Article

Towards a Global History of Voting: Sovereignty, the Diffusion of Ideas, and the Enchanted Individual

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Abstract: This article suggests a framework for moving toward a global history of voting and democracy that focuses less on the diffusion of European ideas (however important those ideas were) than on embedding the history of voting within a worldwide history of ideas on sovereignty. The article posits a general framework for such a history focusing on a "conundrum of sovereignty" grounding legitimate rule in a space imagined as simultaneously within and outside worldly society. Rooted in a "secular theology" such ideas shaped in the 19th and 20th centuries the establishment of systems of mass voting (including the secret ballot), and the sovereignty of the "people" both in Europe and other parts of the world alike, in the process producing an image of the individual voter as an "enchanted individual." The article looks at developments within Europe and in India in these terms.[1]

Keywords: voting; democracy; sovereignty; elections; people; conundrum; Europeanization; India; secret ballot; influence; secular theology; enchanted individual

Introduction

The world-wide history of elections and democracy has often in recent decades been portrayed as a history of diffusion. In his *Europeanization of the World: On the Origins of Human Rights and Democracy*, John Headley has written a compelling account of the power of universalizing European ideas, including democracy, as a global legacy. Europe, in Headley's framework, represents the critical node from which democracy's underlying ideas were diffused to the world. That the "spread of

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democracy" has become in recent years a foreign policy imperative linked to the spread of American power and hegemony, a tendency perhaps most dramatically on display in America's invasion of Iraq, is a fact of which Headley is well aware and highly critical. Yet, as Headley readily acknowledges, the fact that democratic ideas have sometimes been embedded in a history of Euro-American conquest and imperialism, and have a complex and conflicted history even in Europe itself, hardly lessens their importance as a legacy to the world. Rather, his argument is that the European development of these ideas has been a unique phenomenon, which therefore requires that we conceptualize their worldwide influence in terms of their outward spread from the European nexus in which they originally developed [1].

Such a view is hardly entirely new. The search for a global history of voting, with European and American transformations at its center, extends back at least as far as Charles Seymour and Donald Paige Frary's multivolume history, *How the World Votes: The Story of Democratic Development in Elections*, published in 1918. Yet many scholars have also been wary of such narratives. Some have stressed the variety of traditions of voting and democracy even within Europe itself and its overseas offshoots. Thus, in their work on the history of the secret ballot, which has now become the UN-endorsed "global norm" for voting, Malcolm and Tom Crook detail the complex and conflicted history of this practice in America, Britain, and France alike. Similarly, in his survey of "Where and When was Democracy Invented?" John Markoff has found no clear "center" for a narrative of the modern history of voting practices. "The history of democracy is profoundly polycentric," he writes, "and an exclusive or even disproportionate focus on the world's centers of wealth and power will miss much."[2] Other scholars have critiqued European diffusionism by pointing to the many, little studied traditions of voting and consultative assemblies existing outside the framework of European influence, particularly at the local level ([4], pp. 23–45). Perhaps the most thoroughgoing critique of diffusionism in this vein was offered by J. M. Blaut in his *The Colonizer's Model of the World: Geographical Diffusionism and Eurocentric History* (1993).

Nevertheless, it is true, as Headley persuasively argues, that European ideas have in fact played a critical role in the world-wide history of democracy, and it is vital, as Headley suggests, for historians to take this seriously. Whatever the histories of earlier voting practices in some contexts, modern electoral practices in most parts of the non-European world have, particularly in their legal forms, overtly evoked European voting models, a process that can traced back at least to late 19th-century Japan. The history of India, which today manages the largest single electoral arena in the world, is a case in point. Today's Indian electoral system owes much in its structure and form to the introduction of elections into India by the British as a central element in India's political structure. Indeed, a history of democracy in India that failed to take account of the roots of many of Indian democratic forms, processes, and ideas in the subcontinent's long connection to Great Britain, could hardly do justice to the central importance of voting in India's political system today. The political theorizing (and political contradictions) that shaped Britain's evolving electoral system in the 19th century remain in some ways a living legacy in shaping the ongoing evolution of India's 20th-century electoral system.

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[2] [2], pp. 199–237; [3], p. 689. Interestingly, however, despite Markoff's emphasis on polycentricism and the Crooks' emphasis on the "global", in neither of these works is there any serious effort, even in invoking the "global," to move beyond the history of Europe and its overseas colonial offshoots.

Yet there are still many fundamental reasons why it would be a distortion to see such connections as simply, or even primarily, as one of diffusion. Ideas relating to democracy and voting were everywhere closely linked to concrete structures of power, and it thus makes little sense to see processes of voting and democracy as products of the diffusion of seemingly free-floating ideas that developed in deep contextual interaction with European politics, but which then can be imagined to emerge in developed form to influence other parts of the world. Beyond this, if ideas relating to democracy are truly to be seen in a world-wide context, then the larger human dilemmas within which they have been framed, need to be tackled also against a world-wide backdrop. Whatever the distinctive history of democratic ideas in modern Europe, and in particular of the idea of the "people's sovereignty" lying at democracy's heart, the historical significance of European ideas on a global scale is best assessed if the development of popular sovereignty is analyzed against the broader backdrop of sovereignty itself as a problem in political theory long confronted in societies all around the world. Ideas shaping voting, as an ultimately worldwide phenomenon, must be seen, in other words, in Europe and in other parts of the world alike, as deeply embedded in larger ideas about the nature of sovereignty and legitimate rule.

The Global Framing of Sovereignty

To provide such a global frame for sovereignty, it is useful to begin with the work of Carl Schmitt, who argued in the 1920s that "all significant concepts of the modern theory of the state are secularized theological concepts" ([5], p. 36). This provides an important frame for bringing the histories of sovereignty in Europe and in many other parts of the world into mutual conversation, for in this framework they can be viewed as variant "theologies of power" or, to use Schmitt's term, "political theologies" [6]. Schmitt's emphases in fact offer a frame for grounding the more particular problems of democracy's world-wide trajectories in larger questions about the relationship of worldly and cosmic power. But for our purposes here, the values of Schmitt's specific theories are still limited, for whatever their potentially universalizing implications, they are deeply embedded within the specific history of European Christianity. In order to move toward a global history of voting, it is important to step outside Europe before returning to a discussion of the influence of European ideas on the world.

