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THE UNIVERSITY OF OKLAHOMA

GRADUATE COLLEGE

REPRESENTATION THEORY: AN APPRAISAL

A DISSERTATION

SUBMITTED TO THE GRADUATE FACULTY

in partial fulfillment of the requirements for the

degree of

DOCTOR OF PHILOSOPHY

BY

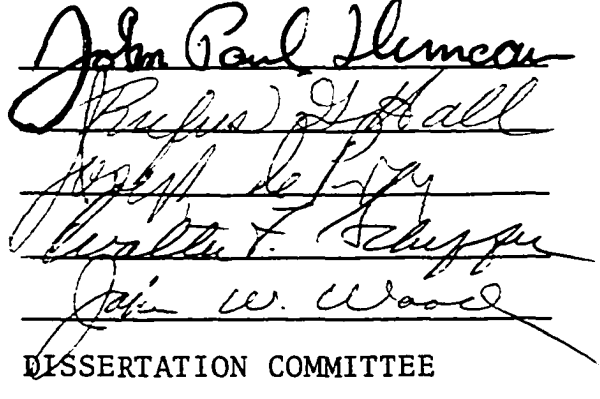
LAWRENCE EDWIN HOUGH

Norman, Oklahoma

1973

REPRESENTATION THEORY: AN APPRAISAL

APPROVED BY



DISSERTATION COMMITTEE

PREFACE

A long standing curiosity relative to representation and its underlying philosophy directly led to the following work. An investigation into the ideas of representation of Elijah Jordan and a study of the Freshman Democratic members of the 89th Congress provided further impetus and spurred the work in its early stages. It became clear very soon, however, that although there is a great body of literature available in representation theory and practice, it is scattered throughout the works consulted. With no comprehensive statement to be found in the works of any single political theorist, nor any all encompassing statement of just what the concept of representation means, more clarity was sought. The meaning of a concept as fundamental to an ordered system of democratic government as that under which we live, ought to be clear and understandable to all. In the present case, it is not. Thus motivated by a desire for an expanded understanding of representation, the present work was undertaken.

The dissertation, then, concerns the who, what and how of representation theory and practice. This is accomplished by weaving a descriptive, analytical argument of how the problem and theories of representation developed in the Western world, employing specificity and concreteness with analytical-critical expression. This compilation will permit further investigation unencumbered by much of the archival

investigation which has slowed the progress of the present work. It is anticipated that this study will contribute to further investigation in representation theory and practice.

Many debts have been incurred in the progression toward completion of this work. John Paul Duncan, David Ross Boyd Professor of Political Science, as academic director of this study, deserves more thanks than can be conveyed for willingly assisting this writer over several years and numerous academic pitfalls. His contributions to the development of "this mind" and its ability to produce are innumerable. Thanks are also due to Professor and Assistant Dean of the College of Arts and Sciences and Mrs. Rufus G. Hall for their long-time moral, and at times substantive support, and for their hospitality and encouragement. Professor Joseph C. Pray deserves thanks for his encouragement on an earlier project and his assistance with this one. Professor and Director of Advanced Programs Walter Scheffer and Professor John W. Wood, as successive Chairmen of the Department of Political Science, as teachers and as friends have stimulated many thoughts and have shared freely of their time, resources, and ideas. Had it not been for their providing an opportunity to work in my chosen field, many things would be different today. To my other Professors and students along the way, who have had a great influence upon me, I can only add my profuse thanks. However, the persons who have longest endured the tribulations of dissertation writing, and who deserve much more than I can

ever repay for their forebearance at hard times, are my wife Sandy and daughters Laura and Neosha. Perhaps the memory will not linger of the grouch who used to "come see me."

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REPRESENTATION THEORY: AN APPRAISAL

CHAPTER I

INTRODUCTION: AN OVERVIEW

Why Representation Theory?

The study of the concept of representation constitutes one of the more important fields of inquiry for the political scientist. This is evident from the past and present attention given to it as an "institutional assumption." That is, most apologists for states and governments have sooner or later claimed a representative feature, which political scientists have dutifully studied. Thus power holders in practically every contemporary government present to their own people and to the outside world the assurance that they are representative of them (or of "something" other than "themselves") and that the form of government is representative, although in reality this may not be true. Representation as a concept is thus used as a normative "idealizing" and "legitimizing" factor, either for the acts of a group of power holders in a government, or in defense of a present form of political system, or of one which may, it is claimed, in the near future be organized. This norm has also come to be so associated with the term "democracy," that although numerous examples could be provided showing the use of the concept by governments which according to most American

political scientists are non-democratic,[1] a kind of aura of "democracy" now surrounds it when it is used. The assumption may be made, therefore, that being called "representative"--whatever the practice "really" is--has become now almost a necessary justification to the proponents of most types of present nation-states (and the power holders therein). Even if nothing more than the "propaganda" value of the concept is considered, then, there is certainly justification for political scientists to continue to study representation.

There are other ways, however, in which an analysis of representation as a concept can be said to provide an important key to knowledge for political scientists. An investigation of the style, quality, or even "quantity" of formal representation in a given country, or in groups of countries, is a means to acquire knowledge of the practical relations between the governed and the governors, and to understand more clearly the internal and external politics or the flow of power in the particular political system under consideration. That is, the claim to having some element of representation has in fact become so much a part of governmental systems of most modern states that its implementation

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[1] For instance, the Soviet Union maintains that it has a "democratic government," duly elected and represented in the legislature, the Supreme Soviet. In reality, however, when a careful representative study is made, it is seen that all political power resides in the Presidium, the highest organ of the Communist Party of the U.S.S.R. Direct election by universal suffrage exists, but nominations are rigidly controlled by the Party.

becomes a problem for analytical study related to other political factors that a political scientist may be studying. To emphasize this point, one need only look to the literature of political science to find it replete with studies of executive, legislative, administrative and judicial materials which ultimately involve essentially the study of the relation of the governors to the governed in terms of both the concept and practice of representation.[1]

Too, a definite need for the study of the subject exists in regard to the problems a large number of countries face in terms of the practical problem of how to create a representative system (having once agreed that such a system "ought" to be created). Here it will be seen that in virtually every case the argument about how to do the job in a practical manner ultimately returns to some philosophy or theory of representation involving such questions as <u>who</u> and <u>what</u> ought to be represented and <u>why</u>?

Curiously, however, even in those states commonly styled as "democracies," the specific question of the <u>meaning</u> of representation has received, until recent times, only slight philosophical consideration as the ground of practice.[2] Even

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[1]For example, all "empirical" interest group studies today are of this character--even when not claiming to be.

[2]Francis W. Coker and Carlton C. Rodee, "Representation," <u>The Encyclopaedia of the Social Sciences</u>, XIII (New York: The Macmillan Company, 1937), 311. Hereinafter referred to as Coker and Rodee, "Representation."

then, it generally has been treated merely as a practical adventure in which the philosophies were rhetorically treated so as to agree with (or "cover up") practical arrangements, rather than as a basis of objective analysis or criticism of the concept as such. A major problem in political theory is not only to find out what or who is being represented, and what the what is and who the who is, but to find the relation of the concept of representation and the practices to our more basic normative views about the character or "nature" of man, of society, of government, and other variables. These are the real issues comprising a political-legal philosophy. The discussion of such issues in relation to representation still constitutes a major aspect of our intellectual and practical problem and thus of this present effort. However, such a study needs to be prefaced by a historical and analytical review of the formal, even though more superficial, concept of representation and its origins. This is especially true in relation to concepts and institutions such as state, government, legislative and administrative bodies and their functions.

Representation as a Concept

In addition to the casual use of the term "representation," we should add that it has certainly been employed extensively in political science literature as if there

were common agreement as to its meaning. Yet a close investigation will show that actually varying images about the term have existed over many centuries. One way of studying the conceptual (and practical) problem, then, is to note the actual "realities . . .covered by the word."[1] For example, one often implied meaning of the term, used not in a political sense but in a "generic" or "pure" semantic sense, gives it simply the meaning of an image of something--anything. Here, representation, as many authors use it, is based on the Greek term praesentare and the later Latin subsidiary repraesentare, meaning specifically to mirror some thing or object; to present, to be the essence of something other than that which is present.[2] What is "re-presented"--as a portrait or landscape--is a likeness, the essence of what the artist saw at another time or place. Thus, according to Hanna Pitkin, the original term was generally applied to inanimate objects such as a landscape or an urn.[3] This definition and application alone obviously contributes only a little to an understanding of the political

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[1]Charles A. Beard and John D. Lewis, "Representative Government in Evolution," The American Political Science Review, XXVI (April, 1932), 224. Hereinafter referred to as Beard and Lewis, "Government." Emphasis supplied.

[2]Eric Patridge, Origins: A Short Etymological Dictionary of Modern English (New York: The Macmillan Company, 1958), p. 187.

[3]Hanna Fenichel Pitkin (ed.), Representation (New York: Atherton Press, 1969), pp. 2-3. Hereinafter referred to as Pitkin, Representation.

concept and the ensuing practice of political representation today. The political problem is to reproduce actually, or cause to exist actually, an authority which speaks, thinks, and acts for others practically.[1] This need is evidenced in many of the political meanings given to the term since it began to take on serious practical modern political connotations in the eleventh century.

Here, e.g., logically and simultaneously the problem of the scope of representation emerges, that is, the determination of who is to be represented, assuming that by "who" it is human beings who are to be represented. But, of course, there are some theories of political representation which would have representation of function, special interests, geographical units or "money," to mention only a few factors in life sometimes represented rather than "people" or human "minds." But again the question of who is represented is only a problem if it is assumed that an attempt is made to represent people, i.e., psycho-biological human beings defined fairly individualistically and subjectively. Obviously many architects of states and governments have had difficulty in

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[1]The exercise of political power subject to controls and responsibility was evident in classical "democratic" theory. Of course the real point is that this political problem (and necessity) is a more serious one--perhaps to some impossible of solution--than heretofore thought, which involves a major part of the philosophical-psychological-practical issues to be discussed later (i.e., the "actualization" of representation--not "suggestive substitution").

"figuring out" how to obtain even the "proper" groupings of people including merely the citizenry for purposes of representation--let alone other non-citizen members of the community. In addition, any "answer" to this question involves the further difficulty of creating proper devices to assure adequate numerical representation for the "factions" of the society to be represented; or representation of "the people" as simply a quantitative problem. Here on the basis of vague notions of democracy, as meaning definable individuals in some separable sense, both the majority and the more evident minority groupings came to be considered as important (at least theoretically so) in numerical apportionment. Difficulties arising in this determination were also sometimes resolved simply through the notion and practice of a "compromise," resulting not only from argument and discussion, but through deciding who was to take part in the initial debate over such apportionment.[1] When compromise was not possible--being, even when agreed upon, often more a political myth than a practical reality--the further simple notion of "might makes right" was applied--might being based sometimes on physical force, or wealth, custom, and so on. As a result, in a general sense, even many political scientists have drifted into accepting representation as:

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[1]This is circuitous at best, leading back to the initial question of who is to be represented, assuming of course that people were to be represented, which, as has been suggested, was not always the case.

> . . .the process through which the influence which the entire citizenry or a part of them have upon governmental actions is, with their expressed approval, exercised on their behalf by a smaller number among them with binding effect upon those represented.[1]

However, regardless of such meandering and redefinition of any meaning of the term bordering on meaninglessness, representation still seems to have come to mean to many theorists that "something" is being represented, somehow, and this has made the use of the term palatable, at least intellectually if not always practically.

The State--Origins and Practice

When one "digs" deeper into the matter, it may be seen that probably part of the vagueness and confusion has been based on the wedding of the representation concept, and its practical implementation, to the problem of the state as a general concept.[2] That is, the concept of

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[1]Robert von Mohl, Staatsrecht, Volkerrect, und Politick, I (1860), 8-9 quoted in Carl J. Friedrich, Constitutional Government and Democracy (Boston: Little, Brown and Co., 1941), p. 260. Hereinafter referred to as Friedrich, Government. This very vague definition is indicative of why theorists seem to feel that they can rarely rely upon previous theory for any basic agreement and need to go back in their work to define once again basic concepts. This definition is also a good example of how philosophic considerations are muddled by the acceptance of unvalidated value judgments. Whether "democracy" should be "the ought" is seldom questioned; not to mention the question of what "democracy" means.

[2]The development of the concept of representation will be further considered in Chapter II below, and the development of the institutions in Chapter III.

representation has followed a "muddy" path paralleling the similar development of the concept of the state as the authority of an institution--which seems yet to many Western Democratic theorists something--somehow--other than the institutions of family, church, "business," although much of this distinction is more and more debatable today.

Certainly we know there is little consensus today about a formal definition of the term "state." Thus even back in 1931 Charles H. Titus claimed to have collected 145 separate definitions of the concept.[1] It is also known that the present conception of the state has come to the modern time after a long period of historical evolution. And early Western literature is filled with references to the concept of state, but of course not specifically that institution known as the state today.

Thus the development of the concept of the state has been intertwined with the development of the concept of representation, not to mention the development of the institutions of each. Two concepts then are at work in terms of the state and representation. There is first the idea of the state as itself representative of something, and then the other question of representation within the state. Numerous examples of this first question exist,

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[1]Charles H. Titus, "A Nomenclature in Political Science," The American Political Science Review, XXV (February, 1931), 45.

as in the development of the "state" in ancient Israel, according to Hebraic scripture.[1] Further complications and developments exist in the classical periods of Greece and Rome[2] and during the medieval period under the domination of the Catholic Church, until there is a break in this trend in the writings of Marsilius. Thus for the Hebrews, the state is representative of God the morals giver, while the Greeks see it as representative of justice, however that is to be defined. The Romans accept much the same value as the Greeks had attributed to what the state represented, while the medieval church saw the state once more as representative of the will of God. Marsilius breaks the barriers when he introduced the concept of the state as the dominant value-giver on earth, without consideration for the state under God. He further develops the idea that Human Law (the result of Human Will) has its source in a legislature which represents the prevailing part of the Kingdom; i.e., the nobility in fact.

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[1] I Sam 9:15-27, 10:1-27; Ex 19-23. Also, obviously the people are "given" a state, which represents God--not the people.

[2] See Plato The Republic, I and Aristotle The Politics, "The Rule of Law," A major distinction to be made between Hebraic thought which later influenced the history of the Middle Ages and the Greek conception was that the Greeks--Socrates, Plato, Aristotle, and the Stoics--were systematically developing many political concepts upon which modern thought and practice is constructed. See Mulford Q. Sibley, Political Ideas and Ideologies (New York: Harper and Row, 1970), p. 29. Hereinafter referred to as Sibley, Ideologies.

The secondary development of the question of how to provide representation within the state (the government) was tried very early in history. Representation had been suggested by Plato in The Laws and Aristotle in The Politics. However, the relationship between the development of the "state" as representative of "something," and the idea of representation within the state, is complicated by the fact that men could not make up their minds whether the state ought to represent naked power or justice (and reason) as functions of life. In the former case, there is little need to have much of a representative system, for any brute could beat another over the head with a club and thus dominate the society; power or force, as such, was all that was needed. There was thus no reason to worry about a representative system. In the latter situation, representation becomes a real problem, for there are numerous attempts (beginning with Plato) to combine a rational state with no system of representation of people at all. The whole body of utopian literature includes such attempts; but they have never worked out in practice and even Plato from the time of writing The Republic until his later years when he wrote The Laws changed his thinking on the matter.

The question remains, then, whether the state as such ought to be representative of something, and in this, there has been virtually no agreement on a practical implementation.

What the state ought to represent is perhaps without an answer; but there seems to be general agreement, at least to the extent that theorists address the question, that there should be some representative system in the state. Thus gradually but surely the present day problem emerges of trying to represent warm bodies, or ethnic groups, or interests, or territories. Yet the classical concept continues in the idea of representation of functions which Plato and others saw as necessary. Obviously it is this idea which is presently struggling to come to life against the idea of the warm bodies or "hodge-podge" interest groups or territories or geography. In any case, throughout the modern period the old classical idea continues to be muddled into the theory of representation of a state as representative of justice, freedom and rights, as the latter is based on "natural law." Thus despite many studies in recent years, the concept of the "state" as representative of "something" beyond people or territory, and certainly the concept of representation itself, remain ill-defined and confused.[1]

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[1]David Easton notes that this "vagueness and imprecision" have allowed the term "state" to serve its purposes well. "The state stood for whatever one wanted from life. . .however diverse the purposes imputed to the state, it symbolizes the inescapable unity of one people on one soil." David Easton, The Political System (New York: Alfred A. Knopf, 1953), p. 113. Hereinafter referred to as Easton, System. The fact that the concept is still imprecise does not mean that it can be discarded. But the confusion is the symbol of important theoretical and practical political issues which need solving, and second, there is no agreement among political scientists on the central core of the discipline beyond this or these arguments.

