Front. Law China 2009, 4(1): 48–60
DOI 10.1007/s11463-009-0003-6

RESEARCH ARTICLE

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Analysis on the nature of suffrage

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Abstract Suffrage is not a right "recognized" by the Constitution but "created" by people through the Constitution, which is a right of the closest relationship with the people's sovereignty. It is both a right and a power, where the attribute of right is manifested in that it can be waived with the nature of interest and will, and the attribute of power is manifested in that it can determine the interest and destiny of candidates. However, no attribute is complete. Suffrage is an individual right rather than a collective right, with indirect relationship with the state power but direct relationship with the "holders" of state power, creating them and in turn influencing the state power.

Keywords suffrage, right, power, individual right, collective right, state power

摘要 选举权不是宪法"认可"的权利，而是人民通过宪法"创造"的权利，是与人民主权联系最密切的权利。选举权是权利也是权力，其权利属性表现为它具有可放弃性、利益性、意志性，其权力属性表现在它能够决定候选人的利益和命运，但这两种属性都是不完整的。选举权是个人权利而不是集体权利。选举权与国家权力"人"的关系才是直接的，产生他们并通过产生权力人来影响他们。

关键词 选举权，权利，权力，个人权利，集体权利，国家权力

1 Suffrage, an inherent or a created right?

What is the source of suffrage? Is it a natural right? During the French Revolution in the 1700s, some people deemed suffrage as an inherent right of nationals. However, advocators of such doctrine only meant to oppose the electoral systems that prevailed in European countries in the 1600s and 1700s, when

Translated from *Fashang Yanjiu* 法商研究 (Studies in Law and Business), 2008, (2): 48–53

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suffrage was only limited to aristocrats, clergy and the proprietary class, exclusive of common people. Though such restrictions should be abolished naturally, the promotion thereof should not be over-reaching. (Wang, Qian, 1997) The author is of the opinion that suffrage is not a right "recognized" by the Constitution but "created" by the people through the making of Constitution, and is "endowed" to citizens by the Constitution. Accordingly, it is not naturally enjoyed by the people on the basis of the natural attribute of human being but intentionally created on the basis of the demands for common social life of people.[1] (Duguit, 1999)

Suffrage is endowed not by God but by man, herein "man" refers to the people rather than a state. Suffrage is created by the people through the Constitution rather than by the state through law. Suffrage under the Constitution is a right granted to an individual citizen by the people who formulate the Constitution, while the electoral law, as law, is the implementation and concretization of such rights under the Constitution by the state, and neither has it "endowed" nor can it "endow" (but detail) citizens' suffrage that comes not from the state but from the people as the maker of the Constitution. The people are collective, while citizens are individuals. The former are composed of the latter as a whole. Thus, suffrage is the right granted by the people as a whole to its constituent individuals to participate in state affairs, which is the embodiment of the people's sovereignty by "breaking up the whole into parts".

Among all individual rights, suffrage is a right in the closest relationship and derived directly from the people's sovereignty. The people's sovereignty can be realized by virtue of democracy, directly or indirectly, but as direct democracy does not need election, suffrage is a product of indirect democracy.[2] (Bai, Zhao, 2001) When citizens make direct decisions on state and social public affairs, their decision-making right is a power; when they delegate such right to constituents by election, it is transferred to the deputies who have the right to make decisions on state and social public affairs, thus, suffrage is a bridge realizing the conversion of direct democracy to indirect democracy. The decision-making

[1] In France, "article 28 of the Constitution of 1848 provides that the electoral law will determine the factors for depriving Frenchmen of suffrage and the right to be elected. Thus, suffrage is not a naturally endowed right for Frenchmen, but it is authorized to French citizens by the Constitution." The author of this paper agrees that suffrage is a right delegated to citizens by the Constitution, but holds that such delegation can not necessarily be inferred to concluding that suffrage can be deprived of or such deprivation is reasonable and appropriate. The Constitution grants suffrage to citizens and meanwhile, which shall prohibit laws from depriving of such suffrage rather than authorize laws with such deprivation, i.e., the Constitution shall equally grant suffrage to all adult citizens and forbid deprivation of such right of anyone in any form and for any reason, no matter the poor in economy or dissenting in politics.