For this, the work of the Sanskritist, J. C. Heesterman, provides a useful starting point. Heesterman has given us an overarching explication of the theology of sovereignty in premodern India that provides, I would argue, a frame for such a global discussion of sovereignty (and thus, ultimately, of the sovereignty of the "people' in the modern world). At the heart of Heesterman's argument is his notion that kingly sovereignty, whatever its forms, was at its root not a seamless ideology, but a "conundrum." For Heesterman, the "conundrum of the king's authority" lay historically in an irresolvable contradiction, relating to the nature of power in the world, that all sovereigns faced: to be effective and legitimate, the king had to somehow be a part of the social community he ruled and yet, simultaneously, stand outside it ([7], p. 117). To put this a different way, legitimacy hinged on the sovereign's ability to project himself as the embodiment of the community as a unity, an abstract entity standing outside politics, even as he ruled from within the community, managing its differences and conflicts in the name of order.

This conundrum, as Heesterman argued, ultimately played itself out in India in different ways. It was reflected in the tension between kings, whose skills and violence allowed them to maintain social

order, and brahmans, who were associated with ritual powers linked to cosmic forces outside the community. It was reflected in the mythic association of kings with the world "outside" the community, the forest, the world beyond civilized settlement, a connection that was re-emphasized in ritual cycles, even as the king managed everyday conflict within the worlds of agricultural settlement and cities. It was reflected also in the association of kingship with renunciation, always in tension with the ongoing social entanglements that actually ensnared an effective king. But central to his argument was that whatever forms sovereignty's manifestations took, these could never resolve what was ultimately an insoluble paradox. "The king had to be both part of the community and external to it," Heesterman writes ([7], p. 118). Without this, sovereignty could not operate. Critically, he argued, "Indian tradition, instead of trying to solve the problem, acknowledge[d] its insolubility" ([7], p. 157).

This paradox is, of course, framed in Heesterman's story in distinctively Indian terms, but it points toward the relationship of sovereignty to a more universal problem, the question of the relationship of divinity to the world as a backdrop for understanding sovereignty—or, to put this another way, of the relationship of cosmic powers standing outside human society to the problem of legitimate worldly rule. We can thus see this same "conundrum of sovereignty," though in different forms, in multiple contexts. Azfar Moin, for example, has written compellingly with respect to the evolution of such ideas in the Muslim Safavid and Mughal empires. However much the legitimacy of the sovereign hinged on the management of diverse groups and diverse interests within the social/political world, sovereignty was also critically linked for them to sacred (particularly sufi and millennial) models of authority that, even if sometimes in tension with sacred law, defined touchstones of sovereignty outside the constraints of worldly community [8]. Such tensions framed visions of sovereign authority in Europe as well, a fact that has been explicated most clearly in Ernst Kantorowicz's analysis of the doctrine of the "king's two bodies," the one immanent and mortal, grounded in worldly politics, the other eternal, representing authority's grounding in a cosmic order that framed the collectivity as a unity existing outside time, outside the internal politics that divided it [9]. Such visions of sovereignty could be multiplied around the world in similar terms. Yet, taking Heesterman's arguments as a guide, what is noteworthy about all these forms of sovereignty was the underlying, almost mystical, *insolubility* of the conundrum that lay at sovereignty's heart.

Critically, this paradox also provides a central backdrop for understanding the modern evolution of what many would see as Europe's greatest contribution to the history of sovereignty—and certainly to the history of voting and democracy—the idea of the "sovereignty of the people." Edmund Morgan, has thus remarked on the structural significance of the old idea of the "king's two bodies," in inflecting the defining tensions shaping the emergence of the idea of the sovereign "people" in Britain and America ([10], pp. 78–93). Others have traced in considerable detail the role of specifically European theological models in influencing competing, intellectual visions of sovereignty in Europe, a complex story, on which much has been written, that is well beyond our treatment here.[3] But in relating this

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[3]   The writing on this is, of course, extensive, but one recent effort to provide a framework for understanding different visions of sovereignty based on a distinction (using theological terms) between "immanent" and "transcendent" theories of sovereignty is Lior Barshack. He thus distinguishes between visions of sovereignty derived from the structure of social relations in the here and now, such as is found in the thinking of Thomas Hobbes, with transcendent theories, defined by the projected existence of a collective, immortal "corporate body," conceived as existing outside the realm of the present and transcending the social, which is the locus of sovereignty. See, [11] and [12].

story to the larger history of sovereignty—and to Heesterman's conundrum—the key is tracing the transplantation of this conundrum into the individual self, which provided the foundation, ultimately, for the imagining of the "people" to be sovereign. The vision of the individual as both an active player in the world, and yet, at the very same time, as an autonomous moral agent, transcending the bonds of society, was of course one with a distinctive European trajectory in religion and political theory. As Headley himself points out, the idea of "sacred individuality as a property of the self," was a key in the development of democracy, linked as it was to notions of "human equality, dignity, and reciprocal recognition" ([1], p. 218). But the most powerful element in the "sacred" here was its secular evocation in terms of what we might call in a broader sense an "enchanted" individual self, an image of the self defined in its relationship to the world by sovereignty's insoluble conundrum.[4]

The emergence of the idea of the individual's "enchantment" was in fact only made possible in by its association with the large political changes that marked the 19th century as an era of rapid political and socio-economic change. Indeed, the individual's "enchantment" was inextricably linked to another powerful idea that marked this era: the association of modernity—and the 19th-century transformation of the state—with what Max Weber famously called in 1917 the "disenchantment of the world." This too is an idea that has received much historical treatment. The world's "disenchantment" was associated not only with the rise of science, but also with the "rationalization, secularization and bureaucratization" that accompanied the rise of the ever more intrusive European state ([13], p. 695). But the "disenchantment" of both nature and society, which empowered the ever-expanding action of the state upon both, is hard to comprehend unless we also imagine its being linked to an "enchanted" individual who stood outside the world, an autonomous observer who made sense of the world through reason, and was thus the bearer of an almost mystical autonomy.