It must be admitted in any case that territory and people did come to be more and more important as major characteristics of the state and of representation. The people included within a territory were seen as the objects which ought somehow to be represented. Thus even at this late date Robert Dahl still writes that the state is a "system made up of the residents of that territorial area and the government of the area."[1] On the other hand, added to Dahl's definition, is that old Sophist idea presented by David Easton which includes the concept of the state as organized coercive power, and that of Robert MacIver of the state as a "carryover" of natural law in the subjective sense of individual natural rights.[2] Thus what has come to be an accepted definition of the state and of representation for academic disciplinary purposes of political scientists is still muddled and still confused. The predicament obviously caused by these imprecise definitions of terms and the lumping together of institutions needs to be clarified. Such would reveal not only how the present situation of representation theory has developed, but provide suggested approaches for study. What is now euphemistically called the representative form of

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[1]Robert A. Dahl, Modern Political Analysis (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1954), p. 12. Hereinafter referred to as Dahl, Analysis.

[2]Robert MacIver, The Modern State (Oxford: Clarendon Press, 1926), passim. Hereinafter referred to as MacIver, State.

government, then, is inevitably confused, the product of a long development of various other concepts and institutions.

Representative Institutions

Thus, if one is seeking to analyze representation in regard to the theory of the state, he will begin to realize that this problem of representation extends to every "agency" in the political process: that is, not only the legislative body but the executive, administrative and judicial institutions as well. However, the major emphasis of this study is placed upon those institutions which have popularly and traditionally been considered the more formal and "obvious" legislative bodies. Even so, there is need to be aware that representation beyond the formal legislative body has for political science long been looked upon as a part of a "process of government" in which the legislature, the administration, and the courts are not strictly separable even for purposes of analysis of the "one agency" or "the others."

It has been suggested above that the representative body originally came together as a vehicle for the ruler to obtain the broader support of the people for his actions. An autocrat preferred this support to daily murder and/or torture of subjects in order to reduce and dramatize violence for whatever interests he may have had, but especially to secure funds. This today in many nations, more obviously the newly developing ones, is still one of the major reasons

for the existence of "pretended" representative bodies. The laws enacted through the actions of these "representatives," it is often claimed, "truly" represent the community and thus more "ethically" bind it.

Yet it is true that even in the so-called more "democratic" and "effective" representative governments, the formal institutions have developed into vehicles for public action where many interests actually seek policy advantage for themselves alone. Also, where several individuals or groups have the same or similar interest, often only one or a small group is selected to represent the interests of all. Such is particularly the case where the majority electoral system exists. In some instances, it has been shown that a slight majority of the votes is sufficient to obtain a vast majority of the positions available. Thus in the 1931 election for the New York City Council, the Democratic Party polled only sixty-five percent of the vote cast, but won sixty-four of the sixty-five seats available--almost ninety-seven percent.[1] Such a reflection of sixty-five percent of the votes works an injustice against the "minority" left with only one official to speak for them (assuming of course that the majority and minority think differently). Too,

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[1]"News in Review: New York Voters Repeal P.R.," National Municipal Review, XXVI (December, 1937), 609-610. Also George H. Hallett, Proportional Representation: The Key to Democracy (Washington, D.C.: The National Home Library Foundation, 1937), p. 19. Hereinafter referred to as Hallett, Representation.

although the multitude may have a voice in the selection of the representatives, smaller groups (vested interests, etc.) often play an influential part in excess of their proportion. The representative may attempt to work for the people, but in so doing be unable to secure the predominant interest of his constituency. Thus an elected black representative (having a black majority) holding a politically moderate position may reap the scorn of his more militant black constituents. In such an instance, the feeling of "no representation" exists, a fact which often has psychological and practical social implications, as is evident in the recent violent physical outbreaks. This is indicative of the inherent difficulty that exists psychologically in one mind representing another mind or group of minds. Finally, the development of the highly individualistic-subjective definition of "self" now institutionalized throughout life in the western world results--even in the case of formally elected representatives--in the representative often not only merely representing himself, but only a part of his so-called "mind."

In any case, the concepts and origins of representation plus the problem of representative institutions, certainly in relation to the theory of the state, are major issues--both philosophical and practical--which must be included in any study of representation theory. Meanwhile, the concepts and problems themselves basically undergo

what Herbert Spiro refers to as the "dialectical process,"[1] that is, a process of ongoing change. Concepts of representation and theories of it are in a state of flux, today as yesterday, just as whatever actual practice exists is also constantly changing. The fact is, therefore, that representation in theory and practice seems always a continuing problem in some way. The question constantly arises: what is the nature of the representative system of any organized political system and how well is it working? Yet it is through a consciousness of these problems that solutions are to be found, in contrast to what happens when men simply accept a status quo but do not reflect. This is much like the fact that a different consciousness about participation occurs when men actually do participate in some form of representation than when there is a gulf between the acts of "rulers" and the unthought attitudes of those they govern.[2] This fact

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[1]Herbert J. Spiro, The Dialectics of Representation: 1619 to 1969 (Charlottesville, Va.: The University of Virginia Press, 1969), p. 1. Hereinafter referred to as Spiro, Representation. The connotations of the "dialectic" used in popular political science jargon do not apply in the present case.

[2]Not all participate, due in part to two forces: individualism versus organism. In some nations the individual is of prime importance, while in other "representative" governments the organism of party, group, or state forms the political base. Such "groups" work so that those with similar interests (or not opposed) become governors. The study of "interest as shared attitude as political force" began with Bentley through MacIver and Truman. See John Paul Duncan, "The Normative Importance of the Concept of Interest," Oklahoma Law Review, XX(August,1967), 268-270. Hereinafter referred to as Duncan, "Interest." Also Samuel Krislov, "What is an Interest? The Rival Answers of Bentley, Pound and MacIver," Western Political Quarterly, XVI (1963),830. Hereinafter referred to as Krislov, "Interest."

of course may seem to support Rousseau's belief that it is necessary for all to participate directly for the benefit of their consciousness as well as for good government. That is, Rousseau believed that when the public ceased to participate directly in the determination of the "general will," both the "general will" and the state perished. On the other hand, Herbert Spiro sees representation, rather than direct democracy, leading through a dialectical process to a master science, which he believes is politics. However, such a master science of politics can not be developed if the members of society in general do not have a clear understanding of the concepts supposedly in operation. Yet there is a morass of vague notions through which individuals have to negotiate. A confusing jumble of intellectually unanalyzed history is partially responsible for this predicament, as is the absence of a clear definition of the concept of representation which can be applied to more than one system at any one particular historical period. Of course, the "confusing concepts" are further confused when the representative institutions do not really do what they have been established to do, thus complicating the practical implementation of any representative system. In any case, when the theory is not clear, there is increasing difficulty in implementing any practical system based on such theory. The concept of representation and the institutions of representation, then, are indeed confused. Further, the practical problems are in

themselves difficult. It is thus the goal of the present work to bring together many fragments written on representation. Hopefully, by consolidating these various bits and pieces in one study some of the problems and vagaries in representation theory may be reduced or removed. Among the basic problems to be addressed are: who is representing who or what? where is this being done? and what is representation to accomplish? All are questions which have previously been considered only marginally--or when they have been approached specifically, have not been considered either in a systematic scientific or logical-philosophical manner necessary for clarity. The present aim is to make the questions stand out for philosophic and practical consideration. In so doing, some analysis and evaluation will be offered as a contribution to the development of a more coherent, comprehensible body of representation theory.

CHAPTER II

HISTORICAL DEVELOPMENT OF THE CONCEPT AND INSTITUTIONS OF REPRESENTATION

Introduction

The historical development of the concept of representation and its institutions has been the result of evolution in Western political, social and economic life. The growth of this idea and its institutions has never been a precisely discernible one, which could account for the shortage of research in so vital an area. Because of this complexity, the following historical review of the philosophical writings and institutional development of representation will be limited to three analytical threads:

1) how rulers acquired their power

2) what these rulers "represented," and

3) what constituted the "environment" for representation. This third "thread" is the most general, since as indicated the total social climate affecting change in representative practices is not readily evident in all instances. Thus the analysis here will include not only the historical development of representation, but philosophical statements that are pertinent to the cultural background in which it occurred from ancient times to the present. This chapter then will lay the conceptual-developmental groundwork for

the critical appraisal of the development of representative institutions in Chapter III. This basis is necessary for gaining an understanding of the inter-relatedness of concept and institutional development.

The Ancient Hebrews

One of the first instances of reflection about an organization beyond the institutions of family, religion, and economics--even if the term state itself was not used--can be found in the Hebraic scriptures where Samuel is called upon by the Israelites to give them a king.[1] Samuel, it will be recalled, cautions against this on the advice of Jehovah, but the people want to be as other nations with a king to lead them into battle, judge them according to the law, and give them a feeling of security. Samuel, upon the advice of Jehovah, finally relents and appoints a king who in an obscure manner creates an organization we would call the "state," in a "neutralized war-making" sense, and which is supposed to be representative of God's will on earth,[2] acting under the general advice of the Prophet of God. Here the assumption was that since the people were under God the state was also in some vague way to be representative of His Will. That is, this Hebrew "state" has a

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[1] I Sam 9.

[2] Ibid., 9:15-27, 10:1-27.

king as judge and war leader but with a prophet representing God, the Morals Giver, guiding him. Thus with the appointment of Saul as the first warrior-king,[1] the "state" of Israel presumably emerges; but here the state was representative of the morality of God and His physical protection through violence (both functions) and does not represent the people as such directly.[2] The Asian, Middle Eastern attitudes and mentality generally did not conceive of "democratic" representation of people, themselves removed from relation to God as the Real Ruler, and thus the line of hierarchical order of representation is God, the Prophet representing God, and the king representing God through the Prophet acting to advise him how to help the people. Nowhere here does the king represent the people in this dim beginning of this vague institution "state," for the king is representative of God. But still the idea of an institution apart from the religious organization and of a ruler who somehow acts for the people in the temporal world, though not representing the people, has emerged.

The Greek City-States

The idea and fact of a state, in a more positive and humanistic sense, grows in the secular Hellenistic society

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[1]Ex 19-23.

[2]That is, obviously the people are "given" a state. It represents God--not the people.

where the word "state" itself comes to be used.[1]

The Greek rulers acquired their power originally by force and kinship. From approximately 800-600 B.C. Greek city-states such as Sparta, Argos, Thebes and Athens were governed by hereditary kings, who appear to have begun as tribal war leaders chosen for military prowess. These kings were, on occasion, overthrown by the combined efforts of the nobles and the peasants. Often when the king was not overthrown, the nobles merely usurped his powers by first gaining the leadership of the military and eventually of the entire government. Generally, however, the ruler or rulers obtained and renewed political control by non-violent means (in terms of internal selection). These kings were supposed to be influenced by the gods and act for the people--a representative idea.

Meanwhile, the Greek city-states were characterized by changes in the relation of the family to the state, the concept of the "individual," and of the "state" itself.[2] In

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[1]Among the several texts from which this survey was made are: John B. Bury et al. (eds.), The Cambridge Ancient History (9 vols.; Cambridge: The University Press, 1923); George W. Botsford, Hellenic History (New York: The Macmillan Co., 1930); and John B. Bury et al. (eds.), A History of Greece to the Death of Alexander the Great (3rd ed. rev. by Russell Meigs; London: Macmillan, 1951).

[2]See Gustave Glotz, The Greek City and Its Institutions (London: K. Paul, Trench, Trubner and Co., Ltd., 1929). Glotz believes the city-state had three distinct periods. In the first, the family was all powerful, the second saw families suppressed by "liberated individuals" until individualism became excessive--the third period.

the earliest stage of its evolution, the polis was part of a religious community as well as a "protective" tribal one where the rulers maintained the city-state as a sanctuary for a common worship and led the agricultural community in worship.

From 650-500 B.C. the Greek leadership saw the rise of "tyrants,"--individuals who had no "royal" or hereditary ancestry--who gained political control by violence(essentially being the economic leaders and merchants). The fact that these individuals were able to usurp power by force and then maintain it resulted from several changes in Greek society in relation to the above state. First, the larger land-owners--the nobility--had lost some of their control of the army as the military changed from a chariot-driven force to one emphasizing the foot soldier. Second, a rising commercial class loosened the economic ties of the nobles with the state and the nobility became factionalized. The peasant classes, the prime source of physical power for the nobles, were migrating to the developing Greek colonies. Too, many individuals had lost their lands and political privileges by indebtedness.

The rise of "democratic" government (occurring when customary law was codified) began at Athens to help overcome tyranny. Several codes are worthy of note, particularly

the Reforms of Solon,[1] which made all citizens of Athens members of the Public Assembly. However, the citizenry was divided into four classes, still based upon income or land ownership. Thus the Council of Four Hundred, which prepared laws for the Public Assembly, was elected from only the higher three classes. Too, although the people elected the magistrates to office and had the right to call them to account for their political tenure, the individual peasant did not have the right to hold office himself. Later reforms increased the Council to 500 and divided the citizens into territories or tribes.[2] It was then these "tribes" which were represented in the Assembly, an attempt to provide a functional representation of the whole city. However, various other "democratic" institutions were employed,such as the drawing of magistrates by lot and the rotation in public functions.

It can therefore be seen that the Greek city-state (in this particular instance, Athens) developed and changed its government as the socio-economic life of the polis

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[1] See Diogenes Laertius, Lives of Eminent Philosophers, trans. R. D. Hicks (2 vols.; The Loeb Classical Library; Cambridge, Mass.: Harvard University Press, 1950). Also Aristoteles, The Athenian Constitution, trans. H. Rackham (Cambridge, Mass.: Harvard University Press, 1952) and The Politics.

[2] Reforms of Cleisthenes, 502 B.C. See p. 438f in Great Dialogues of Plato, trans. W. H. D. Rouse (New York: The New American Library of World Literature, Inc., 1956).

evolved.[1] Thus rulers acquired power by force (war leaders probably chosen at first by acclamation) and kinship (royalty). Thus rule was by hereditary rule if the sons could rule and fight well; then a "nobility" based on land arose and sometimes overthrew a hereditary king by force or persuasion, and finally came civil strife between oligarchies in land and rising commercial classes. At this point actual tyrants seized power, but after some time this notion of a whole people (i.e., men--not women or slaves) wedded by kinship took over and created "democratic" representative institutions based on the reforms of Solon at Athens. The new governors at various stages "represented" the whole polis at best and the social (tribal) or economic interests (of a few) at least.[2] Still, the present understanding of the city-states of Greece is that they developed, at times, representative systems based on "democratic" ideals in the sense that most adults were to be represented in government.

However, the case against such a belief can be developed also. Although Greek Magistrates at times were regarded as representatives in the execution of policies

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[1]Further analysis of this change and its effect on philosophic thought will be found in Chapter III. See also the four "bad" forms of a constitution and their parallel types of the individual in Book VIII of Plato's Republic.

[2]Plutarch, The Lives of the Noble Grecians and Romans, trans. John Dryden, rev. with intro. by Arthur Hugh Clough (New York: The Modern Library, 1932), p. 112f. Plutarch makes various references to the "classes" in his writings as: "the honest and good(persons of worth and distinction): or "two parties of the people and the few."

adopted by the popular assemblies, the Greeks had no conscious notion of representation such as ours, as applied to the creation of their legislative assemblies (any more than they had had of their kings). Thus these magistrates were representative in form, but the actual idea of representing something was an extremely shadowy one.[1] Even Aristotle considers the concept of representation only in brief passages and then in a manner which would have the reader believe that democracies where magistrates were elected constituted political exceptions. This also appears to be true in the Roman experience.

Roman Development

The very early tribal (prior to 500 B.C.) aristocratic government of Rome in its decline had included an elective kingship[2] and assemblies to counsel him. There

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[1] Beard and Lewis, "Government," p. 229.