[2] That democracy by way of election of delegates is indirect democracy, either by direct election or by indirect election. Herein, direct democracy fundamentally has no mapping relationship with direct election.

rights held by citizens and deputies are both powers, while suffrage linking such two kinds of powers right. Such right of suffrage, in some sense, is because citizens' decision-making rights in direct democracy have elements of rights themselves. When citizens exercise such decision-making rights, they make decisions of state and social interests on the one hand and of their own interests on the other hand. Because citizens themselves constitute a state and a society, their interests are of national and of social interests in nature, and the persons holding powers and those dominated by powers are overlapped herein. Just as ancient Greek "city-state democracy is a direct democracy where individual rights and state political powers are intermingled," (Wang, 1997) citizens at that time were required to have expertise and knowledge in two respects, that is, "they shall know how to govern freeman as a ruler and how to accept others' rule as a freeman". (Aristotle, 1965) When delegates under indirect democracy make decisions, what they decide are mainly of others' affairs and national and social affairs rather than of their own ones. As the interest of the public and that of the deputies may not the same (though not necessarily), the delegates may form their own interest separate from the public, hence forming a group with special interests, namely, a privileged class. That is to say, the decision-making right of citizens under direct democracy and that of parliaments under the delegate system are different: One is to decide for themselves, where decision makers and those ruled by such decisions are the same, hence inseparable; the other is to decide for the public, where decision makers and those ruled by such decisions are not the same but separable as delegates and the constituency are different people. Thus, the decision-making right of delegates is the standard power (which decides others' interests), while that of citizens is a combination of right and power, deciding the interests of both themselves and others and the public. Suffrage is similar to the decision-making right of citizens under direct democracy, which is exercised by citizens directly and shared by each citizen, has double attributes of right and power and is related to double interests of the citizen himself and the public. Here, everybody's interest is closely related to that of the public but not completely equal to the latter at the same time. Citizens exercise their decision-making rights to protect their own interests and the same interests of others, but when the decision-making right could not be exercised regularly due to conditional restrictions, they chose to exercise suffrage and elect others to make decisions for themselves. Thus, suffrage is from the people's sovereignty, and the realization of the latter depends on the implementation of the former.

2 Suffrage, a right or a power?

Rights emphasize that the holders of rights are entitled to decide their own

interests for embodiment of their will and laws protect the realization of such free will, though rights themselves do not constitute direct enforcement against others; while powers mean the holders of power are authorized to decide the interests of others or the public, and such decision constitutes direct enforcement against others. The holders of power could not totally follow their own will in decision-making, and usually laws and regulations are needed to regulate their will. Sometimes, the holders of power shall subject to the will of the managed, and sometimes, that of the public.

2.1 Right attribute of suffrage

Suffrage is undoubtedly a right with attributes of rights, though not so standard. Reasons are as follows:

2.1.1 The right of voting can be waived

Voting right is a kind of options, and such option includes the right to elect John or Jack, or nobody, even abstention at all. A citizen as an individual can waive his/her voting right and the state could not force its citizens to vote. In such sense, the voting right is a right rather than a duty.[3] The "social duty theory" holds that suffrage is granted by the state, and hence it is "a social duty of constituency", (Wang, Qian, 1997) from which a conclusion can be deduced naturally that the state is entitled to impose "compulsory voting" on its citizens. However, though "compulsory voting" may force people to register at a voting position, it can not restrict their freedom of abstention from voting or giving an invalid vote. Obviously, the compulsory voting system still can not achieve its original objective—forcing the constituency to express their actual view on political issues. Meanwhile, it is hard for law to punish those citizens who do not vote, "because the constituency who abandon their voting rights from various areas may reach thousands in every election, which renders courts in a very hard situation in terms of interrogation and punishment. For instance, though Spain used to enforce compulsory voting, the constituency who waive their voting rights in precincts accounted for 40%–80% of the total constituency sometimes. In such case, punishments specified in laws are only left to be in form." (Wang, Qian, 1997) Thus, "compulsory voting" does not conform to the "right" attribute of suffrage. It shall be noticed that some citizens who have voting rights while

[3] The author once stated that suffrage as a constitutional right is a group of rights, among which, the voting right as a legal right shall be the core right of the group. Such legal right as the core right can be interchangeable with constitutional right sometimes. For example, citizens' waiver of suffrage means citizens' waiver of voting right.

