proposing random elections I was merely jesting. They will have trouble coming to grips with the fact that I want to scrap elections altogether. But can they deny that not having any election is egalitarian, representative, democratic and lawful? Instead of everyone having the vote, no one should have it. Democracy is about equality: no one having a vote still leaves the votes evenly spread, so the preferably option is the simpler one, as Ockham’s razor teaches us. What else could self-government be?

Oops, there I go again; too harsh and dismissive. I will ignore this argument for the time being; though that means I am still being dismissive. Anyhow, I am willing to compromise, as long as we keep some principles and take them to their logical extremes, without any further compromise.

Why Elections are Childish

Limiting the age of those who are allowed to vote at 18 or 21 or whatever is entirely arbitrary. There are some children who are of much higher intelligence than most eligible voters, some who pay more taxes, etc., but are not allowed to vote. And in some countries people are allowed to enrol in the military and die for their country, but are still not old enough to vote.

York and London: G.P. Putnam's Sons, 1905), p. 70.

¹⁷ Thomas Jefferson, *The Life and Selected Writings of Thomas Jefferson*, ed. Adrienne Koch and William Peden (New York: The Modern Library, 2004), p. 495.

¹⁸ *Ibid.*, p. 297.

Why do old people get pensions, but children do not? Children have not been able to do much to plan for their time away from work, but old people have had their whole lifetimes. Perhaps such inequity can be explained through the fact that children are not allowed to vote.

Banning children from voting is entirely arbitrary and indefensible. Hans-Hermann Hoppe predicted that if “the right to vote were expanded to seven year olds ... its policies would most definitely reflect the ‘legitimate concerns’ of children to have ‘adequate’ and ‘equal’ access to ‘free’ french fries, lemonade and videos.”¹⁹ As childish as these demands may seem, it is not possible for a political apologist to justifiably discriminate against them, for once you discriminate on the basis of intelligence, you fall into the trap of finding a way to test the smartness of people without discrediting politicians and their supporters.

In the case that children are unable to vote (ignoring whether they are currently allowed), parents should be allowed to vote on behalf of their children. At current the child who is unable to vote is not then immune from the government. So someone chooses for them, and if it is not their parents, then it must be government; it is never no one.

Why are children not allowed to run for office? It is not because they are not qualified, for no qualifications are necessary; nor is it because they are unsuitable to run for office, for that alone is the potential candidates’ decision. No excuse remains.

I am not biased towards children. I do not only want the minimum voting age down to zero and below; I want the maximum voting age to be unlimited. Many people claim that that is the case now, but there is widespread discrimination that has so far been ignored. This will be explored in the next section.

The Dead, the Deadly and Democracy

Political apologists think so slowly that they do not use a real-time theory of consent. Their idea of consent is consequentialist; they force, imprison or threaten you, then, when you do as they say or allow, they call it consent. They admit that not everyone consented to be taxed for and give government control of roads, schools, the mint, defence, etc. However, they claim that this initial use or threat of force is excusable and even consequently non-existent, because the same people are now eligible to use what their money went towards and almost always do use government roads, etc. Therefore, political apologists say, it is as if everyone consented anyway.

This theory faces one less problem when people are alive because political apologists can continually appeal to their use of government roads, etc. as proof that they now do “consent” – “use” would be a more accurate word – to what they might not have initially. But when a person dies before showing this consequentialist consent, it becomes obvious that consequentialist consent is oxymoronic.

It is true that on the free market if a contract is unfulfilled when a party to it dies, then the deceased estate must still fulfil its obligation and be held liable. But this contract on the free market was agreed upon voluntarily, whereas with government the citizen is not given a choice to begin with, and so there was no consent.

¹⁹ Hans-Hermann Hoppe, *Democracy – The God That Failed* (New Brunswick, N.J.: Transaction Publishers, 2002), p. 95.

The libertarian argument and tone presented above is typically short-sighted and impatient; libertarians often give up on government without sufficiently considering reform options. No one need be excluded from politics just because they're dead. Sure, the current system doesn't allow it, but we need not scrap the system when we can change it.

If you ask someone whom they respect most it is almost always a dead person. Why, then, are we not allowed to cast our vote for a dead person? It is true that a living candidate may claim to perpetuate the spirit of one dead fellow or another, but why take such a tortuous route?