[2] The institutions of the monarchy fell in 508 B.C. when patricians wearied of unlimited royal power and tired of royal assassinations which merely replaced one king with another. The Senate convened an assembly of soldier-citizens and elected two consuls, equal in power, to serve a one year term. See Titus Livius, Livy, trans. B. O. Foster, I (Cambridge, Mass.: Harvard University Press, 1941-53), Ch. XVI, pp. 61-65 and XVIII. Hereinafter referred to as Livius, Livy. Also The Roman Antiquities of Dionysius of Halicarnassus, trans. Earnest Cary (7 vols.: Cambridge, Mass.: Harvard University Press, 1953). The sovereignty of the kings was determined by ancestral customs and laws, first by a decree of the Senate, then by appointment of a suitable man from among all worthy of the honor, by vote of the people in the comitia, and finally by "approbation of the auguries, sacrifical victims and other signs." Book IV, 79, 4-80, 3.

was a further limitation on the king's power in the form of a popular assembly of the clans, the comitia curiata, where each group of freemen had one vote. The Senate of 100 elders and the popular assembly, the comitia tributa, were responsible for the election[1] of the king and possibly had some slight power in the legislative area.[2]

Originally, the Roman "republic" was controlled by the aristocrats or patricians,[3] with the basis of representation being the individual wealth of citizens. Much of Roman political history shows a perpetual conflict between those whose position was based on tradition, birth and large landholding--the patricians--and the plebians, the lower classes.[4] As the plebians increased their numbers and influence (since their services were most important in the numerous Roman wars), the patricians were forced to

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[1]By this time the election was probably by a deliberate, systematic, organized vote.

[2]That is, there was representation of groups, not individuals. See, for example, the various letters of Pliny to his Emperor in Letters and Treatises of Cicero and Pliny, IX (The Harvard Classics: New York: P. F. Collier & Son, 1909), trans. William Melmoth, rev. F. C. T. Bosanquet. See pp. 433-434, letters CXII and CXV. The law of Pompey discussed, and the Edict of Augustus, provide the basis for the Roman political organization. The censors could expel a member of the Senate.

[3]See Tenney Frank, History of Rome (New York: Henry Holt & Co., 1926) and C. Northcote Parkinson, The Evolution of Political Thought (New York: The Viking Press, 1958), p. 181. Hereinafter referred to as Parkinson, Evolution. Parkinson writes that the democratic phase of Roman political life came only with the decline in the power of the ancient aristocracy.

[4]Livius, Livy, Book II, XXIII, 2-6.

make political concessions to this vital lower class.[1] In one such instance Livy records a plebian rebellion against high taxes and political oppression by the aristocratic patricians:

> In the midst of the debate a greater alarm arose from a new quarter, for some Latin horsemen galloped up with the disquieting news that a Volscian army was advancing to attack the City. . . .The commons were jubilant; they said that the gods were taking a hand in punishing the arrogance of the senators. . . .[They said:] Let the Fathers serve, let the Fathers take up arms, that those might incur the hazards of war who received its rewards. . .Therefore the consul. . .went before the people . . . [and] declared that the Fathers were anxious to consult the interests of the plebs. . . .[2]

Therefore, to save the state, the patricians granted the necessary political and economic concessions to raise an army of plebians to repel the invaders. Thus the two classes theoretically became partners in the governing process. However, the aristocratically-controlled Senate increased its powers--under the necessity of "war powers"--until any effective representation of the people was excluded. As the popular assembly was large, and therefore slow to action, the

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[1] It is here that we begin to get the basis for reflection about representation consciously as an intellectual and practical force--due in part to this class struggle (i.e., who are to be the governors and how and why?).

[2] Livius, Livy, Book II, XXIV, 1-8.

Senate[1] was found to be more efficient than the more representative body. Thus the representative institutions, although remaining in existence, exercised little power. By the time the Roman Republic began its decline in 145 B.C.,[2] political power resided in the compromises of the Senate and one or more dominant military leaders. Based upon wealth--primarily the ownership of land--or military leadership, individual or group interest protection was the accepted political norm. Thus "conceptual" basis of representation in the ancient writers is scarce. Although parts of the Roman law have been interpreted to indicate "representativeness," the Roman politicians were not considered agents of the people.[3] Most of all, whether by ancient Greek or Roman standards, the "state"[4] itself is considered a supreme "entity" and in thought such as this the idea of a government

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[1]The Senate had plebian leaders among its membership. However, these leaders soon forgot their class origins and merely began to think and act as "nouveau riche" aristocracy. See Cassius Deo Coccecanus, Dio's History of Rome, trans. Ernest Cary on basis of the version of Herbert Baldwin Foster (9 vols.: Cambridge, Mass.: Harvard University Press, 1954-5).

[2]The date is that of the agrarian revolt of the Gracchus.

[3]See Polybius, The Histories, trans. W. R. Paton (6 vols.: Cambridge, Mass.: Harvard University Press, 1922-5) or The Loeb Classical Library edition in 4 vols. dated 1934-1954.

[4]Of course, in Greece this was a "state of nature." The gradual evolution from "wholeness" to individual subjectivity is most important and will be returned to numerous times in the subsequent chapters of this study.

representing people diminishes. It is the state which the government represents.

The Medieval Period

Following the gradual defeat of Rome by the barbarians from the fourth century on, there is little actual representation of people in government for several hundred years (except as the barbarian tribes had their own system). However, political thinking existed, as in the writings of Augustine, Bishop of Hippo, during the early years of the fifth century, A.D.[1] St. Augustine's political writing, it should be noted, was secondary to his primary task--the disproving of the charge that the fall of Rome was the result of her replacing the traditional gods with Christianity under Constantine in 313 A.D.[2]

Defining a republic as "a people [in] . . .an assemblage of reasonable beings bound together by a common agreement as to the objects of their love,"[3] Augustine wrote that

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[1]The Holy Writ itself says: Rom 13:1-2: "Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God. Whosoever therefore resists the power, resisteth the ordinance of God: and they who resist shall receive damnation. Or I Pet II: 13-14: "Submit yourselves to every ordinance of man for the Lord's sake: whether it be to the king, as Supreme Or unto governors, as unto them that are sent by him for the punishment of evildoers, and for the praise of them that do well."

[2]St. Augustine, The City of God, trans. Marcus Dodd (New York: The Modern Library, 1950). Hereinafter referred to as St. Augustine, City of God. See Book IV, pp. 109-141.

[3]Ibid., Book XIX, p. 706.

the City of Man (the flesh), the secular entity, is sinful. Man must subordinate himself to the divine, the sacred city of the spirit, the City of God. It is only through the Church that he is saved, has being, or is "whole."[1] The secular, however, does exist to protect the Church while it saves men by the will of God. It is He who choses the rulers. The individual should be concerned only with his own household, which is for "his care, for the law of nature and of society gives him readier access to them and greater opportunity of serving them."[2] Man can not change what God has foreordained. In time the corrupted secular state will pass away as men are saved, and with it the princes who ruled "by the love of ruling."[3] To Augustine, there was no representation of people in the state as known in any presently existing political system. The ruler represented God--even though he also represented sin in his own life. If he only acted in sin, and not for God, he had no right to rule.

By the Middle Ages, the Roman Catholic Church had spread from Rome throughout the major centers of the then-known world. Church government as it then existed included

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[1] Ibid., Book XIV.

[2] Ibid., p. 693.

[3] The ideal state would be one where the civil government and the Church cooperated.

a minister or pastor,[1] originally called a bishop (episcopus) or elder (presbyter). This "priest" (from the term presbyter) headed the congregation and was assisted by minor lay officials. Several congregations constituted an episcopate, governed by a "bishop." A number of dioceses or bishoprics combined into an archbishopric. This totality was termed a "province." The character of this early Church government was originally democratic, but evolved into a "Hierarchy"[2] from God down through the first Bishop. Throughout this period there was the continuance of the motion that the priest, the bishop, and the Pope were God's representatives to the people.[3] There was no idea that such persons were the equal of the people, but rather were of a superior type--having more "grace." Thus the people could call on the religious hierarchy only to intercede in their behalf with God.

More specifically, within this hierarchy there was an idea of functional representation, though this representation did not imply an equality. The "lowly" Soul was represented by the "lowly" priest who contra represented

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[1]The establishment of the Church is to be found in Matt 16:18.

[2]The democratic representative concept evidenced in the organs of the Church will be analyzed in more depth in the discussion of John of Salisbury, Chapter III of this study.

[3]Francis Dvornik, Early Christian and Byzantine Political Philosophy: Origins and Background, 2 vols. (Washington, D.C.: Harvard University, 1966). Hereinafter referred to as Dvornik, Philosophy. See pp. 724-850 passim.

God. The priest in turn was represented by the less lowly Bishop, who in turn was represented by the Arch-Bishop in turn represented by the Cardinal. The Cardinal was represented by the Pope, who as the inheritor (representor) of Peter upon whom God had built the Church through selection by Christ, represented God Himself. Thus representation flowed both ways. The Church represented the world to God and God to the world, placing Church over state, but representing the state to God. The whole system was one of carefully "graduated" representation in the spiritual realm,--a "graduated"--functional-spiritual system of corporate representation based on the classical notion of corporeity or a unity and harmony of all things. Such representation had an influence in politics for it interfered with those seeking some political power at the bottom through a representative political system. The kings and lords in actual fact had a strong grip on secular power (based on their "dark age" violence which had helped carve out the medieval "states") with the Church holding a dominant hand in the so-called spiritual realm (with some "spillover" into the secular area). The vast majority of the people, the peasants or serfs, had almost a total lack of power. A strict hierarchy thus held actual power in both areas--secular and sacred--though some of the newly founded religious orders, such as the Franciscans and Dominicans, were evolving representative systems which

gave to the members considerable voice in the proceedings and developments of their individual Orders.

Meanwhile, monasticism was basically an attempt to separate oneself from the corruptness of the temporal world. By the "Dark Ages" this practice had spread from one of individual hermits to that of group life or monasteries. Governed by rules established by St. Benedict, the monastery was a self-sufficient economic and social unit originally bound by vows of poverty, obedience and chastity (in theory, if not in practice). This self-sufficiency included voting on the "common business" by the inhabitants of several monasteries.[1] This provides a glimpse of a "democratic form" of a government developing. When the various Orders held conferences, there were representatives selected to attend, using the same form. Such representation probably represented the thinking and desires of the top echelon of the hierarchical structure of the Order, or within the monasteries, which in no way implies the equality which has become associated with democracy in modern times. Too, C. Northcote Parkinson notes that these Christian Orders had no monopoly on such democratic means of deciding common issues, as the same forms are present in Buddhist and Islamic religious groups.[2] There

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[1]Parkinson makes reference to this voting in his Evolution, p. 189.

[2]Ibid., pp. 189-191.

is some evidence, however, of a developing sense of equality among the members, though it did not spread quickly outside the monasteries. There was inherent in these religious groups of the time, however, a definite belief in the inequality of man based upon variations in sinful nature as well as temporal goods. Such is strongly demonstrated in the feeling of superiority of the "religious" over the common believer, or layman. It was in fact the development of the feelings of equality about certain aspects of life (spiritual) which was later one cause of the conflict which eventually developed between Church and state. Too, as literacy increased among the populace, with more being able to read the Holy Writ, the Church lost its monopoly of interpretation of the early Middle Ages. Of course, still other causes could be found.

During this period a strong influence on the people was exerted by the "religious" while the monarch rose to more and more influence as a territorial ruler. The monarchy became assumed as a form of government under Divine Ordinance, rather than justified by reason,[1] at least until the writings of Salisbury and Thomas.

Thus the dominant form of political structure--the monarchy--gradually became able to exist(as the supposed or

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[1]See St. Augustine, City of God.

presumed "representative" of the people) by virtue of the Church's approval (as "representative" of God). Early indications of some change, however, can be seen in pamphlets written from 1080 to 1104 A.D. by an unknown propogandist. In these tracts, the king was viewed as the representative or Vicar of God directly (rather than by approval of the Pope) and the bishops and clergy were considered his subordinates.[1] This attempted justification of the monarchy as directly approved by God has been explained by Gierke, who sees the medieval king as a "limited representation" of divine lordship.[2]

From here it was not difficult to move to the medieval doctrine of society as a basis of representation, though still infused with the ideas of the Roman Catholic Church. "It was a system of thoughts which culminated in the idea of a community which God Himself had constituted and which comprised All Mankind."[3] But despite the growing belief in the social base of representation, the theological argument insisted that all components of the world exist because God existed,[4] which in turn was interpreted by the theologians

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[1]Parkinson, Evolution, p. 74.

[2]Otto Gierke, Political Theories of the Middle Ages, trans. Frederic William Maitland (Boston: Beacon Press, 1960), pp. 30-31. Hereinafter referred to as Gierke, Theories.

[3]Ibid., p. 4.

[4]Ibid., p. 8.

to their own ends. "Therefore all Order consists in the subordination of Plurality to Unity, and never and nowhere can a purpose that is common to Many be effectual unless the One rules over the Many and directs the Many to the goal."[1] Until theorists began to dispute this oneness in which society too is bound with theological rule, there was relatively little done in developing a representative political system. Thus the topic of change in church-state relations has come about primarily from the eleventh century to the present as the theological defense of spiritual supremacy once a "oneness" was reduced.

Eleventh Century Temporal Representative Institutions

In England during the Eleventh Century, A.D., it became a custom to call local juries to take care of various aspects of governing, to assess individuals or estates for taxation, and to bring charges against dishonest persons and officials.[2] These juries were called due to the fact that individuals sometimes refused to pay their taxes or give homage to the monarch unless they had some voice in the assessment process. Many early representatives called to such juries were the same ones against whom charges were to

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[1] Ibid., p. 9.

[2] G. M. Trevelyan, History of England (London: Longmans, Green, 1937), pp. 176- 178. Hereinafter referred to as Trevelyan, History.

be made. By such selection, these persons would be present at the meetings, thus being available to face and answer these charges. Kings and Ministers soon learned that often the "best" results could be obtained through the use of popularly elected juries for consultative purposes, an early demonstration of the adage that more flies may be caught with honey than with vinegar; that is, doing something with the foreknowledge or desire for others to respond in a desired fashion.[1] Thus a type of representation, though primitive, was developing here.

Later the ministers tried holding meetings of these groups in conjunction with the gathering of the Great Council of the Realm. These eventually worked into a more formalized structuring of the coordinate bodies, though of differing degrees of powers.[2] The formalizing of the structure and the functions of these institutions brought about an increase, rather than a decrease, in the power held by the

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[1]Also known as Friedrich's Law of Anticipated Reaction. Michael Curtis (ed.), The Great Political Theories, I (New York: Avon Books, 1961), 15. Hereinafter referred to as Curtis, Theories. Curtis writes that: "The origins of Parliament are not to be found by tracing into earlier times any political practice that did not involve the actual election of the deputies with a delegation of binding authority from the communities of England. The assembling of such communal representatives apparently began in 1245 and developed into a regular custom by the end of the century." Trevelyan, however, states that the exact date is one of controversy.

[2]Ibid., pp. 156-157. The selection of jurors was a matter of political necessity enhanced by the political strength of social groups and the monarchy's need for money. See the 1215 A.D. Magna Carta provisions.

monarch. At the same time, the kings and princes were placed in a compromising position relative to their monopoly of the organized violence power of the state. The subjects, through development of the juries and councils, had more access to the crown and the power residing there. It was a relatively simple thing for this action to increase the power held by the people. For when they were called upon to give their assent to acts and taxation imposed by the monarch, they in turn could present pleas and petitions of their own for the king to consider. In some situations, this worked, but in others it did not. Where the king held the predominance of physical power of the nation, the councils and juries could do little other than give their assent as was requested or demanded; with little opportunity or ability to argue the points. The evolution of representation in the medieval period thus represents a dialectical development: and one of paradox. Even though more people were involved in the decision-making process, the king as representative of the nation was able to consolidate his strength and increase his power.[1]

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[1]It is from this point historically that Harvey Mansfield, Jr. draws his basis for the contention that a new system of representative temporal government came into existence following the American and French Revolutions. See Harvey C. Mansfield, Jr., "Modern and Medieval Representation," in Pennock J. Roland and John W. Chapman, Representation, Nomos X (New York: The Atherton Press, 1968), pp. 55-83. Hereinafter referred to as Mansfield, "Representation."

Meanwhile, further development concerning both the practical fact and the concept of representation had become apparent in the controversy which arose over the delineation between state and church and their proper constitution.