To suggest the linking of these processes, it is useful to turn to Foucault's famous analysis of Bentham's panopticon, an imagined prison with a central guard tower from which all prisoners were under perpetual observation. Foucault presents this as a model for a new 19th-century structure of discipline, one in which the ubiquitousness of external surveillance prompted the internalization of surveillance into the self as a form of self-discipline, increasingly diffused within society. But this internalization was always ambiguous, for, as Stefanos Geroulanos writes in commenting on Foucault's parable, the effects of the panopticon on the individual derived *both* from the force of external control and observation, *and* from the hidden nature of the central observer in the panopticon who, like God, was unseen, "at once present and absent" ([14], p. 642). Viewed from this perspective, the internalization of surveillance into the self of necessity involved two contradictory and interlinked aspects; it entailed, on the one hand, the internalization of self-discipline (associated with the 19th century expansion of forms of education and social control), and, on the other, the incorporation into the individual self of the image of the omniscient observer himself, hidden and standing apart from society. If this was the self's internal governor, its internalization also defined the individual's claims

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4   The term "enchanted" is one that comes with much baggage, as it has often been used to refer to the worlds of magic and wonders that survived the rise of science, and has thus sometimes been also associated with an elitist critique of popular "irrationality." (For a good overview of its historiography, see [13].) I use it here precisely to emphasize an image of the self conceived as standing outside the world of science and society, like the sacred, yet also conceived of in secular terms rather than overtly religious terms.

to an "enchanted" autonomy from the social world, an image of detached omniscience powerfully reflected in 19th century science, literature and history. Though perhaps highly schematized, such a model helps to provide a frame for imagining the "enchanted," sovereign self, as at once, like God, standing apart from the pressures of society, and yet at the same time increasingly bound into society's expanding influences.

It was from this perspective that the "disenchantment of the world" and the "enchantment" of the individual came to be imagined as logically, if paradoxically, linked, a relationship that made possible the imagining of the people's sovereignty in the late 19th century as a living political force, defining a collectivity of sovereign individuals who were both the object of the state's power (through its increasingly powerful operation on an objectified "society") and, at the very same time, the source of a sovereign authority controlling and containing the state's power. And it was the individual *voter* who embodied both sides of this equation, a man of the world defined by his sociology, his objectifiable class, identity and interests, and a man imagined *at the very same time* to be endowed with a freedom of will that put him beyond sociology, and thus capable of exercising autonomy as sovereignty's enchanted essence.[5]

The tensions in this formulation were of course marked (and played themselves out in much writing on the nature of the self in the late 19th century), but with respect to voting they were captured most clearly in the late 19th and early 20th centuries in controversies surrounding the introduction of the secret ballot, which came to represent a symbolic expression of popular sovereignty's conundrum. Though the secret ballot has now become naturalized in popular thinking as inseparable from democratic voting, the deep tensions it embodied can be seen in the long 19th-century debate on the introduction of the secret ballot in England. Though few of these debates were cast explicitly in terms of the nature of sovereignty, at their root was a powerful undercurrent focused on the tension between the imagined autonomy (and free choice) of the voter, on the one hand, and the immanent pressures of society and social influence, on the other. The focus of these debates was in fact framed by Sir William Blackstone's famous reflections in the mid-18th century on the dangers of "undue influence" to the very "principles of liberty" that underlay the meaning of consent and voting. Since social pressures, and dependence, could undercut the autonomy of voters, property qualifications were essential, Blackstone argued, in order to exclude from voting those persons who were "under the immediate dominion of others" or too poor to have a "will of their own."[6] Blackstone thus laid out a framework in which the insoluble tension between individual "free will" and the pressures of social circumstances lay at the very heart of voting's meaning. Though for Blackstone this tension could be addressed by a system of voting based on property that excluded those who were, as he put it, "suspected to have no will of their own" (which included not only the propertyless, but also women and children, whatever the theoretical universality of the "principles of liberty"), his concerns pointed toward the fundamental conundrum that would shape law on voting as pressure for the expansion of the franchise increased in the 19th century.

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[5] Such a vision of the individual as simultaneously within society, and yet defined by an essence setting him apart from it, can be found with a variety of nuances in nineteenth- century social theorists. (See, for example, [15], pp. 149–63).

[6] [16], 1, p. 165. Though the emphasis on property-holding was critical to evolving theories of popular sovereignty, it is important to note, as Edmund Morgan does, that this does not necessarily mean that in actual fact property owners were somehow immune to the pressures of social influence. ([10], pp. 158–59).

It was this conundrum that in fact provided the context for much of the debate on the secret ballot in the 19th century. On one level, of course, the argument for the secret ballot was a pragmatic one, focused simply on how to limit the pressures of social influence on voting in a practical way. Thus John Stuart Mill argued in favor of the secret ballot in 1850 on the ground that votes cast on the basis of social influence, rather than on the dictates of individual "judgment" rooted in "conscience", "virtue", and "moral obligation," could only produce "a faithless, a prostitute, a pernicious vote" (quoted in [17], p. 52). In such circumstances, secrecy was practically necessary to protect the individual's free judgment. But for many, the secret ballot was not just a practical measure; it symbolized, in a sense, the spatial marking of the voter's core of autonomy—the antithesis of everyday socio-political influence—as the key to voting's meaning. "Free agency is the very soul of voting," George Grote, the philosophical radical and early champion of the ballot thus wrote in the 1830s. The great evil of the day," he continued, in describing what was in actual fact an inescapable part of every election, "is that everyone thinks he has a right to employ his influence over another" ([18], p. 30). Put in these terms, Grote's advocacy of the secret ballot thus seemed to go beyond simply protecting the voter from overt coercive pressure (however important that was) to imagining the secrecy of the ballot, in an enclosed voting booth, as a spatial reflection of an individual will that stood conceptually apart from the very idea of social influence. The ballot was thus, for the voter "a secret," as Grote put it, "of his own conscience, which no human being can fathom" (quoted in [19], p. 51). Voting was, in other words, an act beyond objectification. The demand for the secret ballot, which was finally accepted in Britain in 1872, thus underscored that if voting was necessarily an open and highly political process (in which influence was both necessary and inevitable), the individual act of voting itself was also hidden, internal, standing apart from society's constitutive social and political bonds. It was, in other words, an enactment of sovereignty's conundrum—an act by "enchanted individuals," who, though embedded in society as an essential concomitant to the political meaning of elections, nevertheless somehow stood, in their essence, apart from it.