In a true democracy people would be able to follow the ideas of dead people, whether or not they are on the ballot – after all, it would be unreasonable to print a ballot that has the names of everyone who is or was alive. If you want a Christian government, then one wonders whether Kevin Rudd, Tony Abbott or Jesus would be a better candidate. If you want a government of the Founding Fathers, then you should be able to vote for them. Artemus Ward led by example:

At a special Congressional 'lection in my district the other dey I delib'ritly voted for Henry Clay. I admit that Henry is dead, but inasmuch as we don't seem to have a live statesman in our National Congress, let us by all means have a first-class corpse.²⁰

The main objection to this is that if the rulers are dead they will not be able to enforce their rule. This objection doesn't get anywhere, because it is equally applicable when the ruler is alive. The people are always a superior force to the government, except over a small period of time; otherwise there would be very little incentive or ability to govern. No one can rule without public opinion sufficiently on their side.²¹

But suppose it is true that a dead ruler could not enforce his rule – that would not be an objection; it would be a campaign slogan.

At current there is no consistency in the matter and the votes of some dead people do count. If someone votes and then dies partway during the term in which their vote is considered valid, then it is not invalidated or retracted. Why are only some dead people allowed to have their votes respected? This is hardly democratic. Chesterton agreed:

Tradition may be defined as an extension of the franchise. Tradition means giving votes to the most obscure of all classes, our ancestors. It is the democracy of the dead. Tradition refuses to submit to the small and arrogant oligarchy of those who merely happen to be walking about. All democrats object to people being disqualified by the accident of birth; traditions objects to their being disqualified by the accident of death. Democracy tells us not to neglect a good man's opinion, even if he is our groom; tradition asks us not to neglect a good man's opinion, even if he is our father. I, at any rate, cannot separate the two ideas of democracy and tradition; it seems evident to me that they are the same idea. We will have the dead at our councils. The ancient Greeks voted by stones; these shall vote by tombstones. It is all quite regular and official, for most tombstones, like most ballot papers, are marked with a cross.²²

²⁰ Artemus Ward (pseudonym of Charles Farrar Browne), "Things in New York," in his *Complete Works* (London: Chatto & Windus, 1905), p. 258.

²¹ As the likes of La Boétie, Hume, LeBon, Nock, Mises and others have made clear (this is not the place to further discuss it).

²² G.K. Chesterton, *Orthodoxy*, ch. IV, in vol. I of *The Collected Works of G.K. Chesterton*, ed. David Dooley (San Francisco: Ignatius Press, 1986), p. 251.

This proposal for electoral reform makes a mockery of the widespread claims that we currently have freedom of choice and universal suffrage. So those who do not allow dead people to be elected should be punished; they have no right to limit people's right to choose over what is justly theirs. They are cheating death.

There is so much demand for dead politicians that black markets have formed. Electing them is one example, assassinating them another. I will comment on each in turn.

Despite the legislative obstacles to it lasting there have recently been, according to a web search, at least four examples of dead people not only running for office, but winning it.

Assassinating politicians by those within their electorate is equivalent to lobbying. The politician supposedly represents both the assassin and the lobbyist, so assassinated politicians really committed suicide or euthanasia and lobbied politicians are pre-occupied with self-help. Of course, this may be incorrect and politicians may not represent those they govern – in that case they really are assassinated, but at worst the assassination is simply over-punishment; for the politician claimed to represent those he did not and so whatever he had forcibly taken off them (through taxation) he stole.

In our age of safety in numbers, economies of scale and everyone working together to achieve more, it is time we abolished the inheritance tax and finally combined the two great certainties: death and taxes. Instead of receiving a ballot lead, politicians will receive a lead bullet. People will be able to vote with their hands, anyone will be eligible to have a shot at the Presidency, and it will be easier for political targets to be met. Instead of coffers, government will have coffins. Instead of party caucuses, there will be party carcasses. We shall confront government not only with the Bill of Rights, but also with the Last Rites. Politicians, not citizens, will die for their country. Political controversy will be put to rest. A term in office will be terminal. Elections and governments will still be similar to the way they are now, with dead heats, hung parliaments, buried oppositions, body counts, lame ducks, lame promises and lame jokes. However, there will be a slight difference in regards to advertising candidates: we will, in the words of John Zube, "Hang politicians rather than their posters up on trees."²³ And instead of taping them on TV, we will tape them to telegraph poles – perhaps they would then get a clear signal.

