Organizing Assemblies against Anarchy and Tyranny.
(Some comments on Elster's paper about Bentham thought on political assemblies)

Jon Elster mentions in his text the difficulty that Bentham's writings present even for strong readers. The best method is surely the one he has chosen: looking for some « nuggets of analytical insights ».

My comments of Jon Elster's very rich paper cannot honor all the points he has developed. I will begin by two of them by which Jon Elster succeeded, I believe, to point out the strength, the originality and the relevance of Bentham's thought on political assemblies.

The two points are:

- The negative goal of *Political Tactics*

- The motivational free-rider problem

Finally, with respect to the topic of the conference, I will mention Bentham's propositions regarding the organization of parliamentary debate.

1) Elster writes that the "most important idea (of Bentham) is perhaps that the goal of institutional design is essentially negative" (Elster 2010, p.5). I think that it is the most important point. It is this assertion of Bentham and its presence behind all his observations and recommendations which give the sociological depth of Political tactics, even if, at first glance, the book seems to be a collection of disparate facts and recipes.

Bentham lists ten « inconveniences » that the organization of assemblies should permit to avoid: inaction, useless decision, indecision, delays, surprise or precipitation, fluctuations in measures, quarrels, falsehoods, vicious decisions on account of form, vicious decisions in respect of their foundations (Bentham 1791-1999, p. 17).

This list gives an idea of Bentham's care for details. But it is not a mere heterogeneous enumeration. Each of these "evils" manifests the same phenomenon or, more exactly, the same couple of phenomena at work: on one side, the trend towards disorder; on the other side, the use of this trend by a few motivated people towards creating an order consistent with their interests.

Whatever the stake of the decisions the assembly has to make, if they are not carefully oriented by the means of a system of rules, the assembly would produce a disordered collective activity. This observation was also made by Condorcet, contemporary of Bentham's, and one century later by Lewis Carroll about academic committees in Oxford colleges.

The other side of that trend towards disorder is anarchy and tyranny: « Every cause of disorder is a source of profit to undue influence, and prepares, in the long run, for the approach of tyranny or anarchy »[1] (Bentham, 1791-1999, p. 20).

If they are not avoided, the evils have as consequence the oscillation of the state of the assembly between disorder and the order of a small group. Therefore, the goal is the institution, by the means of a system of rules, of a local social order setting the possibility that the activity of each member contribute to the formation of a will of the whole or at least of the most part of it, and as opposed to the will of a faction.

2) The second point that I emphasize from Elster's paper is the importance for Bentham of the conditions for motivation and active attitude. The first origin of disorder is not as much the confrontation of interests that an unequal distribution of motivation intensity.

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[1] « Toute cause de désordre tourne au profit d'une influence indue, et amène de loin la tyrannie ou l'anarchie … » (Bentham/Dumont, 1791-1822, p. 63)

The institutional design has to induce a collective balance of motivations; in particular it should be designed so as to avoid that the initiative of the assembly's activities is not dominated by the spontaneous distribution of motivations. In the language of social sciences, we can say, with Jon Elster, that Bentham has spotted a motivational free-rider problem. The higher the number of deputies, the more each of them can think that he can make the economy of attention, of thought and, finally, of his participation, without decreasing the quality of the collective result. His contribution being marginal, he can estimate that the work of others will not be affected by his defection. But if a lot of other members think in the same way, the small group of the more active people will have an undue weight and the whole of the assembly will not benefit from the free riders' thoughts and activities.

The solution consists of the establishment of roles which ascribe to some agents different initiative functions. It is the case of ministers who have the responsibility to propose motions (Bentham p. 110). Also, these roles should be defined in such a manner that the motivation of the actors would not decrease. Hence it is better if the president of the assembly, whose function is to arbitrate in order to resolve conflicts about procedures, has a permanent function, not only to benefit from accumulated experience but also because he "will feel more interested in managing it well, than an occasional president. The occasional president, whether he execute his office well or ill, must lose it. The permanent president, who will only lose his office if he discharges it ill, has an additional motive for performing all his duties well" (Bentham, p. 67).

But, if it was only question of ascribing to a single member the function of taking initiative, it would result in organizing tyranny. The setting of the function precludes the inertia and the abstention that the phenomenon of the motivational free rider tends to produce. But in the same time, the one who has this function must remain under the control of the other members or should not

have the monopoly of initiative. Thus, the president is subordinated to the assembly and can only exercise his function if the assembly considers that he behaves according to the general will (Bentham, p. 70).Thus, the ministers have the responsibility to initiate the presentation of projects of law, but they do not have the monopoly of those initiatives (Bentham, p. 110).