> It is frequently asserted in the writings from the eleventh to the fourteenth centuries that the state is not the prince but the whole community of citizens, and the church is not the pope or any other prelate but the "whole congregation of the faithful;" that the group as a whole therefore has in either case basic rights and interests which limit the legitimate powers of the rulers; and that the latter exercise their functions only as representatives of the corporate social body.[1]

As the major secular authorities found themselves in power contention with "subordinate" rulers, so too did ecclesiastical heads find themselves embroiled in similar controversy within their "jurisdiction." Even though the hierarchical structure of representation beneath the Pope had not crumbled, it came increasingly under attack. On the one hand, increased papal power of representation was advocated by the theory of plenitudo potestatis, which would have made the Pope the representative of God, spiritually, as well as increasing his power temporally (in re the state). On the other hand, this greater papal representation was challenged by the claims of the bishops, and increasingly

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[1]Coker and Rodee,"Representation," p. 309.

by the College of Cardinals.[1] There was, for example, an increasing internal demand for more of a voice in the operation of the church and the development of church policy from the various levels of Cardinal down to the parish priest. As this controversy--the conciliar movement--became more heated within the church, antagonisms toward the church itself began to emerge. This further undermined the representative authority which the church held over the lives of people. Thus, the struggle between the regnum and the sacredotium for supremacy over each, and the intensified struggle within each of the realms, came into existence. However, by the middle of the eleventh century, there is still no concrete evidence to show that the struggles had crystalized into the clearcut issue of more or less "democracy" (the modern concept) with its ensuing debate about the meaning of representation. The concept of representation had not yet come to mean conscious popular "equalitarian" representation of people and by people. This older idea of rulers as "representative" of a function such as God or the "realm" lingered on. Still, of course, this was not as clear as the functional government in Plato.

Aegidius Romanus Colonna

Some authors trace the origins of the struggle of

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[1]Or potestus limitata. See Gierke, Theories, p. 36 and the later Conciliar Movement.

secular over sacred representative power, or at least the battle of the pamphlets and literature, to Aegidius Romanus. In De Ecclesiastica Potestate, Aegidius disagreed with Aristotle that the political community of man was a naturalistic or humanistic phenomenon. Instead, he believed in the superiority of the spiritual to the material and espoused the concept of Dominium, which tied property "ownership" to that which is legitimate spiritually.[1] Aegidius' theory of religious power was one of a self-motivating sovereignty, given by God and held by the Pope. The papacy, then, is supreme over the temporal in case of serious confusion and contest as well as supreme over all property use, with ownership in fact vested in the Pope. For the first time the control of both "souls" and "goods" is represented politically--by the Vicar of God--the Pope. Aegidius lays the groundwork for later ideas of representation by insisting that both the temporal lord and his goods are under the Pope as representative of God. This position became a battleground when the Franciscans argued that their vow was one of poverty, contrary to the papal justification for extensive land holdings.

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[1]Ewart Lewis, Medieval Political Ideas, I (New York: Alfred A. Knopf, 1954), 112 and 114. Hereinafter referred to as Lewis, Ideas. Also in St. Augustine, City of God, Book II, Ch. 22, pp. 63-64 and Book IV, Chs. 3-4, pp. 111-113. Dominium is the right of property, which is material and meant to serve spiritual ends. Therefore the Church has the right to control it.

Marsilius of Padua

One of the most famous Franciscans writing indirectly in defense of secular authority--or at least a purification of papal power--was Marsilius of Padua.[1] In Defensor pacis (1324)[2] Marsilius presents one of the most systematic exposes of the problem of representation as it was seen then. He attacked the power of the Church by arguing that the temporal and spiritual should be separated. Grounded in Latin Averroism (and ultimately in Aristotle), Marsilius saw two kinds of truth: one as a result of reason and one of faith. Truths of faith pertained to the spiritual world and divine law. Sanction was only in the hereafter, and therefore not a temporal power of any churchman, and particularly not the Pope. Truths of reason meant truths resulting from human reason and human law provided earthly sanction, a law based oddly not on reason but on human will. The source of the law, he said, was the legislator or the body of citizens in its corporate capacity. This did not mean popular sovereignty in the modern sense or in terms of majority, for he

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[1]This name is variously spelled Marsilius, Marsilio, and Marsiglio. For the sake of consistency, the first will be used, except as included in direct quotation.

[2]Marsilius of Padua, The Defender of Peace, trans. with an introduction by Alan Gewirth, II (Columbia University; Records of Civilization, Sources and Studies; New York: Columbia University Press, 1956). Hereinafter referred to Marsilius, Defender.

called the representative "the prevailing part," which in effect restricted it to the "quality" or nobility. This restriction also applied to the "branches" of secular government, for Marsilius seems to mean nobility when referring to "the people."

Also he presents, as far as the religious institution is concerned, a system of representation making it possible for many--not a few--Christian believers to have some voice in the determination of church policy. To this end, his plan called for a general council, composed of regionally elected representatives ". . .according to the number and quality of the believers."[1] This device of the council was already being used in the civil area of church life to some extent, and Marsilius thought it might be advantageous for use in the sacred as well.

To reiterate this important point, although Marsilius did make specific references to the idea of legislative authority resting within "the many," this was taken to mean that the composition of the body should reflect, ". . .not the inexpert multitudes, but the specialized knowledge of

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[1] Ibid., pp. 45-46. Also Ibid., pp. 272-279. Chpt. XVIII: (Discourse One) "On the Origin and First Status of the Christian Church, and Whence the Roman Bishop and Church Assumed the Above Mentioned Authority and a Certain Primacy over the Other Bishops and Churches." Chpt. XIX: "On Certain Preliminary Considerations Needed for the Determination of the Aforementioned Authory and Primacy: What Statements or Writings it is Necessary to Believe in and to Acknowledge as True for the Sake of Eternal Salvation."

priests, theologians and canonists. The community of believers in general was expected to contribute its authority, not its opinions."[1] Further, according to Lewis, ". . .quality seems to have implied a fusion of both status and personal characteristics."[2] Here, then, is a reference to the "quality" of those allowed to select representatives. Representatives were selected not for what might be contributed by way of knowledge or opinion, or innovation; but contribution to the legitimizing of the actions of the council. Those persons selected were also to be those who would have an influential position and thus have followers in the community.[3]

Even with such a qualitative representativeness, there was the embryo of the present-day concept of representation in terms of larger numbers, since in actuality the number of such persons of quality were larger than a King in council. Also, though perhaps this pattern of formal relations of authority was not a complete pattern for a process of actual control and responsibility, nonetheless, it was a beginning for the idea that a large number should have final control of the law-making power. That is, the idea of

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[1] Ibid., pp. 280-281; Gierke, Theories, pp. 58-59 and Lewis, Ideas, p. 392.

[2] Lewis, Ideas, p. 204.

[3] See Marsilius, Defender, Discourse One, Chpts. 15-17 and 20, pp. 61-86.

a community had been previously recognized, but here it was seen as both embodiment of "authority" as quality and of power in terms of number of persons. Thus the idea of the power of a community to limit both the Pope and the King was beginning to be seen as important if the King transgressed against the people in general, or if the Pope and clergy got "out of spiritual" bounds--or overrode the "people" within the religious community. Obligating the officers of government to a body of real people became the central underpinning of the development of representation.

Whether a "democrat" or not, it has been "easy" for Marsilius to some extent to be "used" as a source of writings about democracy as related to representation, as when he notes:

> The legislator, or the primary and proper efficient cause of law, is the people or the whole body of citizens, or the weightier part thereof. . .commanding or determining that something be done or omitted with regard to human civil acts, under a temporal will in a general assembly and in set terms that something among the civil acts of human beings be done or omitted, on pain of penalty or temporal punishment.[1]

Such allusion to the use of a body as a large number in point of power may seem to negate what is to be considered representation, but it must be recalled that the council was to contribute its prestige, rather than its opinions. Still the notion is suggested that the law must finally represent the

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[1]Ibid., I, xiii, 3. p. 45.

people. That is, "legislator" as the numerical majority, the whole body of citizens or the qualitatively weightier part, is either the political sovereign (the "primary" legislator) or the people in assembly or through representatives. There is even the possibility that Marsilius is moving in his ideas toward a truly representative government, based on the notion of popular sovereignty. There seems to be the idea that the ultimate authority resides with the body of the people as a whole,[1] with some authority being delegated by them to their chosen representatives.[2] Such a notion, of course, did not actually say anything about the duties, powers or functions of the representatives to the general council of the church. But it appears to draw on the theory that as the King represents the community and acts in its behalf, than so too must the representatives to the council, whether religious or secular. As the king is considered, under the concept of patrimony, to be the kingdom, and at the same time its servant; so too must the representatives to the council be considered the kingdom of God on earth, governing through the council with the hierarchy. And more importantly, such powers, it was thought, should be

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[1] Ibid., "Authority Based on Election." This excludes women, children, foreigners and slaves.

[2] He describes the substance of the concept of sovereignty although he did not know the concept as such.

for the advantage of all rather than for the individual few who wielded it. At least the idea exists that those who have been selected to represent should not use their position for personal gain; but for the good of all:

> It is. . .highly useful that the whole body of citizens entrust to those who are prudent and experienced the investigation, discovery, and examination of the standards, the future laws or statutes, bearing upon civil justice and benefit, common difficulties or burdens, and other similar matters.[1]

True, the right or duty of performing these essential public functions became a matter of personal status and personal power, yet those involved were felt to be, however dimly, representing the community. Thus Marsilius felt that the community, or the people, should be recognized as having the actual power to be a part of the policy-making process, either sacred or secular:[2]

> For every whole is greater than its part. . .the authority to make or establish laws, and to give a command with regard to their observance, belongs only to the whole body of the citizens. . . .[3]

However, Ewart Lewis in his interpretations of the period points out that Marsilius is to be taken at less than face value in his writings. Still, here was one of the clearest

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[1]Marsilius, Defender, "Is the Multitude Fit to Rule?" Also "Forms of Government:". . .every citizen participates. . .for the common benefit."

[2]Ibid., Chpt. XX, p. 280.

[3]Ibid., "Is the Multitude Fit to Rule?"

"breakthroughs" to a conscious, deliberate concept of representation even if that which is represented is very limited, with reason and will "muddled" as the operational aspects of representative action. But Marsilius did see (if unclearly) that law is made, by somebody, representing "somebody" or some condition, and beyond the vague notions of the realm or being "under God." "Democrats" may not like the outcome and rationale of his contribution to the irrational through his concept of will. However, those who are searching for clarification of the problem of representation can not but admire his assistance in forcing men to see more clearly the road they must take toward understanding the who, what, and how of representation.

William of Ockham

A more detailed, though less systematic suggestion of the representative idea is found in the works of William of Ockham.[1] His system called for more representatives to the general council than did Marsilius'. These representatives were to be elected in the provinces, the dioceses, and kingdoms, by elective groups constituted for such purposes, from delegates elected in the various parishes.[2] This was still a very select group, and only in the broadest

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[1]Here, too, the name is spelled variously: Ockham, Occam, and Ocham. For consistency, the first will be used.

[2]See Gierke, Theories, pp. 59-61.

sense representative. The "faithful believer" alone was to be the source of election and the holder of the franchise for this purpose. The idea was that power stems from the consent of a so-called corporate body,[1] which was in turn to be expressed through the leaders. Also, William included laymen in the church council. His plan would have extended the device to civil government from its use in the government of the church. This expanded the idea that the corporate body could act and speak as a unity. William further emphasized that the council of laymen and priests could and should meet in certain emergencies without having to be called by the Pope. This "assumed a definition of the church as the community of all believers, and it involved no attack on its normal monarchic constitution."[2] Thus, Marsilius and William were important as forerunners of the theorists of the Reformation, and even later Revolutions. Among the theorists they influenced were Leopold of Bebenburg, and the Conciliar writers, Gerson and Nicholas of Cusa.

Leopold of Bebenburg

This obviously limited democratic "representation"

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[1]Gierke explains the corporate idea as ". . .an External, Visible Community comprehending All Mankind. In the Universal Whole, Mankind is one Partial Whole with a final cause of its own, which is distinct from the final causes of individuals and from those of other Communities." Ibid., p. 10.

[2]See Dialogus, Ed. by Goldast, Pt. I, Book VI, Ch. 84.

idea was the basis for the later insistence, by Leopold of Bebenburg, that the imperial electors of the Holy Roman Empire be of a representative nature. This "medieval" theory related the rights of individuals to the rights of the community as exercised through representative institutions.[1] However, the idea still did not carry all of the modern implications of popular control over the selected delegates. The authority of the elected delegates to the estates was generally limited to the specific matters included in the terms of their election. They were thus often equipped with specific instructions from their constituencies; but there was still no regular machinery for enforcing the responsibility, nor did existing theory demand such enforcement. There was, throughout this era, a movement for securing for the representatives a "blanket" mandate allowing them to do whatever was requested of them by the monarch following their selection, with few restrictions.[2]

The Conciliar Writers

The Conciliar Writers' commentary on where authority should reside was unique for the time. The crux of their argument was that "the Church" rather than the Pope

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[1]Lewis, Ideas, p. 263.

[2]That is, a blanket approval of their sanctioning the actions of the monarch or Pope. Ibid., p. 263f.

should wield the power of the ecclesiastical world. The contention was that the Pope was only a minister, and not the monarch he had come to be considered. This principle is contained basically in Nicholas' De Concordantia Catholica, presented at the Council of Basel in 1433. Here the keynote question is harmony, rather than authority, for Nicholas simply believed that harmony could be better achieved through the entire Church rather than just through the Pope.[1] Yet what he is really talking about is a broader more equalitarian representative system than that of the hierarchical-functional system of the Church. It can also be seen that the notion of representation is not necessarily connected to election. Nicholas was willing to have men appointed by the king and certain hereditary lords in the regional and general councils.[2]

Nicholas seems ahead of his time, yet in conflict with it, in grounding any authority on consent, as when he states: "all men are by nature free, every government . . .is derived solely from the common agreement and consent of the subjects."[3] This government should be a

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[1]George H. Sabine, A History of Political Theory, 3rd ed. (New York: Holt, Rinehart & Winston, 1961), pp. 318-320. Hereinafter referred to as Sabine, History. It may be that democracy in representation began as implying more harmony than existed therein under the concentration of power of representation in the hierarchy.

[2]De Concordantia Catholica, Bk. I, Ch. 6; Bk. III, Ch. 5.

[3]Curtis, Theories, p. 170.

cooperative affair, and not necessarily merely a delegation from a sovereign power, such as a monarch or a pope.[1] Yet the idea of representation in terms of a popularity was growing, even if stated as an "ideal" implied by indirection, as in the writings of Marsilius and William of Occam.

The Conciliar Movement, however, was more concerned with church government and really did little immediately to further representative government. Although Nicholas did appreciate the ideal that the people should have representation, he did not contribute much to its advancement toward practical reality. Control in the Church still resided ultimately with the Pope and his advisers. Christianity had become institutionalized and civil government more centralized. The move toward a more practical result--especially in the secular sphere--soon found a champion, one who lived in fifteenth century Florence.

Niccolo Machiavelli

Niccolo Machiavelli is not popularly known for his republican thought, in that his most widely known work is concerned with despotic governmental forces. However, his earlier "how to run a state" book, The Discourses, does approach rationally, and in fact justifies, the republican

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[1]Sabine, History, p. 321.

form of government while considering problems of political rule.[1] He did not think all men were wholly evil. Some he believed had "nobility," were honorable, and worked for the public good (at times).

Machiavelli views society as composed of equal men--equal in that all seek their own interests and thus all have this tendency toward the ignoble. He divides society into "the few and the many," equivalent to the division of the populace into the nobles and the commons.[2] He then asks into whose hands the government should be placed if the republic is to endure? This question, accordingly, is answerable only through an understanding of the time being considered. That is, if the times are peaceful, then the few may govern for the many with no ill befalling the republic. However, if the time be bad, or one of crisis, it would appear that the few should give way to a single governor who would have extraordinary power to handle the situation. Once the matter is brought back to a normal level, then the single governor should step aside for the

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[1]A republic, by definition, must have some representative content.

[2]Niccolo Machiavelli, The Prince and the Discourses, intro. Max Lerner, The Prince trans. Luigi Ricci, rev. E. R. P. Vincent; Discourses on the First Ten Books of Titus Livius, trans. Christian E. Detmald (New York: The Modern Library, 1940), Bk. I, V, p. 121. Hereinafter referred to as Machiavelli, Discourses. Also, The Prince, IX: 8-12. Machiavelli writes particularly of two factions in most republics, but implies more "groups" are possible.

few to represent the good of the many.[1] Throughout, the kind of "good" government, whether a monarchy, aristocracy or democracy, is left to the legislators of the people.[2] All forms of government are believed to be defective.[3] However, the ideal government is one which balanced power with power via a mixed constitution, i.e., having "a prince, a nobility, and the power of the people."[4] In republics the citizens live in "perfect equality," an equality which Machiavelli felt the Church was undermining. He did not genuflect to the Church and was critical of it. He suggests the value still of rule which represents something "moral"--a civic good--public order, peace and progress. The attitude of the Church threatened the common good.[5] Politics, somehow, appears to be separate and above all other forms of activity. It is politics on a non-religious basis, thus providing a boost--an added impetus--to the development of representation theory. The Church with its greedy attitude was more concerned with its own accumulation rather than the advancement of the civic good which Machiavelli believed

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[1] Machiavelli, Discourses, I-LVII & LVIII,258-266.