Such tensions, of course—even as embodied in the secret ballot—did more to dramatize the underlying contradictions in the concept of the people's sovereignty than to resolve them. In terms of the global history of voting, and its grounding in a world-wide history of sovereignty, it is in fact important to note that certain key 19th-century developments in voting, such as the spread of the secret ballot, actually flew in the face of some of the earlier discourses of popular consent that had evolved from the European enlightenment and earlier. In fact, the secret ballot seemed to challenge for some a long-emerging vision of the "public" in England as constituted by men, fortified by dominion in the private/domestic realm, who could forthrightly speak in public to bring reason to bear as a check on the state. This was a vision of a free, open realm of rational discussion as a critical form of surveillance over power, a notion of the public sphere, as historically delineated in the work of Jurgen Habermas, as a vital framework for popular consent ([20], pp. 237–56; [21], 16–42; [22]). But even though the voter was, in theory, a bearer of reasoned consent, the secret ballot seemed to challenge the transparency of reason. From such a perspective, secret voting could be read as subversive of the public square itself, an affront not only to open, reasoned argument as the source of public authority, but also a rebuke to enlightenment values (and one in which individual autonomy, even in affective or "irrational" form, could potentially be read as more important to government by consent than reason). It was this concern

that led Mill himself to eventually turn against the secret ballot, arguing that it was better if votes, which were a trust of the community, were cast openly.[7]

Of course, the triumph of the secret ballot in 1872 in some ways put an end to this debate in England—as in most European countries, where the secret ballot was adopted during the late 19th-/early 20th-century era ([3], pp. 674–77; [26], pp. 449–71). But historians have continued to debate its significance in terms of the long-term evolution in England—and elsewhere—of democratic values.[8] While the expansion of the franchise in the late 19th century affirmed an image of democratic equality, these years also witnessed, in social reality, an escalation of inequality and class conflict ([25], pp. 86–87). Given these pressures, some have seen the introduction of the ballot as a practical, institutional mechanism of limiting popular pressures on elite power, precisely by framing the individual within the voting booth as removed from direct, *public* mobilization. Others, in contrast have seen voting as an important pedagogical institution, empowering new visions in the late 19th century of popular influence over elite government.[9] But from our perspective here, the secret ballot was most important in crystallizing the paradoxical relationship between individual will, social influence, and the workings of democracy, that defined the attempted embodiment in 19th- and 20th-century Europe of a vision of the people's sovereignty in mass voting. The grounding of the secret ballot in older religious ideas, in "political theologies," has in fact been the subject of considerable debate. But the argument here is that the ballot is best seen not simply against the backdrop of a specific European (or Christian) template of religious ideas (however important these might be), but in terms of its relationship to a longer and larger history focused on sovereignty's worldwide—and insoluble—conundrums.

Voting in the World: The Case of India

This is, of course, even more critical if we are to place the history of voting in Europe in its relationship to the broader world in the late 19th and early 20th centuries. Given the ways that voting was inextricably linked to the imagining of power, it is hardly surprising that ideas on sovereignty in Europe were also significantly linked to the history of sovereignty in Europe's overseas colonial empires, whose structurings, as historians have increasingly argued, had important influences not only on the spread of European ideas, but also on how conceptions of power evolved within Europe itself. It

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[7]   [23]; [24], pp. 354–78. For a discussion of the secret ballot that is cast in terms of a broader analysis of secrecy in England as a marker of those things whose place within the larger structure of liberal values was "undecidable," see [25]. One might also speculatively suggest that this emphasis on autonomy over reason also pointed toward many of the tensions in 20th century democracy, including, in some ways, the rise of fascism.

[8]   The lasting tensions that it has embodied were captured, as late as 1971, in telling comments by Jean-Paul Sartre: "The *isoloir* [voting booth], planted in the middle of the school hall or the council chamber, symbolizes all the acts of treason that an individual can commit against the groups with which he is involved. It says to everyone: 'No one can see you; you are responsible only to yourself; you are making your decision in complete isolation and, afterwards, you can conceal your verdict or even lie about it." (Quoted in [26], p. 470).

[9]   The argument that the secret ballot, and contemporaneous changes in party organization, were associated in Britain with a restriction of popular democratic political culture, is made in [27]. A contrary argument, focusing on the importance of individual autonomy and choice as a key legal element in the elaboration of mass electoral democracy, and also in the spread of democratic values (which was reflected in the eventual recognition of the secret ballot), is made powerfully for pre-WWI Germany in [28].

is worth remembering in this regard, that the secret, state-produced ballot was widely known in the late 19th century as the "Australian ballot," as it was first instituted in Australia in the 1850s ([19], pp. 45–62). But no case in fact illustrates more clearly the importance of these interactions in the larger history of voting than the case of India, with its long colonial connection to Britain. The eventual, early 20th century introduction of elections into India under British rule drew directly, in some respects, on late 19th- and early 20th-century legal and political developments relating to mass voting in Britain, including the establishment of the secret ballot. But Britain's India connection in fact influenced significantly evolving conceptions of sovereign authority (and thus of voting) on both sides of the colonial connection.

In tracing the intellectual history of British sovereignty in India, Mithi Mukherjee has in fact recently shown how debates on the nature of British imperial sovereignty were, from their late 18th-century beginnings, closely linked to the debates shaping modern sovereignty at home [29]. As Mukherjee argues, the bitter conflict in England on the morality of East India Company rule in late 18th-century India, in which Edmund Burke played a prominent role, helped to crystallize a vision of legitimate sovereignty with two contradictory aspects, which mirrored the conundrums of sovereignty we have already discussed. Mukherjee calls these the "colonial" and the "imperial." While the legitimacy of "colonial" authority rested on the state's ability to operate *within* the fragmented and autocratic realities of Indian society and ideas in order to maintain order (that is, to adapt its rule to India's worldly realities, as the British saw them), the state also grounded its legitimacy in an "imperial" association with universalizing principles of "natural law," which defined for it a critical, self-defined moral position outside these social realities. These contradictory—yet still interlinked—ideas later evolved in the second half of the 19th century, under the direct rule of the Crown, to a vision of sovereignty linking the state to an idea she terms "justice as equity," an idea identifying the state's sovereign legitimacy precisely with its ability to act as an impartial arbiter in a society of which it simultaneously was and was not a part.