waiving them shall be deemed as they recognize the voting results of others and tacitly approve the persons elected by those citizens who take initiatives to exercise their voting rights (though they do not support initiatively, they do not oppose at least, and if they oppose, they should have cast dissenting votes). Even if an individual waives his/her suffrage, it does not have any impact on the final results of elections, as the final results are determined by voting of all constituencies having participated in the elections. In elections, what citizens waived is usually specific voting right rather than abstract suffrage and waiver of voting at one time does not mean that of the next time, and even continuous waiver of voting rights for several times does not mean waiver of the right forever; waiver of voting right by one citizen does not mean waiver of the right by others; and waiver of some citizens does not mean that by all the citizens. The voting right can be waived, while suffrage as a general constitutional right can not be waived—the waiver of such right means all citizens agree they do not hold election in their country anymore, and the waiver of suffrage by all the citizens is nothing else but agreement on restoration of imperialism, abandonment of the republic and the people's sovereignty and on becoming subjects under the reign of a certain person or a certain family or a group of people. If that is the case, let alone suffrage, the necessity of the existence of the Constitution may become a doubt, which will be a real constitutional crisis. Of course, it does not mean there is any reasonableness for a citizen as individual to waive his/her voting right, and that too many people to waive voting right shows, in some sense, the failure of democracy (not so successful at least).[4] Thus, in a democratic country, candidates, parties, parliaments and governments spare no efforts to attract the voting of the constituency, calling on and encouraging citizens to participate in election actively, all of which, however, may not be labeled as "compulsion".[5] (Burns, 1993)

2.1.2 Suffrage is of the interest attribute of right

In other words, the reason why citizens exercise suffrage is to safeguard their own interests. The "social duty theory" holds that the exercise of suffrage shall serve "for the interests of the whole society rather than private interests of those who have suffrage." (Wang, Qian, 1997) Some scholars believe that suffrage shall serve "for the interests of the society" on one hand and "for enabling people to express their views and feelings" on the other hand. (Wang, Qian, 1997) The

[4] It is abnormal that there is no one waiving his/her voting right, which does not embody a high level of democracy of election, but may bring doubts on the truthfulness of election on the contrary.

[5] Just as a US scholar says: "Americans have absolute right of casting no votes. However, we still expect a comparatively high voting rate."

author considers that it is not only proper but elementary for electors to pursue their personal interests by exercising suffrage. Though an individual's election behaviors are bound to be dominated by personal interests, election results are determined by many people jointly exercising suffrage, thus, an individual voting could not determine the election results. If many people pursue the same private interests, such private interests shared by many people may become public interests and private interests of numerous citizens may change to social interests. Social interests are always based on private interests of individuals, though they are not based on the private interests of a certain person or a minority of individuals but on those of a majority of individuals. It is the character of democracy. Public opinions expressed by citizens through voting are more real and accurate than those by newspapers and TVs. The reason why an individual cares about the prosperity of his/her country is that it benefits him/her primarily and is benefited from his/her contributions secondarily. (Tocqueville, 1988) The participation of everyone in state affairs "is the most powerful or even the sole means to make everyone to care about the fate of one's country. In our age, I think the civicism is inseparable from the exercise of political rights". (Tocqueville, 1988) If many individuals pursue their own interests at the expense of certain social interests in the future, for example, damaging environment for the interests of their own generations at the cost of the next generations, it only implies that rationality shall be introduced into the democracy. The pure democracy—determination by a simple majority—has defects, but it can not be a justifiable reason to exclude suffrage as a manner to pursue personal interests through election by citizens, since the participation based on interests is a right itself.[6] (Xia, 2004)

It shall be pointed out that the decisions made by delegates elected by ourselves are our indirect decisions only, which is different from the situation where the exercise of other rights by citizens is to directly decide their interests.[7] The exercise of suffrage is only to elect those who are considered by citizens capable for pursuing interests for the constituency, but whether the elected delegates are really capable for pursuing interests for citizens and what is the effect of their efforts in pursuing interests can be only demonstrated in the future. Such intervals and distances between exercise of rights and pursuit of interests weaken somewhat the interest attribute of suffrage as a right, and may lead to, to

[6] Some scholars divide the "participation" into "participation based on virtues and interests". The participation based on virtues is deemed as an obligation. In traditional Chinese political culture, the political participation is deemed as an obligation at first. But, the participation based on interests is deemed as a right, i.e., an individual right basically."