[2] Ibid., I-XI, 111.

[3] Ibid., p. 114.

[4] Ibid., p. 115.

[5] Ibid., I-LX and I-XVI, XXV.

most important. Of course a part of the difficulty between the Church and Machiavellian thought was in their contrasting views on morality.

In any case, Machiavelli favors a representative government but of the few, for with such a government, progress would be possible:

> Further, we find that those cities wherein the government is in the hands of the people, in a very short space of time, make marvellous progress, far exceeding that made by cities which have been always ruled by princes; . . .and this we can ascribe to no other cause than that the rule of a people is better than the rule of a prince.[2]

Such progress Machiavelli found to be important for the continuation of the republic. In turn he sees the representatives as bringing progress, otherwise the drives of the few and the drives of the many would degenerate into corruption. Thus, when progress is not as rapid as it might be, and the republic is in danger, Machiavelli insisted that it be renewed. "Now the way to renew them is, as I have said, to bring them back to their beginnings."[3] For in these beginnings could be found the excellence which caused a republic to be initiated. Thus a republic can

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[1] Ibid., I-LX and I-XVI, XXV.

[2] Ibid., I-LVIII, 264. Machiavelli refutes objections to popular government in I-XLVII & LVIII and III-XXXIV.

[3] Ibid., III-I, 397. Once a state was established by the "lawgiver," the omnipotent one, only a self-governing populace could preserve that state. Order, then, exists longer when the power of government is shared. The selection of such power-holders is best when by election. The few would propose for the public good in free discussion of all sides of a question.

survive crises because it has good examples to follow. These "good examples" are the "result of good education and good education is due to good laws; and good laws in their turn spring from those very agitations which have been so inconsiderately condemned by many."[1]

The republic is the better form, as the many are more likely to know and demand the good,[2] than one prince or the few. The people elect right men for the right jobs,[3] so that the state is made great by putting public good over private interest. These leaders are men with ambitious personalities, in contrast to those individuals who are "obedient" and thus easy to discipline.[4] The primary prerequisite for this leadership, Machiavelli terms virtu--meaning civic virtue. In this respect the lawgiver is almost divine--a "sagacious and skilful [sic]"[5] individual who establishes the important institutions[6] and then infuses

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[1] Ibid., pp. 119-120.

[2] He believed that those who participate have an interest in the state.

[3] Machiavelli, Discourses, I-XLVII and III-XXXIV.

[4] Machiavelli believes law is necessary as "men act right only upon compulsion."

[5] Machiavelli, Discourses, p. 111.

[6] There must be interaction between men and institutions. The republic should have officials to investigate if institutions are functioning properly and have virtu. Discourses, Bk. III, Ch. I.

a spirit of virtu for order and strength.[1] This virtu, i.e., qualification for public office, knows no "distinction either of age or blood:"[2]

> For where a young man is appointed to a post which requires the prudence which age is suppose to bring, it must be, since the choice rests with the people, that he is thus advanced in consideration of some noble action which he has performed: but when a young man is of such excellence as to have made a name for himself by some signal achievement, it were much to the detriment of his city were it unable at once to make use of him, but had to wait until he had grown old, and had lost, with youth, that alacrity and vigour by which his country might have profited.[3]

Thus the people select their leaders based upon "common report"[4] as to whether the individual by "manners and habits" is wise and by his actions distinguished, "either by promoting a law conducive to the general well-being, or by performing some similar new and notable action which cannot fail to be much spoken of."[5]

These leaders remain in office for a "reasonable term."[6] Prolongation of a term of power permits some citizens to assume personal influence over government and

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[1] Ibid., I-LX.

[2] Ibid.

[3] Ibid.

[4] Ibid., III-XXXIV.

[5] Ibid., I, XXXV.

[6] Ibid., III, XXIV.

thereby threaten the common good.[1] By limiting time in office and the authority of that office, the institution of the state (and thus "the people") would suffer no harm.

In The Prince Machiavelli devotes his time to political conditions in his Italy, the domain of the individual prince. These rulers, he writes, acquire power to obtain order--through physical violence, psychological means, or the ethic of power as morality. These princedoms are:

> . . .either hereditary, in which the sovereignty is derived through an ancient line of ancestors, or they are new. New Princedoms are either wholly new. . .or they are like limbs joined on to the hereditary possessions of the Prince who acquires them. . .[He] who acquires them [the states] does so either by his own arms or the arms of others, and either by good fortune or by merit.[2]

The relationship between ruler and ruled, under these conditions, is one of expediency; that is, whatever is necessary to build and maintain the state automatically becomes "right." Still, the citizens should be made to feel psychologically secure, regardless of momentary brutalities. The nascent nation-state thus was glorified by its first apologist. Machiavelli therefore gives a new meaning to representation--on a nonreligious basis--part of which was implemented in the Protestant Reformation.

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[1] Ibid., I, XXXIV.

[2] Machiavelli, Prince, I.

Protestant Reformation

The Protestant movement developed at roughly the same time that the national state was coming into being, according to some writers being partially both mother and mid-wife. Others consider the Reformation to be both child and parent of the national state system. In any case, as the national state developed, it made obsolete the notion of both universal empire and universal church. Through its attacks on papal supremacy and the clerical hierarchy of the Roman Catholic Church, the Reformation was the cause of the development of the national church, which held a place of prominance in the developing states. At the same time the Reformation caused the development further of subjective individualism, which in time not only weakened the Church but changed the whole notion of hierarchical spiritual functional representation to one of representing bodies, territories and especially interests. During this same period, Europe began to enter the Industrial Revolution. Secular rulers wanted a larger portion of the wealth which had been largely finding its way into the Church coffers, particularly the Vatican in Rome.[1] Thus at this time the

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[1]See the abuse of indulgences explained in Martin Luther's "The Ninety-Five Theses: Disputation of Dr. Martin Luther Concerning Penitence and Indulgences," trans. R. S. Grignon, ed. Charles W. Eliot (The Harvard Classics, Vol. XXXVI: New York: P. F. Collier and Son Co., 1910), pp. 265-273.

church-state issue once again emerged as a crucial issue bearing on the problems of representation.

The Protestants were naturally supported by various monarchs, using the new doctrine which taught that the individual should be able to interpret the scripture in line with his own conscience.[1] This permitted kings, who were of a mind to do so, to confiscate church property and assert greater power than when they, as well as their subjects, had been under the moral influence of the Church at Rome. In some instances the secular kings could at least gain control of church property and wealth and convert the churches to national institutions under their own influence. Further the monarchs, with the assistance of the Protestant movement, could be relieved of the financial contributions to Rome which they had been required to make.

Representation, in "modern democratic" terms was, of course, obviously retarded by such movements. The initial belief that the individual should have more freedom to determine his own religious belief, and to interpret the scriptures as he saw fit, [2] was not extended by the reformers Luther

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[1]See Dr. Martin Luther, "Address to the Christian Nobility of the German Nation Respecting the Reformation of the Christian Estates," Ibid., pp. 276-352.

[2]Ibid., pp. 283-6 at (b) "The Second Wall."

and Calvin to the temporal sphere. In fact, the two originally demanded continued loyalty to the king as the "Order of Life" due to human depravity. Luther wrote:

> If all the world were composed of real Christians, that is, true believers, there would be no need for or benefits from prince, king, lord, sword, or law. They would serve no purpose since Christians have in their hearts the Holy Spirit, who both teaches and makes them do injustices to no one, to love everyone, and to suffer injustice and even death willingly and cheerfully at the hands of anyone.[1]

Thus the individual was, and of right, answerable only to God, and thus free from any other authority. But because of Adam's sin the individual should submit to secular authority so that there might be order and harmony. Luther believed:

> [That] should the law be taken away from most men, then it would be like 'loosing' the ropes and chains of the savage wild beast and letting them bite and mangle everyone.[2]

As secular law was sanctioned by the Scriptures, secular law must be obeyed.

More specifically, Calvin concludes his mammoth theological work, Institutes,[3] with a chapter on civil

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[1]Martin Luther, "On Secular Authority," from Luther's Works, trans. J. J. Schindel, rev. Walther I. Brandt (6 vols.: Philadelphia, 1943). Hereinafter referred to as Luther, Works. For sanctions in the Scriptures see: Rom 13:1-2; Tim I;9; and I Pet 2:13-14.

[2]Luther, Works, "On Secular Authority."

[3]John Calvin, Institutes of the Christian Religion, ed. John T. McNeill, trans. Ford Lewis Battles, II (Philadelphia: The Westminster Press, 1960). Hereinafter referred to as Calvin, Institutes.

government emphasizing the need for obedience of the believers to the temporal authority. Civil government, Calvin believed, had the major function of protecting the outward worship of God. Therefore, it would be necessary for those who lived within the community, in order to worship properly, to obey the government of the state. Those who control the state, as well as those who make up the state, must be aware that God desires to guide and direct men even on earth (and to punish wicked acts). But it is not for the members of the church to take action against wicked acts of kings. This power resides wholly with the duly authorized (by God) magistrates who claim a right higher than the kingship.[1] To put it quaintly, a common man could not "knock off" a king; this could only be done by magistrates of God---though these magistrates were elected by the people.

> For if there are now any magistrates of the people, appointed to restrain the wilfulness of kings, . . .I am so far from forbiding them to withstand, in accordance with their duty, the fierce licentiousness of kings, that, if they wink at kings who violently fall upon and assault the lowly common folk, I declare their dissimulation involves nefarious perfidy, because they dishonestly betray the freedom of the people, of which they know that they have been appointed protectors by God's ordinance.[2]

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[1]Lee McDonald, Western Political Theory: From Its Origins to the Present (New York: Harcourt, Brace and Jovanovich, Inc., 1968), Part 2, p. 249. Hereinafter referred to as McDonald, Theory.

[2]Calvin, Institutes, Bk. IV, Ch. 20, Sec. 31, p. 1519.

Such a paradox could not help clarify immediately the values of representation. True, magistrates of "God" were to be "elected" by the people, but if individuals were not represented by the King--because he was now all powerful vis a vis "the people," confusion reigns. Unrepresented political people--each of whom is supposed to have a soul--now even are unrepresented by the Church. Thus there comes the almost complete avowal in Calvinist doctrines of non-resistance and the movement toward the idea that the ruler must be represented to the "people" (i.e., the people were not going to endure no representation).

It was logical under these circumstances for "national" churches to develop along with the national states, for it became increasingly necessary for only one church to exist in a state at any one time to prevent chaos.[1] Although there were diverse sects developing in various countries, usually in an individual state one church under one monarch existed. Thus, as previously noted, the reformers at first taught passive obedience, at least outwardly, to the ruler. For as a vital "link" or representative to God, he should be obeyed.[2]

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[1]Peasants interpreted individuality radically, particularly in regard to land tenure. Germany's dual religious structure--Catholicism and Protestantism--resulted only after much bloodshed.

[2]Originally Luther advocated no ordering device over the individual, but found this just could not work. The state then became the overt and necessary influence.

Superficially the immediate effect of this development seemed to be to strengthen temporal power. The state as the dominant institution took on the duty of defining the creed by which it lived. However, the later reformers, such as Knox, continued to call for individual rights, and subsequently the strengthening of individual liberty became a reality.[1]

To reiterate, when the "soul" was released from the Church by the reformers, it took its body along. The reformers then saw that the latter had to be controlled. Thus Luther sought his answer in authoritarian kings while Calvin turned to the magistrates and the "elect." Both said that Christianity must approve the state. But this simply transferred the question of how authority is selected--by the church? by violence power?

While the Protestant Reformation was taking from the Catholic Church a large amount of territory and many members, those who were left in the Church attempted to strengthen the internal position of the Pope. In other words, the Roman Catholic Church was not totally unaware of what had

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[1]Luther believed that eventually even the peasant would become educated and then have a voice in secular government. In the meantime, he wanted to give everyone "a spiritual vote." Thus the reformers were guilty of slipping toward democratic representation up to temporal individualism.

to be done, and took steps to unify both its religious position and its hold on the remaining states. Reduced in size and power, it thus attempted to regain its former position--an attempt which resulted in centuries of strife between Protestants and Catholics in and between countries.[1] But churches began to elect their own pastors, and the magistrates elected the king. Thus people saw a need for, demanded, and received some representation "as people" in both the church and the state. Notions of representation gradually emerged--the very doctrine of resistance indicates this. And it took place in action as the movement toward democracy occurred.

Vindicie Contra Tyrannos

One major document to come from the conflict of religious groups was the Vindicie Contra Tyrannos (1579)[2] written by an unknown Protestant writer. This work, though largely of a theological nature, does address itself in part to the question of representation. The political importance of the document, which is divided into four parts,

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[1]Anne Fremantle (ed.), The Papal Encyclicals in their Historical Context (New York: The New American Library, 1956), Chapter 6.

[2]Sabine, History, pp. 378-384.

rests in the third section which considers the question: if the prince tries to destroy the state, may he be lawfully resisted--by whom and how?

The broad outline of the Vindicie describes a twofold contractual arrangement. According to this theory, God, the king, and the people first form a community. Then the king contracts with the people to form a state. The king thus receives the obedience of the people because of the contract made with God--unless the monarch breaks the rules by turning from God, in which case he is to be removed by the people. Implicit in all of this is the King representing God to the people and representing the people to God. The common people are thought to be represented by both the aristocracy (public leaders) and the King--at least represented to God, if not to man through other men. The leaders and their institutions have the power and are thought to be representatives, though the individuals are not yet elevated to that position. Thus the political power of the King was to be exercised responsibly so that the subjects as a whole were treated justly. That natural right to be so treated was, however, based upon the corporate body of man, represented through functions of life.[1]

Government for its own account is not the major theme of this work, but rather government in its relation to the

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[1]See Harold J. Grimm, The Reformation Era: 1500-1650 (New York: The Macmillan Co., 1954), p. 573.

Church. The fact that a king might find himself ruling a large number of people not of his religion caused the author to consider how these relations should be conducted. In the other parts of the document, consideration is given to these other relations. The question of obedience to a king who does not command according to the laws of God is a major consideration, from which come the rights of rebellion and perhaps even tyrannicide. Must the people obey such a king? The answer to the question has already been alluded to--they need not obey, though as with Luther and Calvin caution is stressed. Portions of the Vindicie also consider the nullification of God's law, or the destruction of the Church (even a church different from that of the sovereign) when the subjects participate; and the question of an external prince coming to the aid of the subjects of another prince who has oppressed them either religiously or secularly. The question raised here is how can one represent those of other religions, if the religious interest is to be represented? The answer, of course, is that God is represented to the people--the function of God--rather than representing the various sects. This is implicit in the writing, though explicit reference is made to the "right church"--the church of the king. All such questions are concerned with the position of the Protestant with or versus the Catholic, and supportive of the position of the protestors. The entire

argument is based on what Sabine calls a". . .curious mixture of legalism and Scriptural authority."[1] The emergence of contract as a result of the Reformation brings a more explicit definition of relations between ruler and ruled. The issue is raised as to how the ruler is bound to the ruled and the ruled to the ruler and who represents who and why and how? Still the contract theory is innovative and was later used by numerous representation theorists, including Johannes Althusius.

Johannes Althusius

Johannes Althusius believed that men came together through the vehicle of the Social Contract.[2] This belief was based on his desire for responsible order, obtainable through a complex series of associations where the community and the family are more important than the individual. However, his theory too leads to government resting on an individual, but an individual as a part of a corporate entity. The associations which make up the community, and govern it, are natural, rather than called by any monarch or people. Thus, representation becomes considered as a natural order

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[1]Sabine, History, p. 379.

[2]Johannes Althusius, The Politics of Johannes Althusius, trans. Frederick S. Carney, preface Carl J. Friedrich (Boston: Beacon Press, 1964).

coming about through the growth of the guild, the family, the town, or the religious association. Yet the assemblies provided by the various natural associations--the family, the local voluntary corporations, the local political community, the province and the state--will function for the individual and in fact will nurture him. Thus Althusius believed in the pluralism or corporateness of the Middle Ages. However, his concepts of the social contract place him among the modern theorists.