Here the conundrums of sovereignty were dramatized in stark form. On the one hand, the state's claims to legitimacy in India lay in its ability to order the subcontinent's fragmented array of primordial identities (most notably caste and religion), largely through its administration of law and through the "disenchanting" sciences of ethnography, census, cadastral surveys, *etc.* In this way it defined itself as a modern state. But it also defined for itself—as a central facet of its claim to sovereignty—a place above and outside this society as the executive and judicial arbiter of rights, a position that was a product of a distinct, self-projected *British* imperial identity associated with law, impartiality and personal self-control. Whatever its foreignness, this was a framework of sovereign legitimacy, echoing older Indian ideas of detached sovereignty, with which, as Mukherjee shows, even many early Indian nationalists engaged.[10] Though clearly cast in terms in some ways quite different from those shaping the evolution of the people's sovereignty in UK itself (particularly with respect to the very different place of the individual in British colonial conceptions of an objectified Indian

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[10] Mukherjee in fact sees the early Indian National Congress's engagement with this discourse of sovereignty linked to "justice as equity" as rooted in their judicial positioning within the empire and in a vision of British rule as modeled, in essence, on a court. She does not actually explore, however, the connections of these ideas with older Indian ideas of legitimate sovereign authority that might perhaps be linked to Hessterman's conundrum of sovereignty ([29], pp. 105–49).

"society"), the structural parallels between the Indian case and the precisely contemporary definition of a sovereign authority conceived to be both within—and yet standing apart from—society in Britain, are striking.[11]

Such structural parallels are particularly critical when we consider the colonial introduction of elections into India in the early 20th century (roughly contemporaneous, in fact, with the final moves toward universal adult suffrage in Britain in the 1910s and 1920s).[12] British introduction of elections as an important element of governance into India at the end of WWI, did not represent an effort to spread or diffuse European democracy so much as to extend and solidify what Mukherjee would have called "colonial" forms of governance. Though the introduction of a significant electoral component into colonial rule was certainly in some ways an effort to buy off at this time the regime's increasingly vocal critics, both internally and internationally, the introduction of elections was preeminently an effort to discipline "popular" politics, channeling it within controlled voting structures, including a very narrow, propertied franchise and a structure of electoral constituencies that captured India's fragmented "colonial" structure, including "separate electorates" for minorities. India was still a society defined in British eyes by its deeply ingrained structure of primordial loyalties and influences, which could only be ordered by a detached, "impartial" sovereign state. Elections thus represented initially the efforts of a colonial state to maintain a vision of sovereignty as resting on its Olympian "impartiality," standing outside India's social divisions.

But, whatever British intentions in introducing elections, an expanded system of voting in India carried with it (in the structure of the secret ballot and in election laws designed to protect the autonomy of the individual voter) the germ of a structural vision of popular sovereignty, that came to have a profound impact as it intersected with Indian ideas about the nature of legitimate sovereign authority. In practice, the Indian National Congress, now led by M. K. Gandhi (1869–1948), initially decided to boycott the first set of provincial elections in 1920, seeing them (not incorrectly) as simply an effort by the British to shore up the foundations of their rule. But as Congress soon began to contest colonial elections, Gandhi's ideas came to play a major role in grounding a vision of popular sovereignty firmly in an Indian context.

The development of Gandhi's ideas suggests, in fact, the critical intersection of colonial ideas with older Indian ideas embodying sovereignty's conundrums. The colonial vision of legitimate sovereign authority, standing apart from society, now found reflection in Gandhi's popularization, within India's movement for self-rule (*swaraj*), of a sovereign, Indian national self, defined by personal non-violence and self-restraint and guided independently of society by the inner light of Satya, or Truth. As a frame for a vision of the "people," detached from India's social divisions, Gandhi, in effect, turned the colonial vision of impartial "justice as equity" against the colonial state itself. Yet, at the same time, Gandhi linked this reversal to older Indian ideas of renunciation as a foundation for sovereign

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[11] One key to the intersection of visions of sovereignty in the Empire and in India relates to the role of the imperial British monarchy, as the embodiment of a detached vision of sovereignty, or "justice as equity," as Mukherjee puts it. ([29]). Mukherjee sees this as very important in India; for a discussion of the connections between empire and the simultaneous transformation of the monarchy in Britain itself, see [30].

[12] There were some local and municipal elections in India in the late 19th century, and very limited Council elections as well, but it was only with the 1919 reforms that elections assumed an important place in the overall structure of British rule.

authority. For Gandhi, the *sannyasin* (or renouncer), who remained active in the political world, in fact became the idealized model for a vision of the Indian "people", composed of men and women who now carried an "enchanted" internal essence into the "disenchanted" external world of colonial politics and state authority:

> If the *sanyasin*s of old did not seem to bother their heads about the political life of society [Gandhi wrote], it was because society was differently constructed. But politics properly so-called rule every detail of our lives today. …A *sanyasin*, having attained *swaraj* [self-rule] in his own person, is the fittest to show us the way. A *sanyasin* is in the world, but he is not of the world…([31], pp. 376–77).

It would be hard to find a clearer statement of the image of the "enchanted individual," living within society yet standing outside it—here cast in distinctive Indian terms, but tracking the conundrums of sovereignty that were playing themselves out in European democracy as well.

These late colonial developments provided the critical backdrop for the emergence of electoral democracy in India after its 1947 independence, and for the establishment of an electoral system based on universal adult suffrage that made India, at the time of its first general election in 1952, at a stroke the largest arena of mass democratic voting in the world. In many respects, the structuring of India's voting drew heavily on British models—and British electoral practice and law—brought to India in the late colonial era. Yet at the same time, its system of voting—and of popular sovereignty—was hardly a simple product of "Europeanization," but of complex interactions between very old Indian ideas about sovereignty, ongoing contradictions in European ideas about popular sovereignty, and the distinctive forms of sovereignty that had marked the colonial structure.