[7] With respect to the exercise of other rights, the right holders can acquire corresponding results through exercise of such rights, which only involves the interests of right holders and limited stakeholders.

some extent, irrelevancy of our suffrages and interests. For instance, we believe John will do well in pursuing our interests, hence casting vote for him, but what he has done after being elected may make us disappointed. Such case has often occurred between constituencies and their delegates. “Common people cast pro vote to issues which they consider the most important and most possible to be solved immediately, but they only find their expectations fail. A parliament elected for a problem actually may set to handle another one.” (Hobhouse, 1996) The possible disconnection between suffrage and personal interests depresses constituencies’ enthusiasm in voting. Interests are critical elements of rights, where interests refer to the interests of the holders of rights. Constituencies may start with their own interests, while the results are in public interests. When personal interests consist with public interests, interests contained in suffrage may achieve considerably full realization; when disconnected, the interests contained in suffrage may be discounted. The problem is that public interests could not be completely consistent with personal interests of everyone and consequently, and there is always disconnection between some people’ suffrage and interests.

2.1.3 Suffrage has the attribute of will

In other words, citizens have right to elect delegates and cast for John or Jack or no one. However, suffrage as a right has more restrictions than other rights in terms of selectivity in some aspects, such as time, sites, processes and results of exercise of the right. The exercise of suffrage shall be performed by constituencies “jointly” within the same time stated by law, which may not shift with the will of a certain citizen. The outcome of voting is even harder to be affected by an individual citizen, and the election of a delegate is most likely to be without any direct relationship with his own vote. Such characters of suffrage weaken the freedom attribute of rights, leading to the incompleteness of the attribute of individual will in suffrage as a right, and hence more attribute of certain joint will or unification of wills. Once involved in a joint act among people, personal freedom will be reduced and restrictions from a group will be enhanced to some extent, and just as suffrage (voting right), a right with results only through joint exercise by all people of a country, restrictions from group are more obvious. “In a small community, residents can reach agreement on the relative importance of main tasks in many issues, and have consistent value standards, but the wider the scope, the less the consensus. In addition, with decrease of consensus, the necessity to resort to power and compulsion is on the increase,” (Hayek, 1997) which makes suffrage, compared with other rights, closer to power but remoter from right, and closer to democracy but remoter from freedom.

2.2 Power attribute of suffrage

Suffrage is not a standard right, as it intermingles with certain power element. In the sense of results, exercise of suffrage by citizens is their participation in the formation of public interests, as the common individual interests of numerous citizens form public interests ultimately. Delegates elected by citizens have the right to decide major state affairs, and they shall give full consideration to the opinions of constituencies when making such decisions. Actually, citizens realize their participation in state power in some sense by exercise of suffrage. The decision of public interests is one of the features of "power", while the power attribute manifested in such decision by constituencies through delegates is indirect. When citizens "decide" public affairs through delegates they elected, those who "decide" public affairs are delegates, and citizens can "influence" the decisions on public affairs only through delegates.[8] Of course, this is not the reason for "suffrage to be a power", as the exercise of suffrage by constituencies is the indirect exercise of power, while the power in our eyes is usually characteristic of direct decision.

Citizens exercise their suffrages to decide the destiny of others—candidates, deciding who may be elected and represent us to grasp state power. "As for political activists, votes are the decisive element for success or failure." (Burns, 1993) The voting constituency will directly produce clear legal consequences, i.e., win for some and failure for others, which is the real reason for suffrage to be in the nature of right. Thus, the exercise of suffrage is to decide not only the interests and destinies of electors, but those of the public, as well as those of the candidates. Among them, the decision of electors' own interests and those of the public is indirect, and only the decision of the destinies of candidates is direct, that is, what constituencies are able to decide is election of their delegates. In this sense, suffrage contains power element. When citizens directly exercise their suffrage, the power attribute thereof does not disappear due to the huge number of citizens, but only the character of power—domination of others—is weakened, reducing the possibility of serious consequences resulted from abuse of power. The power attribute of suffrage has a character of collective power and the collective power, such as the power of a parliament, is also a power.

However, the power attribute of suffrage is incomplete, e.g. the compulsion imposed on delegates by constituencies is limited. Constituencies can not force someone to be their delegate, as candidates have free will to participate in election; and elected candidates are not completely subject to the will of constituencies, who may usually alter their commitments made in elections and

[8] Such influence may be great and even critical sometimes.

not necessarily honor them fully. Meanwhile, when constituencies exercise their suffrage, they may comply with public interests, which is the feature of the exercise of power, or more possibly, they may be subject to their own interests, which is the feature of the exercise of right, while they will be never subject to the interests of those elected. Safeguard of others' interests is the feature of power (the executive power is usually in the nature of service); otherwise, the exercise of power based on the interests of the holders of power is abuse of power for personal gain. However, suffrage allows the holders of rights to pursue their own interests, through which public interests are realized. What it embodies is the conformity of personal interests and public interests to some extent.