Althusius' system of contract is a dual one. The initial contract formed a series of associations, increasingly complex, operating under a kind of law that limits the supreme authority of the group. Here he explains popular sovereignty as political authority ultimately residing in the whole people as a corporate body. The individual can not be alienated from this corporate body because of its associational characteristics. The Protestant Reformation had begun the idea of individuals being represented by individuals--the error of one mind representing another mind in contrast to what had gone before. The Greeks had not thought this; the Romans, the Middle Ages, and even Calvin had not thought this directly. However, with passive resistance, and in the idea of one Soul contracting with others, and Souls as such being represented, we see the beginnings of a new idea in the thought of Althusius. He has been

considered a throwback to the medieval period, but becomes modern when he considers individuals in contract with other individuals and pushes the idea further with one mind representing another mind. Each Soul is the final judge of what it should do. This provides a basis for modern pluralist theories restricting the power of the representative in representative governments. His second kind of law--one which establishes relationships among individuals--is the basis for the social group (the secondary contract). The state, therefore, was to function for the spiritual and secular welfare of the individual through his various associations.

Althusius' theory is an attempt to find a basis for the new power evident in the world, i.e., the natural rational nature of men to live in associations found in the state and an attempt to "modernize" natural law (to ground government in "man" as a social being). But the result was to relate individuals to each other and this leads to one representing another or many.

Mulford Q. Sibley writes that Althusius speaks for an age past, rather than a new era.[1] However, in speaking for the ages past Althusius "stumbles" into the individualistic theorists' camp, though some would say he really never

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[1]Sibley, Ideologies, p. 340.

meant to do so. His separation of theology from political philosophy emphasized rational arguments in support of Bodin's doctrine of sovereignty.

Jean Bodin

The ferocity of the religious wars in sixteenth century France caused certain of the Politiques, a group of moderate French thinkers, to seek peace and thus order on the authority of the monarchy. Unable to decide how much or what kind of power the king should have, the leading figure of the group, Jean Bodin, sought a solution in his Six Livres de la Republique.[1]

Bodin, like Marsilius, saw law as will, rather than reason; possibly the will of the monarch rather than the will of the people. However, Bodin does not argue as Hobbes does later (from the utilitarian point of view) that monarchy is necessarily identified with government. In fact, Bodin provides republican and even democratic bases for government. He notes that in a monarchy the king has sovereignty; in a republic the representatives of the people have sovereignty; and in a democracy the people themselves have sovereignty. Bodin is important in representation theory

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[1]Jean Bodin, The Six Books of the Commonwealth, abridged and trans. M. J. Tooley (Oxford: B. Blackwell, 1955). Hereinafter referred to as Bodin, Commonwealth.

first because he does admit the possibility that there can be sovereignty in the representative system (in the representatives) and also in a democracy, since sovereignty is in the people. But his real importance is that by placing sovereignty in the state qua state, he opens the door to the serious issue missed by Luther and Calvin. That is, if the state is the dominant institution then sovereignty is above law and society. Must these not be responsible? And to whom--whom does the government represent? Of course, Bodin did not see this. Both he and Althusius lead us blindly along toward the practical issue and the theoretical issues, representation of the individual--that is who, and by continuation--how? "Interests" is the what; all of which came along much later.

In a monarchy, however, the king, being the willing agent, was answerable to no one for his actions: not estates, nor assemblies, nothing. Bodin begins his analysis here by defining a state as "an association of families and their common affairs, governed by a supreme power and by reason."[1] Or as Sabine notes, Bodin believed that the state is "a lawful government of several households, of their common possessions, with sovereign power."[2] This sovereign

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[1] Ibid., Bk. I, Ch. 1, p. 1.

[2] Sabine, History, p. 402. Sabine uses quotation marks as if this is from Bodin, but gives no citation.

power is an essential characteristic of a political community. It is supreme unrestrained power over citizens. Thus the sovereign is not only an administrator and executor of law but has the power to make law, i.e., to be a legislator. However, the sovereign power is limited as a means to protect the family, which is the basis and origin of the state. Essentially this limitation was to protect property, which is considered a necessity of family existence--"an indefeasible attribute of the family."[1] This is accomplished by natural justice, the law of God and nature--all above human law. Bodin's contradiction is in believing that rulers must have unlimited power yet operate within established limits, a paradox readily evident in modern theories of representation (with their theories of majority rule and minority rights). Thus Bodin was hardly an equalitarian.[2] More important, however, is Bodin's separation of church and state and the belief that sovereignty grows out of the nature of man. Sovereignty, he believed, was power--a relationship between the ruler and ruled. This power was an ethical one, a secularizing of natural law which would be further analyzed by Hobbes.

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[1] Ibid., p. 410.

[2] Many of the policies of his state were aimed at the economic advancement of the nation, often to the detriment of lower classes or the individual.

Thomas Hobbes

Thomas Hobbes wrote at the time England was feeling the dual throes of becoming a modern state and passing through a commercial revolution--with political implications. The new bourgeoisie had begun to question the British monarchy in terms of certain royal prerogatives, some of which made the king absolute in certain spheres. In defense of the monarchy, Hobbes sought to justify the monarch's position in general and the prerogatives in particular, upon an empirical, rationalistic, scientific basis, rather than on the traditional foundations previously used.

According to Hobbes the basis for entering into the social contract is security, which the individual craves for himself and his possessions. Such security is missing in the state of impersonal nature. Man, as a part of a state, enters into the social contract to secure for himself, his possessions, and his being this vital element. The state, then, is the means to individual security and peace. A little reason and the "laws of nature" cause man to form a community--a state. Through and with the state the individuals living there enter the contractual agreement which will provide what all men are seeking--peace and security. The state, then, following the contract, is represented by the king, who is above the contract and uses power to keep

men from returning to their former brutish nature for "covenants, without the sword, are but words, and of no strength to secure a man at all."[1] Therefore the monarch is above all, even above the Church. It would not be until the English Revolution that it was granted that the king at times had little or no powers.

For Hobbes, living in a period of turmoil, the monarchy was the only workable way to obtain a peaceful society, one in which man would be secure. The monarch would be motivated by his self-interest, which would provide for the self-interest of his subjects. That is, the self-interest of the subjects (their happiness) could only be provided through peace and security, which in turn was the self-interest of the monarch--for if his subjects were happy, then they would not rebel. Thus the self-interest of the monarch could be obtained through providing for the self-interest of the subjects. Since the monarch is but one, while the subjects are many, the monarch--with a larger perspective--will be more settled and established in what his self-interests are, while those of his subjects will be more subject to whim and thus fleeting.

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[1]Thomas Hobbes, Leviathan, Abridged and edited by Francis B. Randall (New York: Washington Square Press, 1969), Ch. XVII, p. 115. Hereinafter referred to as Hobbes, Leviathan.

Therefore the "drive" for a secure biological existence and the concurrent avoidance of a state of anarchy is the basis for the state, the social contract, and thus for the representative nature of the king. In a sense the "drive" for existence becomes equated to the desire for power:

> I put for a general inclination of all mankind, a perpetual and restless desire of Power after power, that ceaseth only in death.[1]

As a result, we see that Hobbes had a different conception of the representative.[2] He "looked upon the sovereign--whether one man, an assembly of men, or the whole body politic--as the sole representative of society."[3] As previously indicated, however, he defended the monarchy then present in England as the best possible political system.

In introducing and defining his meaning of the concept, Hobbes assumes that representation has to do with the activities of people. He further maintains that a man is a representative insofar as he has been authorized, that is, given the right to act. Therefore the monarch who has obtained sovereignty through the contract has the most authorization to act, though later the representative assemblies

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[1] Ibid., Ch. XI, p. 64.

[2] Ibid., Ch. XVI, "Of Persons, Authors and Things Personated," p. 111.

[3] Ibid., see Chapters V and VI.

and their members were also so authorized. Such representatives, either monarchs or assemblies, freely exercise this right, while the represented are bound by the actions and responsible for them.[1] By injecting this idea, Hobbes appears to answer a number of questions which arose in later years. His fundamental assumption that although representation has to do with actions and their possible consequences at some time, it does not necessarily follow that this is so at all times.[2] There is, however, still the question that if authority is to be given, and there is to be some restriction placed on the representative, how can he then promise to obey faithfully in the future that which has not been conceived at the present? Hobbes, and later Rousseau, attack this notion that there can be any control over what one might will tomorrow. The possibility of being able to control this is as slim as the possibility that one can promise to will to will to will.[3]

Later writers, particularly John Locke, borrowed from these ideas of Hobbes, though often without giving credit where it was due.

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[1]Ibid., p. 111.

[2]Hanna Pitkin, "Hobbes' Concept of Representation," The American Political Science Review, LVIII (June and December, 1964), 328-340 and 902-918 at 338. Hereinafter referred to as Pitkin, "Hobbes."

[3]Hobbes, Leviathan, Ch. XVI, pp. 110-114.

John Locke

It is John Locke, another social contract theorist, who may be seen as the "father" (or great-grandfather) if there is one, of what we call representation, especially in regard to bodies of people. Locke justifies, or at least attempts to justify, the Glorious Revolution, which reduced the absolute power of the monarch.[1] His social contract, then, is based on individual consent of the people, and is the force which provides for the monarch to rule only as long as he acts as the representative of the people, and lives by the rules thus established.[2] However, once the bounds were exceeded (and interpreted so by the "majority") by the monarch, then the contract would no longer be binding.[3]

The Lockean contract must be considered in light of the particular view Locke held of man and the mind of man. To him, man had reason prior to the contract and the formation of civil society. In the state of nature, man learned through the use of his reason and by exposure to various experiences. These experiences were likened to a man in a

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[1]He advocated limited monarchy, which would have required some attention to law on his part.

[2]John Locke, "An Essay Concerning the True, Original Extent and End of Civil Government," in Ernest Barker, Social Contract (London: Oxford University Press, 1947). Hereinafter referred to as Locke, "Government." See especially Section 3.

[3]Ibid., Section 96.

darkened closet with the door partially open to permit entry of selected and limited experiences.[1] As each man is in his own closet, then the experiences of each would differ. Thus the learning process occurs only so long--and to the extent--that man has an open mind (the closet door), and is willing to benefit from such sensations as he may gather. These sense experiences provide man with his knowledge of the real world, and according to Locke, disprove the then-prevalent Cartesian notion of "inate ideas." Thus the mind is likened to a blank sheet of paper, and that which is to be known and understood by man must be written upon the sheet of paper through experience and sensation.[2] Then when man is confronted with a new situation he will, through the use of his reason, be able to pluck from the darkened closet those elements and ideas necessary for whatever he must face.

Further, the sensations received by any one man, as a subjective individual, will not be completely the same as those received by any other single person. Thus the individual is the individual of unique knowledge and mind. Such individualism and the use of reason would lead "the man" of Locke to interact with his environment for survival.

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[1]John Locke, An Essay Concerning Human Understanding, edited with an introduction by John W. Yalton (London: J. M. Dent, 1961), Bk. II, Ch. II, No. 17. Hereinafter referred to as Locke, Understanding.

[2]Ibid.

Survival requires that each must make the best of what he has and is capable of continuation through use of his mind and later his physical ability. Man in the state of nature is basically a peace-loving, rational being who has been endowed by the God of nature with natural rights which can not be denied him even with the inception of civil society through the social contract. The contract, of course, comes about through the collective action of individuals who realize that there is more to life than mere survival. In order to attain a better life then, they enter into a formal society in which even more complicated needs are secured. To do this there has to be agreement as to rules and then to rule-administrators. This leads to the question of how the administrator is chosen and what he will do--to wit, to the problem of representation. Representation becomes a problem right at the point of contract. From living as individuals to living as a part of society is a major transition from no representation to representation. Of course, such natural rights must of necessity produce limitations on the governing body established. Still this body would not be an absolute sovereign which had previously existed. Rather it would be a legislative body with limitations imposed through this legislative body. This would be in the voice of the people whose representatives they were. A nominal monarch and judges are not excluded from

consideration as representatives, for through the idea of contract and limited government, they must all be considered to represent the people--the individual who possessed natural rights. Still, contra to Hobbes, the legislative body as representative of the people, or the sovereign as he was styled, was not above the law, but was expected to abide by it. Thus a king, if such existed, would be unable to levy taxes, suspend or dispense with laws, or such without parliamentary approval. Thus although he did not think in such terms explicitly, Locke was providing that the interest of the subjectively defined individual (natural rights) could thus be guarded through dispersal of governmental powers.

It is evident from the above discussion that Locke believed that in a state of nature each had had the power to interpret the law of nature and to act upon such an interpretation. Thus there was simply the need to establish and codify in some respects the laws under which man had so lived. The necessity had been precipitated by the changing economic and social structure, the development of organized life, and ultimately a king or a parliament (in his day) as protector and interpreter of the ancient rights of the people. The individual in his natural rights was the limiting factor of the formal state, and forced the inclusion of

many principles for the protection of the individual's rights.[1] But the point was that the representative nature of the parliament was to maintain for the individuals concerned all of the basic rights which had previously been enjoyed in nature, but without the pre-existing confusion or uncertainty.

The increasingly subjective definition of the nature of man as a basis of representation is also evident. Indeed, Locke's writings indicate a new flowering of this subjectiveness with representation now based on warm bodies covering those minds whose chief characteristic was my "natural rights." With Descartes the individual was "I am,"but now with Locke the individual was "what I want." There is also the concept of majority based on numbers alone, contrary to Marsilius' attitude toward a majority based on "qualitative as well as quantitative" measures. This is especially notable in Locke's writings on the nature of private property. Once man has mixed his labor with natural material, then he "owns" it as he is in it. The only limitation is that man take only that which he needs and that there be the common land left for someone else. Private property and therefore property as something to be represented became institutionalized as a principle for government to protect.[2]

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[1] Or perhaps "wants" would be a better term.

[2] Locke, "Government," Bk. II, Sec. 25.

The individual and his subjective rights, including property, form the foundation of civil society which representation makes the representation of it "sacred." What has resulted seems to be the very essence of representation or the answer to who? what? and how come? Lockean theory, then, is the cresting of a movement that began with the Reformation on the one hand, and the curious paradox of the nation-state on the other. The problem of representation with all its modern vagueness and paradox, here vaguely appears grounded in this view of man, nature and government. If Locke seemed to solve the problem practically, he further complicated it. But then it can scarcely be said that Jean Jacques Rousseau did much better with his theory of "rationalism," "democracy," and the "general will."

Jean Jacques Rousseau

In contrast to Hobbes, Rousseau viewed man originally as naturally innocent, a "noble savage," who in the state of nature was relatively happy and independent, compassionate as well as fearful.[1] It was the corrupting influence of certain aspects of civilization and its artificial environment, especially private property, that diluted the natural instinct and emotional

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[1]Jean Jacques Rousseau, Discourse on the Origin and Foundations of Inequality, edited with an introduction and translation by Roger D. Masters (New York: St. Martin's Press, 1964). Hereinafter referred to as Rousseau, Inequality.

determinants of human behavior. Society became corrupted via the institution of private property. Private persons, the rich, developed the power of so-called authority--meaning centralized violence power--with magistrates to enforce the obedience of the people, the poor.[1] As man drifted into society and injustice, so Rousseau believes it possible to reform the situation by a deliberate social contract reflecting the "general will" rather than self-interest. This can be done by a contract wherein every individual gives up rights to the community:

> Each man alienates, . . .by the social compact, only such part of his powers, goods and liberty as it is important for the community to control but it must also be granted that the sovereign is sole judge of what is important.[2]

This social contract Rousseau believes will thus reconstruct the societal institutions as a community of citizens, an association, not an "aggregation" of individuals.[3] Men, therefore, will be equal by legal right (each gives his self to all, not to one), having rights as citizens and not, as Hobbes believed, because of any physical quality. This presents the problem of how laws would come to be created. Rousseau acknowledged that wise lawgivers would

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[1]Ibid., pp. 219-220.

[2]Jean Jacques Rousseau, The Social Contract and Discourses, trans. G. D. H. Cole (London: J. M. Dent & Sons, Ltd., 1935), II, IV, p. 27. Hereinafter referred to as Rousseau, Contract.