These interactions have played out in myriad ways, but they can be briefly traced here in the history of legal structures and in the history of constitutional ideas. Like the sovereign king, the sovereign Indian "people" were imagined in the Indian constitution as *simultaneously* bound to worldly "society," with all its divisions and hierarchies, and as external to it, defined as a unity by the ineffable capacity for freedom of the individual, two poles held together in contradiction. The image of the free individual voter, separated from society, was asserted, even for illiterate voters, through a technology of secret voting based on electoral symbols. But the vision of Indian society as marked by extraordinarily high levels of social dependence, coercion and primordial identification (a view of Indian "society" shared by many of the high-caste drafters of India's constitution with India's earlier British rulers) cast the contradictions shaping the enchanted individual voter in India's system in unusually stark terms. Strict electoral laws were thus viewed as necessary in India, targeting the dangers of "undue influence" on the individual voter on a large scale. The structure of this law came from Britain (with its own underlying vision of a tension between "undue influence" and voter autonomy), but the sweeping character of the law went well beyond most European precedent. It prohibited appeals for votes on the basis of a candidate's "religion, race, caste, community or language," and even targeted the "the use of, or appeal to, national symbols, such as the national flag or the national emblem" that might compromise the freedom of individual rational authority.[13] Such

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[13] Representation of the People Act, 1951, Section 123 (3), as amended. For a table of these and other provisions relating to "corrupt practices" in Indian elections, see the Election Commission of India website: http://eci.nic.in/eci_main/CurrentElections/Table-MCC.pdf.

rules were all the subject of many court cases in the years after mass elections began in India. But noteworthy about India's system, in a broader worldwide context, was the deep ongoing tension between the actual politics of elections, in which the pressures of caste, religion, and patronage in popular electioneering remained extremely powerful, and a structure of law that put the autonomy of the enchanted individual at its theoretical heart, however limited its actual reach in transforming elections. It is in fact tempting to see India's electoral structure as designed precisely to keep the two poles of sovereignty's conundrum in tension, thus in practical effect acknowledging, in Heesterman's terms, its fundamental insolubility ([32], pp. 406–27).

This is also evident in the extraordinary role of India's national Election Commission in administering elections in India, an institution that had no precedent in British electoral practice. The critical fiction of the Election Commission is that it manages the most contentious political arenas in India (its national and state elections) and yet somehow claims to exist outside politics. It thus embodies a vision of law-bound, procedural democracy standing apart from the actual political conflict that represents the nuts and bolts of electoral competition. Though the Election Commission's position in Indian politics has been the subject of controversy over the years, the Commission has in recent decades underscored its position as standing apart from everyday politics by issuing what it calls a "Model Code of Conduct" for candidates in elections, which is not technically justiciable, but which is highly publicized by the Election Commission and has gained an important foothold in the national imagination. This hardly prevents, of course, a multitude of violations of the code by candidates. But the issuing of the Code, which is sometimes interpreted in highly moralistic terms, suggests the secular theology lying underneath it. As one supporter thus wrote in the 1990s to T. N. Seshan, the then chief Election Commissioner (who publicized the Model Code as never before), the position of the Chief Election Commissioner in enforcing the code had become reminiscent of that of Krishna in the Bhagavad Gita, who declared: "*Dharmasamsthapanarthaya, sambhavami yuge yuge* [to uphold dharma, I shall incarnate in every age]" (quoted in [33], p. 253). Here the Election Commission was conceptualized, in effect, as an emanation of divinity on earth (an *avatar*), there to make sure that in the midst of social pressure and worldly corruption the sovereign voice of the people could be heard. Yet lest one take too literally the religious language of such a comment, it is critical to note that the expansion of the EC's authority occurred in the early 1990s against the backdrop of an Indian Supreme Court decision underscoring the foundational importance of secularism to the "basic structure" of the Indian constitution.[14] Indeed, Seshan himself was quite active in seeking to limit the scope of religious rhetoric in election campaigns. Rather, it is tempting to see such comments as evidence of a continuing, secularized "theology of power" that underlies voting. The EC's central role lies in managing one of the most complex social—and intensely political—events in the world, India's massive general elections. And yet even as its success lies in deep engagement with society, its authority hinges on its simultaneous claims to be external, to stand outside this social world.

Indeed, at the heart of Indian elections we can also see the same tensions we saw in Europe in defining the individual sovereign self. It was, of course, Gandhi who was most responsible during the independence movement for popularizing a vision of a new Indian self that was defined by the operation of internal self-control and self-discipline, guided by Satya. This was a vision that was, as

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[14] The case was *S. R. Bommai v. Union of India* (1994), AIR 1994 SC 1918.

some have argued, in some ways lost in the structuring of the Indian constitution, with its many foreign borrowings and strong statist vision, reflecting far more the ideas of Jawaharlal Nehru (1889–1964) and B. R. Ambedkar (1891–1956), than those of Gandhi. But the structure of mass voting in India nevertheless continues to embody in critical respects a Gandhian vision of the self, cast as the site of the irresolvable tension between an enchanted autonomy and the pressures of a social world deeply structured by dependence and influence.[15] This was personally manifested for Gandhi, as we have already noted, in a kind of this-worldly asceticism, a style that, while still having popular appeal in India, has lost a good deal of its force in Indian politics since 1947. But the structure of Indian elections in the 21st century still bears the powerful imprint of this idea, particularly in the contrast between India's fragmented and bitterly contested electoral politics on the ground, and its seemingly self-denying submission to an extraordinarily rule-bound vision of procedural democracy.