Therefore, the author holds that suffrage has elements of right and power as well, which differentiates suffrage from other rights and other powers. However, the author intends to believe that suffrage is a right with power attribute, rather than a power with right attribute. In other words, the elements of right and power both exist in suffrage with different weights dominated by rights. (Li, 2005) Some scholars think suffrage, right of recall, right of supervision, right of criticism, right of prosecution and right to inquiry, as a kind of rights, are a kind of right of power, and "such rights enjoyed by social members against the holders of public power, just like the rights enjoyed by policemen against witnesses to require the latter to answer questions, is compulsory, and it is a 'duty' for the holders of public power to respond to and satisfy such requirements. Such 'duty', just as 'function', is an inevitable obligation, unless you waive your power." (Xia, 2004) The author believes that suffrage, right of supervision, right of prosecution and the right of recall enjoyed by citizens are different from those enjoyed by members of a parliament: The former is a right, while the latter is a power; the latter is compulsory and can not be waived, while the former is not directly compulsory and can be waived usually. Among those rights, suffrage and right of recall are not fully the same with right of supervision, right of criticism, right of prosecution and right of inquiry in nature: Suffrage and right of recall are a right of power since they can decide the destinies of others—candidates or members of a parliament, while citizens' right of supervision, right of criticism, right of prosecution and right of inquiry can not result in legal consequences with power element directly, which can only initiate or influence power and the decisive consequences still shall be made by the real competent authorities. Thus, such rights are only general rights rather than a right of power. For instance, the exercise of the right of supervision is only to discover and disclose issues, while the disposal power of such issues usually does not belong to supervisors; the exercise of the right of prosecution may lead to the consequences of judgment and adjudication, which such power of judgment or adjudication usually does not

belong to prosecutors either.[9] (Xia, 2004)

3 Suffrage, a personal or collective right?

The subject of suffrage is citizens or nationals rather than the people. Constitutions of many countries have definite provisions on this, such as article 26 of the Amendment to the Constitution of the United States, article 3 of the Constitution of the Republic of France, article 15 of the Constitution of Japan, article 24 of the Constitution of the Republic of Korea and article 34 of the Constitution of the People's Republic of China. (Li, 2005)

Suffrage belongs to every individual citizen, but the results of an election is decided by joint voting of many citizens and the voting of an individual can not bring forth the result of an election, which is clearly different from individual exercise usually by citizens of other rights, such as property right, right of work and personal right that directly results in corresponding results. "An elector feels he is lost among numerous electors, and not fully aware of various currently complicated and material issues, he/she only feels how tiny his vote is in solution of issues. The support and guide he needs are to unite his neighbors and fellow workers." (Hobhouse, 1996) In elections, citizens sometimes vote only as individual, but in more occasions, they may ally with others to make "joint" voting. Thus, parties and social communities exercise an increasing important role in election. "Citizens are by no means a mechanical aggregation of individuals existing for independent individuals, but a combination of different classes, groups and other forces of different interests and thoughts in economy, society and politics. In addition to existing as independent individual, each individual exist as a member of such classes or groups and to have a delegate of citizens in a real sense, such unit of forces can not be ignored." (Tatsukichi, 2003) In this sense, suffrage is an individual right with collective element. Though an individual enjoys suffrage as a single unit, "joint" acts of groups—voting of citizens—are needed to produce legal consequences with such rights, which are often deemed as the choice of people.