[3]Ibid., I, i.

be necessary to provide "a code appropriate to conditions." He did, however, state a firm denial of the representative system, partially based on his concept of the "general will," and partially upon his realist psychology about feeling and property. In this general will, the individuals will know the issues, will study and consider them; then, without making any agreement with others on how to vote, they will come together in assembly to legislate for the society. This general will of the people can only be reliably expressed in primary assemblies--direct or participatory democracy where the individual could meld the particular to the general. The individual can not deputize to an agent the function of formulating the general will. Therefore, to believe that the people could select representatives to function in their place at the legislative task is fallacious. Instead, the people may only select agents to discharge the tasks of execution, so long as such tasks are clearly specified in the direct expression of the general will. Perhaps Rousseau saw then how impossible it would be for one mind to represent another. He did see the difficulties, even if not clearly, in the sense that he provides for a non-representative system; a vote for each for a general state of mind--not an individual one. It would be this general good, or will, that would be represented, not bodies or individuals or territories, but

the general will in the public meetings. Some would then be elected (the chiefs) to carry into execution what the general will decides.

Government, then, is a contract between the multitude and the chiefs elected by it. It is an agent, with delegated powers liable to modification or complete withdrawal. Rousseau believed that the citizen had the free will to obey or disobey laws. He is unclear on whether the citizen would obey the laws because they had developed them or because coercion would be necessary (yet does imply the often cited, man can be "forced to be free"). This idea of necessary force was the doctrine of the general will.

This general will,[1] of a very abstract nature, represented the unique fact about a community, i.e., that a community has a collective good which is not the same as the private interests of its members in terms of each separate individual interest. Hopefully, government is institutionalized general will--the good in the nature of things for the community. However, not all citizens would recognize the general will and would instead follow a "will of all." The "lawgivers" were then important since man could not be trusted to have or follow this inner general will. However, a sense of obligation could be enhanced or derived from a civil religion

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[1]At times this seems to be equated with the majority, yet in other instances is so general that it is left to private judgment.

which would bind the community together. Rousseau therefore believed that the people's sovereignty could not be represented. His idea of a corporate sovereignty which gives authority and expresses will theoretically does not have representatives, although the implication would be that such would have to exist.

The "general will" then is a state of mind, an attitude each individual person is supposed to hold. It is a will beyond each individual's particular will, which each could find, seemingly by "feeling." It is bulwarked by a "liberal" or progressive education designed to create citizens and make them patriotic.[1] A general equality of property exists, protected by a tribunate of cursors, common traditions and feelings, and enhanced by a state religion designed to promote a system of morality allowing men to possess a sense of purpose. This general will, then, is an attitude for each in the "public interest" concept, but is not expressed by representatives.[2] Sovereignty with legislative power was vested in the people as a whole. Thus was abandoned the scientific individualism of Hobbes in favor of a form of religious individualism where man "finds"

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[1]Jean Jacques Rousseau, Emile, trans. Barbara Foxley, intro. Andre Boutet de Monvel (New York: D. P. Dutton, 1966). Hereinafter referred to as Rousseau, Emile.

[2]Rather, he advocated a democracy of the town meeting variety.

himself only if he devotes himself to something outside himself. The "people" seem to be equated simply with the "general will:"

> The body politic, therefore, is also a moral being possessed of a will; and this general will, which tends always to the preservation and welfare of the whole and of every part, and is the source of the laws, constitutes for all the members of the state, in their relations to one another and to it, the rule of what is just and unjust.[1]

But his favor falls to what he terms the "common people:"

> It is the common people who compose the human race; what is not the people is hardly worth taking into account. Man is the same in all ranks; that being so, the ranks which are most numerous deserve most respect.[2]

Rousseau believed that the representative function was contradictory to the concept of popular sovereignty. Political liberty presupposes universal participation; just as membership in a free community must be perpetually willed by each of its members.[3] As individual will may not be represented, neither may sovereignty of the people as reflected through the general will, for to do so would be to alienate oneself and one's sovereignty. Sovereignty consists essentially in the general will. Either there is a general

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[1]"A Discourse on Political Economy," in Rousseau, Contract, p. 253.

[2]Rousseau, Inequality, p. 226ff.

[3]Political means public, particularly in reference to economy, for Rousseau sees the state as the public financier. See his "A Discourse on Political Economy." Also Pitkin, Representation, p. 6.

will as expressed through the actions of all in the community, or there is no general will, as there would not be through a representative scheme. The representatives, as previously noted, are to do only that which they are specifically directed to do. For to do more than this is to usurp the sovereignty of the people, or disregard the "general will."[1]

Consequently, Rousseau considers direct, continuing participation in public legislative efforts by the individual a necessity. He believed that drastic harm would result if society failed to meet this obligation. At the same time the people legitimately assemble together, all jurisdiction of government ceases and executive power is suspended, for where the assembly is--there no longer is a need for representatives.[2]

Finally, Rousseau believed that to give power to a representative decreased that held by the individual to the same degree as the power given up. Under specific instructions, Rousseau did agree that the people can send representatives, but when they do not specify what is to be enacted into law, there is no law. Unless each law is

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[1]John A. Fairlie, "The Nature of Political Representation," The American Political Science Review, XXXIV (April and June, 1940), pp. 236-248 and 456-466 at 240. Hereinafter referred to as Fairlie,"Representation."

[2]Rousseau, Contract, Bk. III.

given the assent of all the people, it is null and void. For after all was said and done, it was the basic "good" in the individual upon which Rousseau's philosophy rested. The complexity and contradictions of the thought built upon this concept makes Rousseau an apologist for many ideologies. It is difficult to answer his general criticism that representatives do not represent the people they claim to represent. Thus Rousseau forces proponents of representation to defend their position, which is difficult to do on any ground successfully, at least not and still leave representation meaning representation.

Montesquieu

Montesquieu, a member of the French aristocracy, faced the concept of limited government as Locke had. However, Montesquieu's theories may be considered exceedingly complex or exceedingly simplistic, in part due to his use of relativism and ancient (Greek and Roman) data in combination.

Montesquieu's ideas are developed upon his belief that man exists in an orderly universe, one that is understandable and controllable through man's knowledge. Thus he begins:

> Laws, in their most general signification, are the necessary relations arising from the nature of things. In this sense all beings have their laws: The Deity His laws, the material world its laws, the intelligences

> superior to man their laws, the beasts their laws, man his laws.[1]

Fear (insecurity) led men to establish forms of government, which vary in the size of the ruling class and "typed" as democratic (principled on virtue) and the aristocratic (principled on moderation).[2] In both forms, there is emphasis on government of a limited form, a restraint on government to assure political liberty. Government determines what the law is and law determines what limitations are to be imposed on the government.[3] This self-limiting theory of representative government proved useful to Montesquieu for he was concerned largely with the theoretical, giving little consideration to its practical application.[4] Still he believes the sovereign power rests with the whole people, If,

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[1]Baron Charles Secondat de Montesquieu, The Spirit of the Laws, trans. Thomas Nugent, intro. Franz Neumann (New York: Hafner Publishing Co., 1949). Hereinafter referred to as Montesquieu, Laws.

[2]The fundamental bases of the state are laws and customs or manners. Montesquieu also considers despotism (based on fear) and monarchy (based on honor) at great length.

[3]Law is the way a people from one region are protected from those of another region. He says that it is indeed rare to have similar laws crossing regional lines.

[4]McDonald, Theory, p. 378. Here McDonald quotes Montesquieu saying: "It is not my business to examine whether the English actually enjoy this liberty or not. Sufficient it is for my purpose to observe that it is established by their laws; and I inquire no further."

however, the legislative, the executive, and the judicial power were all to rest with one person or body, political liberty would be at an end. But this liberty "is the right of doing whatever the laws permit,"[1] not what is forbidden. It is thus negative and assured by a separation of political power. To the latter, Montesquieu added the principle of bicameralism in the legislature. He believed that one house of the legislative body ought to represent the popular feelings, while the other should represent those persons distinguished by birth, riches, or honors. The one would serve as a check upon the other (preferably the latter providing a check on the house representing "popular feelings).[2] Here again is revealed his interest in the position of the aristocracy:

> The people, in whom the supreme power resides, ought to have the management of everything within their reach; what exceeds their abilities, must be conducted by their ministers.[3]

However, he did not believe the people totally capable of selecting their magistrates, again evidencing his desire for moderate government, with the aristocracy retaining some semblance of control.

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[1] Ibid., pp. 377f. The three functions of government--legislative, executive, and judicial--are slightly different than those functions ascribed to government by Locke.

[2] This parliament should meet frequently and could be called by a power outside the legislature.

[3] Montesquieu, Laws, "Republican Government and the Laws Relative to Democracy," Book III, Ch. 3, pp. 920-923.

More importantly, Montesquieu's major contribution is his belief that the spirit of the laws, the guiding force, is constantly in flux and changing.[1] Laws are by their very nature relative. He notes this in a geopolitical statement:

> If it be true that the temper of the mind and the passions of the heart are extremely different in different climates, the laws ought to be in relation to the variety of those passions and to the variety of those tempers.[2]

There was thus a continual need to revise and update the law which was being enforced. Legislation, then, must be tempered by the spirit existing in the state at the time and would in turn be subject to the economic, the religious and social life prevailing at any given time. The morals and manners of the people would be the base upon which the system of law was also to be constructed. But there would need to be conformity between the two.[2]

Montesquieu not only discusses the number of those who rule, but distinguishes between the nature and the principles of government:

> There is a difference between the nature and principles of government, that the former is that by which it is constituted, the latter by which it is

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[1] Ibid., Bk. I, Ch. 3, "Of Positive Laws," pp. 5-7.

[2] Ibid., Bk. XIV, "Of Laws in Relation to the Nature of the Climate," p. 221.

[3] This base is what some today would call the "National Character."

> made to act. One is its particular structure, and the other the human passions which set it in motion.[1]

The relationships of the spirit of the laws and the nature and principles of government, combined with diverse environmental factors, led Montesquieu to believe that the wise legislator must "go slowly." Thus radical changes, regardless of need, fall to the realities of the present and the traditions of the past. Still his belief in liberty incorporates the right to representation of individuals who are not atomistic but a part of the community. In this he profoundly influenced later conservatives, including Burke.

Edmund Burke

Edmund Burke, like other theorists of the eighteenth and nineteenth centuries, attempted to develop a political philosophy at a time when the older constitutional order of Europe was in shambles and the Industrial Revolution was increasingly changing human behavior and life.[2] His political philosophy included a reference to natural law, Christian ethics, man as both a rational and institutional being, and

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[1]Montesquieu, Laws, Bk. III, Ch. I, p. 19. The forms of government are made to act by the "principle"--fear, honor, virtue, or moderation. The principle of the constitution must conform to the type of government, i.e., a democracy based on fear is unworkable.

[2]However, he did not seem to understand the Industrial Revolution and thus largely ignored its evils.

a "natural" state.[1] Burke does not explain how the ruler gets power, but merely accepts the British system of a monarchy with a parliament. Some mention is made of the importance of a landed aristocracy, which would be the controlling element of society. His emphasis is on land, private property. But this is not commerical-industrial "free enterprise" capitalism since aristocrats were to hold their wealth in land and in mutual obligation, that is, a psychological attitude of responsibility toward both it and "their" people"

> Society is indeed a contract. Subordinate contracts for objects of mere occasional interest may be dissolved at pleasure--but the state ought not to be considered as nothing better than a partnership agreement in a trade of pepper and coffee, calico or tabacco, or some other such low concern, to be taken up for a little temporary interest, and to be dissolved by the fancy of the parties. . . . [It is] a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born.[2]

Here a paradox should be noted. Burke speaks of an aristocracy obligated to the entire nation, elected to the Parliament by a single constituency and at the same time having a sort of "free agency" representative of his true self. A representative at once "bound" and "unbound" leads to confusion at best.

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[1]Edmund Burke, "A Vindication of Natural Society," in The Works of the Right Honourable Edmund Burke, I (Boston: Wells and Lilly, 1826-1827). Also XIX. Hereinafter referred to as Burke, Works.

[2]Ibid., III, p. 116.

Burke's views on the decision-making process revolved around the idea of free agent, once the representative had been elected.[1] According to Burkean theory, the representative was to exercise his own best judgment in matters coming before the House of Commons. Parliament "was not a congress of ambassadors from different and hostile interests, but a deliberative assembly from one nation with one interest, that of the whole."[2] Man, then, is significant only as a member of a group--a kind of corporate human being. But his political group is the "nation." Therefore, representatives should be guided by their knowledge of the general good of the nation and not by any desire to raise one locality or its interests above the interests of the totality. Rousseau had argued against representation on the same grounds--namely because of its difficulty in actualizing the general will without direct participation of all. But Burke, in his classical "Speech to the Electors of Bristol," urged--"oughted"--that the representative be of an independent though high character who could work for the good of the national interest. To repeat, he felt that the chief duty

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[1]He thinks of representatives as Lords, Commons, the monarchy, or the Church--NOT as anything having to do with individual citizens.

[2]Burke, Works, II, pp. 10-11. The idea that there is "a whole" is, of course, a Greek-Rousseauan notion. On the other hand, he opted for "political parties" as a means of governing. Apparently he did not have in mind the "disciplined" ones in Great Britain today, but our own curious disorganized affairs.

of the representative (whether he did so or not) was to use his own best judgment in deciding questions in the people's interest.[1] Burke conceived the representative as being able to have an unbiased opinion, mature judgment, and an enlightened conscience. Where he had these characteristics (and no one should be elected who did not), he should not be required to put the interests of the few ahead of the whole. Logically his ideal then was that there was "a whole," if all representatives held such characteristics.

These then are arguments in favor of having a representative uninstructed by particular interest so as to get a "whole:"

> . . .government and legislation are matters of reason and judgment, and not of inclination; and what sort of reason is that, in which the determination precedes the discussion; in which one set of men deliberate and another decide; and where those who form the conclusion are perhaps three hundred miles distant from those who hear the arguments.[2]

So long as the election process obtains the best man[3] possible for the job, it will work, or so Burke thought. These highly motivated men would come together, being selected

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[1] Ibid., pp. 10-11.

[2] Ibid.

[3] The best man is one who has "a heart full of sensibility. He ought to love and respect his king, and to fear himself." Once again, this is the aristocracy. See "Reform and Revolution."

for their capacity to seek and secure a view of the "whole" nation, and determine what legislation should be enacted for the good of the entire nation. There would thus be no divisiveness based on locality; although inconsistently there would be an inclination toward protection of established institutions such as private property,[1] and other social concepts and institutions making for divisiveness.

The emphasis in Burke is that selection of the representative is based on the possible objective reasoning ability of those considered for such positions and the ability of the voters to recognize them and be willing to elect them. There is no need for prior instruction to those selected as they might not even know in advance what problems would confront the assembly, and how to resolve such difficulties as might arise. Rather, "the value spirit and essence of the House of Commons consist in its being the express image of the feelings of the nation."[2]

In other words, Burke believed that the idea of representation has in it the concept of "bare agency" if the representative acts for the whole and not for the parts.[3]

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[1]Burke viewed property as a prescriptive interest, intricately tied to order and political rule.

[2]Burke, Works, II, pp. 10-11.

[3]Ibid., see "Why Government is Complex" where Burke writes: ". . .our representative has been found perfectly adequate to all the purposes for which a representative of the people can be desired or devised."

This representative body is supposed to mirror all of the social and economic forces existent in the nation and compromised in "his" mind toward general good as if they were merged into a Rousseauian general will. To be valid, Burke's idea of representation becomes not only a philosophy of history in which there is expressed a nation's will and its sentiments but a curious utopian psychology in which national "saints" are selected and continued in office. However, this idea does overcome the criticism that one mind cannot represent another, or several minds. Burke's representative "ideally" represents only the public good as he sees it. So there is more similarity here between Burke and Rousseau than often indicated.

Burke's concept of the role of the representative therefore constitutes an important part of contemporary theory for purposes of this study. Obviously, he not only failed to recognize the changing class structure of Europe with its new social ideas and its new classes, but was not much of a psychologist, as we define psychology and its "man" today.