From such a perspective, the Indian Constitution itself can be read for all its institutional and statist borrowings, as a form of "self-binding," as Sanjay Palshikar puts it, that draws legitimacy from the image of the self-controlled, sovereign individual ([35], p. 213).[16] This has represented a powerful vision constituting an image of the Indian "people" as a whole, their imagined unity standing in opposition *both* to the social pressures of interest and identity pressing on the social individual, *and* to the "disenchanted" power of the bureaucratized, highly objectifying, developmental Indian state. In practice, of course, forms of electoral corruption, including vote-buying, are widespread. But the countervailing existence of a legal framework embodying the image of the autonomous voter, widely viewed as central to the very legitimacy of elections in India, reflects, in a sense, the ongoing—and insoluble—tension in the Indian operation of the conundrum of sovereignty itself.

In sum, the power of this vision of the sovereignty of the people can be explained neither through a history of diffusion from Europe nor by a search simply for democracy's indigenous Indian roots. Rather it is an idea best framed by the larger worldwide conundrums of sovereignty itself—now embedded in the sovereignty of the Indian "people."

Afterthought

There is, of course, a significant danger of distortion in trying to force multiple, variant systems of voting, and variant democratic histories into a common, overarching comparative frame. But such framings allow us to point to commonalities and differences as we examine democracy, which are essential to any move toward a worldwide history of voting.

A telling example for such a framework lies in the meanings embedded in the powerful phrase, "We, the people," which opens both the American and Indian constitutions. As the phrase suggests, the importance of the American model in shaping certain aspects of the Indian constitution is

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[15] For an argument stressing the importance of Gandhi's thinking to the constitution, in spite of the rejection by the constituent assembly of many of his specific ideas, particularly about the place of the village in constitutional structure, see [34], pp. 59–78. The idea of a self-disciplined individual as central to India's constitutional order was, in fact, deeply internalized by Nehru as well.

[16] Palshikar notes Hobbes' rejection of this self-binding idea, based on the idea that a "binding promise cannot be performed by one party alone." But arguably, this was precisely what constituted the case for Indian constitutionalism as viewed within a Gandhian framework.

unmistakable; in both cases the meanings attached to the "people" can also be traced back to Europe. Historians and philosophers have in fact devoted considerable attention to the meanings of the "people" as conjured up in the American constitution (and the American revolution), particularly in comparison with both earlier and later popular revolutions in Europe [10,36,37]. And yet when cast against the Indian case—and the larger worldwide history of the conundrum of sovereignty—the distinctive invocation of the "people" in the American constitution's preamble takes on distinctive meanings. In the American case, the "people" are seemingly mobilized in the constitution's opening phrase to be a unidirectional source of authority, the active font of legitimacy for a constitution that the people themselves directly "ordain and establish." The "people" seemingly express their mystical unity in the very act of creating the Constitution. In the Indian constitution, on the other hand, the "people" are simultaneously the subject *and* the object of constitutional authority; they "adopt, enact, and give" the Constitution, as the Preamble declares, *"to ourselves."*[17] As both the givers and receivers, in other words, the "people," as conjured in the opening of the Indian constitution, project simultaneously their two contradictory capacities, as the enchanted independent source of the constitution's power, and, at the very same time, as a receiver bound in dependence by the gift. The deep-seated, insoluble tension defining the sovereign citizen, trapped between social forces and an imagined autonomy, is here, in a sense, writ large.

Such phrasing also points to the importance of comparative frames, going well beyond the simple diffusion of ideas, for a global history of voting. Some would argue that if there was a check to unitary popular sovereignty in the US constitution, it was seemingly rooted less in the conundrum of the sovereign individual, as both controlled and controlling, both autonomous and subject to influence, than in the paradoxical relationship between the federal system and the states, whose relationship itself defined a sovereign conundrum. [18] If the "people" ordained the constitution, it was the states themselves, after all, and not the people, who ratified the document. But the differences between the two cases can perhaps best be read in ongoing differences in election law—and in processes of voting. While in Indian election law, the "enchanted individual" has been seen as continuously threatened by the force of influence in society, and thus requiring legal protections that allow the autonomous self to be heard, in American election law, the individual is more often seen as defining his/her autonomy through self-assertion in worldly politics itself, and thus needing far fewer legal protections. The threats to the individual's autonomy come far less from society than from the state itself. Indeed, if individual assertion is converted into a vision of sovereign authority existing outside the world, this is perhaps more commonly achieved in popular American thinking through market models, where it is an "invisible hand" (a secularized hand of divinity?), operating simultaneously both within and outside social relations, that seemingly converts self-interested social action and conflict into a unitary vision

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[17] Italics added. This precise language in fact appeared earlier in the preamble of the Irish constitution of 1937. But the very different world from which this was adapted is suggested by the fact that in the text of the Irish constitution, the phrase "We, the people of Eire" was preceded by: "In the Name of the Most Holy Trinity, from Whom is all authority and to Whom, as our final end, all actions both of men and States must be referred…"

[18] Though it is well beyond discussion here, the tension in the framing of the US constitution as a document of a sovereign people on the one hand, and as a compact of sovereign states on the other, is a profound one, and in critical ways replicated the conundrum of sovereignty we have discussed. It should be noted that although India's system is also a federal one, there was no sense in which its constitution was, like the American one, a compact of the states.

of the "people," somehow transcending the social.[19] In such a frame, the paradox of autonomy and control has raised a very different set of questions from those shaping the meanings of voting in India—though it can perhaps still be read in terms of the conundrum of a sovereign voice that stands both within the community, and outside it, at the same time.

To posit such a contrast between the "people" in the US and Indian cases, is no doubt highly speculative, and is merely a suggestion for exploration. But if we are to see this within a larger global history of voting, it is important to see here also the underlying paradox of the people's sovereignty in comparative operation, not simply as part of the long-term story of the "Europeanization" of the world, but part of a larger story about the nature of sovereignty itself, in which Europe and the rest of the world alike have been embedded. It is only then that we can begin to move towards a truly global history of voting.