What's The Big Secret?

Some things are better left unsaid. But sometimes keeping things quiet and hidden is a far worse alternative. Secrets and lack of accountability – not real demonstrated consent, but tacit consent that cannot be shown to demonstrably differ from forced submission or acquiescence – is what government relies on to declare itself legitimate. Government is unable to show any evidence of demonstrated consent or preference for it over the market. Their attempt to cater to those who want or might want its services is necessarily at a disadvantage compared to the market, because with government, as Murray Rothbard said, "*provision of the service is completely separated from its collection of payment.*"²⁴

Government services must rely on heresy, rumour and guesswork in order to know if it is satisfying recipients. The game of Chinese Whispers shows how easy it is for errors to be introduced and the perpetrator of error, whether intentional or not, to get away with it. This, by the way, is Ludwig von

²³ John Zube, "Slogans for Liberty," "E," 8/11/95, *Panarchism and Free Banking CD*, #89.

²⁴ Murray N. Rothbard, "Toward a Reconstruction of Utility and Welfare Economics," in his *The Logic of Action One* (Cheltenham, UK: Edward Elgar, 1997), p. 249.

Mises's argument proving the impossibility of economic calculation in the socialist commonwealth. There is no way to gauge supply and demand, and if consent is claimed, there is no way it can be proven.²⁵

The secret ballot is an obvious example of government not being able to identify which individuals want what. As Lysander Spooner observed:

As all the different votes are given secretly (by secret ballot), there is no legal means of knowing, from the votes themselves, *who* votes for, and *who* votes against ... Therefore voting affords no legal evidence that *any particular individual* supports [anything]. And where there can be no legal evidence that *any particular individual* supports the [thing], it cannot legally be said that anybody supports it. It is clearly impossible to have any legal proof of the intentions of large numbers of men, where there can be no legal proof of the intentions of any particular one of them.²⁶

What legal theory allows for a secret ballot to a binding agreement where participants are all anonymous and therefore unknown? How can you identify for the purposes of accusation, conviction and punishment the parties of the contract in case of fraud, misrepresentation and what not, when disagreeing anonymous people are only considered in aggregate?

Supporters of secret ballots claim that it stops voters from being pressured into supporting certain candidates. According to this logic, those who govern should also be unknown, for they might be pressured too. In any case, hiding those who support government and eliminating any pretence of accountability hardly seems a solution for the better.

Compulsory Voting

Everything I have said above I admit to be totally misguided and fallacious. I do not really mean anything I said; it was all just a veiled introduction to my real proposal, which is to get rid of compulsory voting.

Although in Australia we actually call it compulsory voting, it is very similar to other popular so-called democratic electoral systems, like what goes on in the supposedly non-compulsory U.S. elections. What happens, for example, if you do not vote on a topic that affects you? You are still compelled to bow before what the majority of voters voted for, so the voting still entails compulsion. In fact, even if you do vote against something it does not excuse you, under our current system, from being compelled to follow the decision of the majority. They call our current system representative even if we vote against something we are forced to do.

So not only do I propose that voting should be voluntary, but the services the elected organisation provides should also be voluntary.

Conclusion

²⁵ Ludwig von Mises, *Economic Calculation in the Socialist Commonwealth*, trans. S. Adler (Auburn, Ala.: Ludwig von Mises Institute, 1990), p. 28.

²⁶ Lysander Spooner, *The Lysander Spooner Reader* (San Francisco: Fox & Wilkes, 1992) p. 82.

Those who favour our current electoral system – where franchise, candidacy, possible number of winners, topic and weight of vote are decided prior to elections – approve of limiting the scope and frequency of elections, as Hayek said, “on other grounds than the principle of democracy as such.”²⁷

In conclusion: anyone who supports our current limited electoral system believes in neither democracy nor the free market.

²⁷ Friedrich A. Hayek, *The Constitution of Liberty* (Chicago: Gateway Edition, 1972), p. 106.