However, suffrage is still an individual right but not a collective right, as it is the individual rather than the collective who casts vote, and the subject of suffrage is the individual rather than the collective. Secret ballot is one of the basic principles of modern democratic election system, the aim of which is to protect citizens in really expressing their wills, excluding external intervention and pressure, such as the pressure from their own collective. An individual

[9] Hohfeld holds that legal rights contain four different circumstances, one of which is the right of power, a right to "control" others' behaviors, i.e., dominate others.

elector can choose to keep agreement with or disagree with his party, community or other organization. Electors can either unite for a joint ballot or cast a ballot as individual. If they unite for a joint ballot, their votes may increase weight, but it only manifests the influence of parties, communities or other organizations on individuals and demonstrates parties, communities or other organizations may affect, to some extent, the results of elections, which, however, can not indicate they are the subject of suffrage, as their function is still to be exercised through exercise of suffrage by citizens as individual. Those parties, communities or other organizations may influence but may never replace the individual voting by citizens. The term "the people" used in elections is usually related to the results of elections (where if the voting rate is too low, a minority of citizens may not be deemed capable for representing the people), but suffrage itself is exercised by citizens as individual rather than by the people as a whole. As we used to define suffrage in the sense of collective sovereignty based on class recognition, etc., and the participation driven by personal motives became impossible and unnecessary. Furthermore, due to lack of emphasis on individual rights, the thought of collective rights provides a sound foundation for public power. It has been taken as granted that public power is the representative of class rights, which, in fact, reinterprets the collective right and replaces it finally. (Xia, 2004) Thus, to take suffrage as a collective right, including taking it as the right shared by the people rather than by citizens, is hard to hold water in theory and harmful in practice, which may ultimately harm the essence of suffrage as a right.

4 Suffrage, in direct or indirect relationship with state power?

Suffrage has close relationship with not only the people's sovereignty, but also state power. Suffrage directly produces the carrier of state power, namely, state agencies. In a sense, suffrage serves as the bridge between citizens' rights and state power. Without suffrage, state power can not operate. The result of the exercise of suffrage is the creation of a state agency (parliament), but such election may only produce "the holders of power", rather than deciding "power" itself. The power of the people's representatives does not come from the election by the people, but from the Constitution. Therefore, suffrage has no direct relationship with state power, but with the "persons" who exercise state power by producing them. The relationship between suffrage and state power is indirect, by production of the holders of power to influence power. The power may be exercised only when there are holders of power. "Elections do not formulate policies but decide who to formulate them." (Bai, Zhao, 2001) Suffrage aims at selection of "representatives" rather than decision of "issues", though they are

not irrelevant completely. The reason we elect John rather than Jack is not only because the merits or capabilities of John are better than those of Jack, but because we understand and approve John's ideas and views and agree with his policies and measures. Actually, we elect him, to some extent, to safeguard and realize our interests through him. (Burns, 1993) Thus, citizens' election does not legitimize state power (which shall be authorized by the Constitution), but legitimize the establishment and existence of a state agency. State authorities come into existence by election, which, however, is not the result of the transfer by citizens of their suffrage. Suffrage has not been transferred, which remains belonging to citizens as individual. In other words, the power of the parliament is not the result of exercise of suffrage by citizens, but that of the transfer of their own power—the decision power—by the people at the formulation of constitutions.

In democratic countries, the state agency produced through election, directly or indirectly, by citizens is usually the parliament, while only a few leaders as administrative officials are produced through election, such as head of state and head of government are produced through election by citizens in some countries[10] or through election in parliaments in others.[11] The former is the exercise by citizens of their suffrage, belonging to the right category, while the latter is the exercise by parliaments of their power of appointment and removal, belonging to the power category. Whether by citizens or parliaments, as right or power exercised, what produced is only the holders of rights or authorities, rather than power itself. It is not true that the more extensive the objects produced by election, the better. In the US's history, there was a period when too many public positions were produced through election, "since quite a number of officials shall be elected, democratic control is weakened rather than reinforced… the elector is confused by a long list of public positions, where he is not fully familiar with the tasks of many posts. He can not play the role in airing independent opinions, but intend to depend on the marks of political parties; thus, his control over his delegates is, in fact, reduced rather than enhanced." (Merriam, 1984) Facts have demonstrated that "every public office produced through election shall be tangible, etc. The principle of 'obvious responsibilities' for officials shall play its role so as to enable citizens to make wise choices and make democracy true and effective." (Merriam, 1984) As far as judges are concerned, they are produced not by election but by administrative appointment or professional recruitment in most countries in the world. Judges produced by election mainly occurred in France, the USSR, most states of the US and Sweden during the Great Revolution. (Chen, Tang, 2000) For example, almost half of the states of the US

[10] See article 6 of the Constitution of the Republic of France.
[11] See article 62 of the Constitution of the People's Republic of China.

have their state judges produced by general election, and other four states have their judges produced through election by parliaments. (Burns, 1993)

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