References

1. John M. Headley. *The Europeanization of the World: On the Origins of Human Rights and Democracy*. Princeton, NJ: Princeton Univ. Press, 2008.
2. Malcolm Crook, and Tom Crook. "Reforming Voting Practices in a Global Age: The Making and Remaking of the Modern Secret Ballot in Britain, France and the United States, c. 1600-c.1950." *Past and Present* 212 (2011): 199–237.
3. John Markoff. "Where and When was Democracy Invented?" *Comparative Studies in Society and History* 41.4 (1999): 660–90.
4. Steven Muhlberger, and Phil Paine. "Democracy's Place in World History." *Journal of World History* 4.1 (1993): 23–45.
5. Carl Schmitt. *Political Theology: Four Chapters on the Concept of Sovereignty*. Translated by George Schwab. Cambridge, MA: MIT Press, 1985.
6. *Political Theologies: Public Religions in a Post-Secular World.* Edited by Hent DeVries, and Lawrence E. Sullivan. New York, NY: Fordham Univ. Press, 2006.
7. J. C. Heesterman. *The Inner Conflict of Tradition: Essays in Indian Ritual, Kingship, and Society*. Chicago, IL: Univ. of Chicago Press, 1985.
8. A. Azfar Moin. *The Millennial Sovereign: Sacred Kingship and Sainthood in Islam (1400–1700)*. New York, NY: Columbia Univ. Press, 2012.
9. Ernst H. Kantorowicz. *The King's Two Bodies: A Study in Mediaeval Political Theology*. Princeton, NJ: Princeton Univ. Press, 1997.
10. Edmund S. Morgan. *Inventing the People: The Rise of Popular Sovereignty in England and America*. New York, NY: Norton, 1988.
11. Lior Barshack. "Constituent Power as Body: Outline of a Constitutional Theology." *University of Toronto Law Journal* 56 (2006): 185–222.
12. Lior Barshack. "Time and the Constitution." *International Journal of Constitutional Law* 7.4 (2009): 553–76.

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[19] This at least has been the seeming theory underlying a long line of recent U. S. Supreme Court decisions on American voting law, including the landmark decision in *Citizens United v. Federal Election Commission* (2010).

13. Michael Saler. "Modernity and Enchantment: A Historiographic Review." *American Historical Review* 111.3 (2006): 692–716

14. Stefanos Geroulanos. "Theoscopy: Transparency, Omnipotence, and Modernity." In *Political Theologies: Public Religions in a Post-Secular World*, edited by Hent de Vries, and Lawrence Sullivan. New York, NY: Fordham Univ. Press, 2006, 633–651.

15. Emile Durkheim. "The Dualism of Human Nature and its Social Conditions." In *Emile Durkheim: On Morality and Society*, edited by Robert Bellah. Chicago, IL: Univ. of Chicago Press, 1973, 149–63.

16. William Blackstone. *Commentaries on the Laws of England*. Buffalo, NY: William S. Hein & Co., 1992, 4 vols.

17. Joseph H. Park. "England's Controversy over the Secret Ballot." *Political Science Quarterly* 46.1 (1931): 51–86.

18. George Grote. *The Minor Works of George Grote*. Edited by Alexander Bain. London: J. Murray, 1873.

19. Mark McKenna. "Building a 'Closet of Prayer' in the New World: The Story of the 'Australian Ballot'." In *Elections: Full, Free and Fair*, edited by Marian Sawer. Sydney: The Federation Press, 2001, 45–62.

20. Bruce L. Kinzer. "The Un-Englishness of the Secret Ballot." *Albion* 10.3 (1978): 237–56.

21. Frank O'Gorman. "The Secret Ballot in Nineteenth-Century Britain." In *The Hidden History of the Secret Ballot*, edited by Romain Bertrand, Jean-Louis Briquet, and Peter Pels. Bloomington, IN: Indiana Univ. Press, 2006, 16–42.

22. Jurgen Habermas. *The Structural Transformation of the Public Sphere*. Translated by Thomas Burger. Cambridge, MA: MIT Press, 1991.

23. John Stuart Mill. *Considerations on Representative Government*. New York, NY: Harper, 1862.

24. Annabelle Lever. "Mill and the Secret Ballot: Beyond Coercion and Corruption." *Utilitas* 19.3 (2007): 354–78.

25. Tom Crook. "Secrecy and Liberal Modernity in Victorian and Edwardian England." In *The Peculiarities of Liberal Modernity in Imperial Britain*, edited by Simon Gunn, and James Vernon. Berkeley: Univ. of California Press, 2011, 72–90.

26. Malcolm Crook, and Tom Crook. "The Advent of the Secret Ballot in Britain and France, 1789–1914: From Public Assembly to Private Compartment." *History* 92 (2007): 449–71.

27. James Vernon. *Politics and the People: a Study in English Political Culture, c. 1815-1867*. New York: Cambridge Univ. Press, 1993.

28. Margaret Lavinia Anderson. *Practicing Democracy: Elections and Political Culture in Imperial Germany*. Princeton, NJ: Princeton Univ. Press, 2000.

29. Mithi Mukherjee. *India in the Shadows of the Empire: A Legal and Political History, 1774–1950*. New Delhi: Oxford Univ. Press, 2010.

30. David Cannadine. *Ornamentalism: How the British Saw their Empire*. Oxford: Oxford Univ. Press, 2001.

31. M. K. Gandhi. *The Collected Works of Mahatma Gandhi*. New Delhi: Publications Division, Ministry of Information and Broadcasting, 2000–2001.

32. David Gilmartin. "Rule of Law, Rule of Life: Caste, Democracy, and the Courts in India." *American Historical Review* 115.2 (2010): 406–27.

33. David Gilmartin. "One Day's Sultan: T. N. Seshan and Indian Democracy." *Contributions to Indian Sociology* 43.2 (2009): 247–84.

34. Thomas Pantham. "Gandhi and the Constitution: Parliamentary Swaraj and Village Swaraj." In *Politics and Ethics of the Indian Constitution,* edited by Rajeev Bhargava. New Delhi: Oxford Univ. Press, 2008, 59–78.

35. Sanjay Palshikar. "Democracy and Constitutionalism." In *Politics and Ethics of the Indian Constitution,* edited by Rajeev Bhargava. New Delhi: Oxford Univ. Press, 2008, 211–29.

36. Hannah Arendt. *On Revolution*. New York, NY: Viking Press, 1963.

37. Samuel Moyn. "Hannah Arendt on the Secular." *New German Critique* 35.3 (2008): 71–96.