Hence, Bentham recommends at the same time the establishment of the function of initiative and the control of the way this function is executed.

In general, he tends to counterbalance each measure he proposes by another one supposed to cancel the inconveniences induced by the first one. For example, all motions, bills and amendments that the government or the deputies wish to present have to be registered three months before their presentation, thus giving the deputies ample time to think about the propositions. The surprises and precipitations are avoided by this way. On the other hand, the schedule of motions and projects has to be open to some modifications, allowing for unexpected incidents or new questions induced by the discussion of a project of law (Bentham, p. 113-115).

3) As the topic of this conference concerns speeches and debates within parliaments, it is interesting to examine how the art of setting a social order in an assembly is applied by Bentham to the organization of debates. In conformity to his habit, his thought and recommendations concern all the aspects of the thing studied. Here is a selection:

- The debate has to be launched by the author of the motion under discussion (p. 124-125).

- « It would be proper to agree upon a word – for instance, *dixi* – which function would be to mark the close of a speech. This avoid that the speakers cut each other short (p. 126).

- Debates taking place within committees should allow for replies, while debates taking place when the whole house is assembled should not (p. 127).

- The unity of the subject of debate must be kept inviolate at all cases, forbidding any digression (p. 92).

- The deliberation should ideally be organized in three debates or sessions, each has a different function and from a different angle (p.129-130).

- Discourses should not be written (p. 132).

- Speaker should address the president and not the assembly. They should avoid designating members of the assembly by their names and should not impute bad motives to a previous speaker (p. 133-134).

- There should be a clear distinction between the formulation of motion, the debate and the expression of opinion and voting (p. 93).

These recommendations, which justifications I can not restitute, all tend to organize the debate from a limited set of operations: separation of sequences, distinction of functions, distribution of initiatives, control of the impact of passions. Bentham defines the parliamentary debate, on the basis of the British example, as complex machinery, an ingenious device very far indeed from any spontaneous form of conversation. On two occasions, he stresses the difference with the conversation model and even insists on the fact that this model would not be suitable for the organization of debates within an assembly (Bentham p. 92 and 98).

Finally, I have two questions for Jon Elster. The first question concerns the place of Bentham within collective decision theory. My second question concerns the impact of partisan organization within parliaments.

1) Jon Elster has discovered sentences in Bentham 's writings which indicate that he knew the works of Condorcet and his theorem now named "Condorcet

Jury Theorem" about the epistemic superiority of the majority rule. Elster emphasizes the contrast between the Condorcet Jury Theorem and Bentham's motivational free rider problem. The Jury Theorem is in favor of numerous participants; conversely, Bentham thinks that a too big group of participants decreases the individual motivation and the chance for active attitudes.

This opposition points to another and bigger one. In his writings, Condorcet gives organizational recommendations, as Bentham, but in a less systematic manner. Nevertheless we retains mainly, in particular since Arrow's famous book on collective decision and individual values, within all his work on assemblies and juries, his mathematical theorems and demonstrations. After Arrow, Condorcet has been perceived as a "pioneer" of social choice theory. The social choice theory, as well as the mathematics of decision to which Condorcet contributed greetly, is almost exclusively focused on the act of voting and on aggregation of preferences. Do you think that we can, conversely, give to Bentham the status of a "pioneer", insufficiently known and studied, of another way of examining collective decisions? A kind of collective decision theory, less focused on vote and aggregation and paying deeper attention to organizational design and to argumentation, a style of collective decision theory to which your own work has largely contributed?

2) Second question: It seems to me that at the time of Bentham, the British parliamentary life, quite as the French assemblies, were not governed by political parties or functional equivalents. A big part of our contemporary parliaments have their activity in great part structured by the confrontation between the majority and the opposition, which goes hand in hand with a more or less strict discipline of the deputies vis-à-vis their political parties. One can easily imagine that this kind of configuration would not present the same characteristics as those defined by Bentham. Thus, it is not certain that the extent of the motivational free-rider problem is quite as important within

modern assemblies. One may suppose that the political fight gives way to initiative and decreases the importance of argumentation. Unless the partisan partition simply deflects or displace the pertinence of Bentham's observations. One can thus advance the hypothesis that the free rider problem is displaced within political parties ; and that the principal problem is no longer asymmetries between attention and commitment but the limitation of the effects of the systematic opposition between political parties. In short, the importance of partisan organizations within modern parliaments, does it not render obsolete Bentham's observations and recipes ? Or, more subtly, to what extent would the impact of partisan organizations require a revision of Bentham's conclusions ?

Philippe Urfalino/ EHESS-CNRS

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