Jeremy Bentham

The Utilitarian philosopher Jeremy Bentham viewed political society as a "habit of Obedience."[1] Any other

[1]Jeremy Bentham, Principles of Morals and Legislation (Oxford at the Claredon Press, 1907), pp. 2-5. Hereinafter referred to as Bentham, Principles.

concept as to society's nature--whether based on natural rights or the social contract--was merely a fiction. Government is grounded simply on the needs of an "individual." Along with Marsilius, Locke, and to a lesser extent Rousseau, Bentham is one of the major figures in the development of the modern concept of representation. He puts the issues into the hard, cold reality of materialism--into what some would call a reality of materialism. But what "comes out" is the equality of individuals--the psychological perspective of democratic, individualistic representation theory of "one shall count for one and none shall count for more than one" as the end of law-making(though not the procedural basis). Correct or not, Bentham's thought on this issue is in favor of the individual receiving an optimal amount of representation in terms of his pleasures versus his pain at all times. If laws are to be set forth by a government, then that government should represent the benevolent needs of the individuals on a pleasure-pain basis and relate to the happiness of the greatest number possible.[1]

The pleasure-pain calculus (felicific) is the guiding principle to follow. This pleasure-pain relationship for Bentham is strictly an individual one, based on quantity rather than quality--except in terms of cumulative effects--

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[1]Noted several places, as in Principles, which is at the base of Bentham's theory.

or primary, secondary results. This quantitative notion comes from his concept of individual equality. Bentham in this respect is strictly a "democrat" in that he believes the pleasure of the member of royalty to be no more important *in re* law than that of the commoner. Therefore, that which maximizes pleasure is to be sought, and that which provides pain is to be avoided. However, Bentham is still a conservative adherent of the monarchy while believing that the representatives should have sufficient power to check the governors.[1] He believed that the behavior of the individual could be changed by a constantly updated set of laws, positively enacted by a unicameral legislative body representing the people. The representatives have to represent the pleasure versus pain of the largest number, looking ahead to their needs. This is no abstract "sovereignty" but a hard cold look at what legislators would or would not do for the greatest possible number of individuals on the basis of future pleasure versus pain. Such legislation enacted would have an immediate interest reaction, but the constant revision would provide for a future self-interest.

In reference to representation in the legislature, Bentham insisted upon rational self-interest-pleasure-pain

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[1] *Ibid.*

standards, believing implicitly in the Utilitarian philosophy. Man is guided animal-like in his reaction to pleasure and pain.[1] As this is true, then the legislative body should consider this philosophy in the passage of all measures. A rational hedonistic according system is thus possible, both for the legislative acts and for individual actions. The reactions to pleasure and pain will have a great impact upon the individual; but legislators can see this better than private persons because they can be more cold-bloodedly objective. The legislators will be more concerned with the long-range effect of their works than with the short-sighted advantages. According to Sibley, "Bentham would have his legislator conducting constant and meticulous surveys attempting to discover the exact effect of legislation on the pleasures and pains of individuals."[2] Perhaps even more important for the legislator is the repeal of statutes which do not serve the pleasure-pain calculus principle. Thus the activities of the legislator will assure society of a more objective determination of what will be "good for society" in general, meaning good for the sum of the individuals. As the philosophy states that each shall count for one and none shall count for more than

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[1]Jeremy Bentham, The Works of Jeremy Bentham, John Bowring (ed.), II, "Constitutional Code" (New York: Russell and Russell, Inc., 1965), 267-272. Hereinafter referred to as Bentham, Works.

[2]Sibley, Ideologies, p. 493.

one, the legislative body will try to act accordingly. The legislator will be engaged in the "legislative calculus" in public, and thus will be removed from the immediate effect of his actions. He is not to be free from instruction by the majority, and his electors; but such instructions as he may receive must take into consideration the calculus and thus be for the good of the greatest number. Further, if such instruction, which comes by way of communication from the constituents, is not in the interest of the greatest number, the legislator is to ignore it.

The legislator thus is given very specific principles to follow in attempting to gain the greatest good for the greatest number. Bentham and his Utilitarian philosophy have four basic tenets guiding the activities of the legislator, two of which are considered to be essential:

> 1. The goodness or badness of human conduct should be judged by its consequences to the actor and to other individuals in society. This principle makes utilitarianism a teleological legal axiology and gives it a distinctive character even if the pleasure-pain test be rejected. The consequences to be envisaged are potential as well as actual, remote as well as immediate.
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> 2. The goodness or badness of a law, present or proposed, should be judged by its consequences to the aggregate of the individuals in society, present and future. While this was not an exclusive nor original idea, it was emphasized by Bentham and his followers more than it had been previously.
>
> 3. The consequences to individuals, just referred to, can and should be determined by measuring their individual pleasures and pains and striking a balance,

> thus finding either an excess of goodness or of badness. This is the principle of Bentham's felicific calculus.
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> 4. In making this calculation, one individual's pleasure and pain should be counted as no more and no less than any other's. The interest of the society as a whole is not some mystical spirit or personification but merely the aggregate of individual interests. [This from Bentham's Principles of Morals and Legislation, Oxford University Press, 1892, p. 3.] The conception of interest to which Bentham assigned a minor role, became a very significant one in the legal philosophy of the present century.[1]

The first two of these tenets provide the legislator with specific instruction of the ends he should seek in legislating for the "people." Bentham thus tries to answer the question of how the legislator can increase the pleasure of each, and reduce the pain of each, in order to attain the "general good."

There is room in Bentham's theory for change in attitude without bringing upon the legislator the charge of inconsistency. Should a representative at one time, through his determination of that which is right, speak in favor of a measure, and then at a later date vote against it, he is not to be criticized. "By his speech his duty to the public is fulfilled, by his vote his duty to his constituents."[2]

The legislator, then, is guided by the principle of utility as applied to government empirically. But experimental

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[1]Edwin W. Patterson, Jurisprudence: Men and Ideas of the Law (Brooklyn: The Foundation Press, Inc., 1953), pp. 439-440.

[2]Bentham, Works, II, Sec. II, pp. 272-274.

reasoning has had a profound effect on political philosophy and political science. This is evident in varying degrees in the works of many later thinkers.

Later Thinkers

Republicanism and formal representative government became an increasing actuality after the seventeenth and eighteenth century revolutions. Thus in contrast to earlier philosophers where theories of representation were considered, later thinkers were more concerned with analysis on the basis of concrete or factual units of representation in their study of the concept.

In the American Constitutional Convention of 1787, a variety of views were expressed on representative government by the delegates, and even a diversity of opinions expressed by the same delegate at different times. For example, James Wilson of Pennsylvania early in the debates said, in effect, that the representative ought to speak the language of his constituents, and that his vote should have the same influence as though his constituents had given it.[1] He also believed that legislative powers ought to flow immediately from the people and contain all of their understandings, in other words be a replica of their

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[1]Max Farrand, The Records of the Federal Convention of 1787, I (New Haven: Yale University Press, 1927), pp. 179-180.

thoughts.[1] At another time, however, Wilson admitted that doing this was more difficult than the mere saying, for he doubted that it was possible, at all times, to know the sentiments of the people exactly. Those views of the particular circle in which one moved were commonly mistaken for the general view. Still later, while lecturing at the University of Pennsylvania, he declared: "Representation is the chain of communication between the people and those to whom they have committed the exercise of the powers of government."[2]

Another delegate, William Patterson of New Jersey, questioned on the principle of representation, stated that:

> It is an expedient by which an assembly of certain individuals chosen by the people is substituted in place of the inconvenient meeting of the people themselves.[3]

James Madison, sometimes called the "Father of the U. S. Constitution," expressed ideas much like those of both Wilson and Patterson. Madison believed it indispensable that the public have a voice in the making of laws which they obey, and the selection of the magistrates who were to enforce the laws. On the other hand, he believed a difficulty existed in trying to ascertain what course the constitution makers would take if they had to be guided by the opinions of the people.

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[1] Ibid., p. 49.

[2] Fairlie, "Representation," pp. 243-244.

[3] Ibid.

There is ample evidence in the Constitution, and in the developments since that time, to show that those responsible for drafting the document were not particularly impressed with the abilities of the general public to act as a part of the governmental structure. However, a portion of the people, specifically those who had "substance," could and should participate, acting for the others. Thus the value of a wide-spread suffrage was doubted. There is only the selection of the members of the House of Representatives to demonstrate a willingness to have a basic vote of "the people."[1]

The controversy over popular elections did not die out entirely with the westward movement, as demonstrated in the debate of the New York Constitutional Convention of 1821. This debate reflects the views of two currents of opinion. There were those of means who were opposed to extending the suffrage to the many, while those in favor of such an extension often were those of less wealth. Perhaps one of the most grand-eloquent of those opposing universal suffrage was Chancellor James Kent of the New York Supreme Court. Chancellor Kent articulates the fears held by those who wished to uphold the restrictive suffrage. In giving the history of the suffrage, he claims nations degenerated once suffrage was granted to all:

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[1]And of course at that time, "the people" were property-holding males over twenty-one years of age.

> . . .we propose to annihilate at one stroke, all those property distinctions and to bow before the idol of universal suffrage. That extreme democratic principles when applied to the legislative and executive departments of government, has been regarded with terror by the wise men of every age because in every European republic, ancient and modern, in which it has been tried, it has terminated disasterously and been productive of corruption, injustice, violence and tyranny.[1]

Nathan Sanford, another delegate to the same convention, articulates the opposite position, one which was eventually to dominate. Sanford said: "To me the only qualifications seem to be virtues and morality of the people; and if they may be safely intrusted to vote for one class of our rulers, why not for all? In my opinion, these distinctions are fallacious."[2]

Meanwhile, in England, Lord Brougham did a detailed analysis of representation. He differentiated between so-called federal and representative principles. The essence of representation, he said, is that the power of the people should be parted with and given over for a limited time, to the deputy chosen by the people themselves.[3] In this the representative was to act for himself and the electorate

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[1]Richard Hofstadter (ed.), Ten Major Issues in American Politics (New York: Oxford University Press, 1968), pp. 73 and 77-78. Hereinafter referred to as Hofstadter, Issues.

[2]Ibid.

[3]First Baron Henry Peter Brougham, Brougham and Vaux, Historical and Political Dissertations (London: R. Griffin and Co., 1857), pp. 337-368.

as if acting merely for himself as the public. He did not agree with Rousseau that the general will could not be represented, nor did he agree with Burke that the representative would be motivated by some questionable higher good. Brougham wanted the elective franchise to be in the hands of all persons with a good, plain, education. He said little about the formula for distributing it, but did seek large electoral classes in a combined ratio of their importance and numbers.[1]

John Stuart Mill, a "third generation Benthamite," and perhaps the most important of the modern representation theorists, believed that only those best fitted to rule should exercise the major authority in society. Mill favored as governors those who would be proficient in many areas. The people in turn were to be guided in their progress to a more advanced state through the actions of the governors, who in turn were controlled by elected deputies, who would exercise some control over the governors. The ultimate power resided with the people.[2]

The right to cast a vote was a public trust to be used with care. The public must learn how to exercise this trust properly in a manner in keeping with the good of society.

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[1] Ibid., Chs. 6 and 11.

[2] John Stuart Mill, Considerations on Representative Government (London: Longmans, Green and Co., 1926), Ch. 5. Hereinafter referred to as Mill, Government.

Here voting is considered as an educative element permitting further progress.

In regard to voting and education, Mill's ideas reflect the work of James Hare and his system of proportional representation. Hare, with Mill's concurrence, saw the misjustice of having representatives representing only the majority. Thus Hare believed that once a sufficient number of votes was cast to assure an election, all other votes should be given to the elector's second choice, and then third choice. That is, each elector would cast votes, in order of preference, for a number of candidates. Then, when all of the first place votes for one candidate were in, only those necessary to his election would be counted. The remainder would go for the second choice and so on. In such a system, Hare predicted that each significant group in the society would be able to cast its first place vote for its favorite, thus assuring each group one elected official. This way there would be no dominance by a single majority group; but a diffusion of power granting all groups some representation.[1] Such a system of election would assure a parliament of deputies representative of all, rather than just a majority. Only through representation of all could

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[1]Henry Magid, "John Stuart Mill," in Leo Strauss and Joseph Cropsey (eds.), History of Political Philosophy (Chicago: Rand McNalley and Co., 1963), revised ed., 1972, pp. 679-696 at 689-690. Hereinafter referred to as Strauss and Cropsey, Theory.

there be a true democracy, and Mill did not want a false one. For he believed that when a minority does not have representation, there is injustice for that minority. A full application of the utilitarian principle is to be found in such reasoning. Wherever any individual in the community does not count for as much as ever other individual, there is an intolerable injustice.[1]

Mill's thinking, and that of Hare, reflect a shift from the basic meaning of representation of the citizenry, to the portions of them. That is, the notion of group representation begins to consider the minority groups within the society as the ones worthy of representation, though looking upon the individual as the unity to be represented. But Mill contends that in case there is no provision for representation of such minority divisions, then the representative should not have any limitations placed on his personal discretion. Mill, it would seem, is not wholly consistent at this point; for had he been there would have been no reason for including this qualification. Mill would have had the representative fully and completely at his ease in the matter of discretionary voting on all legislative matters, except that the representative should be representing ALL.

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[1]Friedrich, Government, p. 275. Hare's theory is considered in several studies, including that of Hallett, Representation.

If the representative selected under a proportional scheme were truly representative of his segment of society, his will would be as one with his constituents, and therefore no further instructions would be necessary. That is, the representative should try to represent all groups rather than just that group which selected him.

The idea of placing limitations on the representative began in the United States at just about the same time that Mill was writing in Britain. In one of his opinions, Judge Thomas Cooley, of the Michigan Supreme Court, stated that the people, through the granting of authority to the representative or the executive, should also be able to instruct them in fulfilling their duties. The representative, he said, is exercising a trust and therefore should be subject to advice and information in carrying out this trust.[1] Cooley, however, had no way of enforcing his decision nor of seeing that these instructions were followed.

But again in Britain, Thomas Hill Green made a broader assumption as to the essential nature of representation. Green believed that if the theory that the representative is elected for his superior wisdom or integrity is to stand, then he must be allowed to act as he wishes. This is the true representative, the one elected as a highly intelligent

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[1] People v. Common Council of Detroit, 28 Mich. 228, 245 (1873).

individual, who goes to the assembly unencumbered with detailed instructions. However, if as some believe the representative is to be fully instructed, then he is not a representative at all; he is only an agent.[1] In this thought, Green is reflecting Burke's idea of representation.

Summary

This review "essay" brings the problems of definition of concept and problems of institutional development down to the present day. Some of the major exponents and opponents of popular representation have been considered, although not all of them, for there are so very many and through association many more could be considered. However, some of the more recent major thinkers in the area of representation theory will be considered below in the chapters on the theoretical and practical problems facing representative system development and implementation. Others will be considered in the development of both individualistic theory and social corporate theory, to be found in Chapters IV and VIII. Those thinkers considered above, however, do much for the early development of both the concept and the institutions which have been influential on modern development. It is easily seen that ideas on the subject, as held by these major thinkers, and the evolution of representative institutions, have been many and varied. Thus the "governors" of society

have acquired their power through violent or non-violent means, either by kinship, force, or election among the several means. At various times, these rulers represented a community, group, state or individual, generally reflecting changes in the economic, social, religious or political environment. Still after such a survey it is evident that the meanings of the concept and institutions of representation are still unclear, with manifold difficulties present in any attempt at obtaining clear and complete understanding.

Contemporarily, however, the words of Belloc and Chesterton exemplify the general attitude now held in regard to representation. They believed that one who voted contrary to the way his constituents would vote, if given the opportunity, is not a representative at all--but an oligarch. In contrast, one who would vote as his constituents would vote is merely a mouthpiece or agent and not a representative.[1] These thoughts come only in the democratic theory of representation, where one is damned if he does, and damned if he does not.

More recent writers have taken a similar attitude, though there are few who do not declare for a republican system. G. D. H. Cole takes the view that "true representation" is specific and partial (not general and inclusive)

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[1]Hillaire Belloc and George K. Chesterton, The Party System (London: Stephen Swift, 1911), p. 16ff.

and thus the individual man is never represented, but rather certain purposes common to groups of individuals. As a whole, then, the theory of representation is a false one, destructive of both personal rights and social well-being:

> . . .one man cannot stand for many men, or for anybody except himself. . . .That was where the nineteenth-century democrats went wrong, mistaking parliamentarianism and representative local government for adequate instruments of democracy, which they plainly are not. . . .One man cannot really represent another--that's flat. The odd thing is that anyone should ever have supposed he could.[1]

Robert MacIver makes a similar distinction in discussing the representative and a delegate:

> The representative is elected on the ground of general policy which he supports. The elector expresses his attitude toward that policy, not toward individual measures. Apart from such particular pledges as he may give, the representative is bound to a cause, a movement, a party, not to the whole series of individual projects. So long as he is faithful to the cause, he must exercise his own judgment.[2]

Both have gradations of free agency on the part of the representative, but both still place limitations on him as well. As a result, the researcher is left in much the same position as he was prior to reviewing what has been said in regard to representation. No clear-cut definition of the representative nor of the representative function is evident. The

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[1]G. D. H. Cole, Essays in Social Theory (London: Macmillan and Co., Ltd., 1950). Hereinafter referred to as Cole, Theory.

[2]MacIver, State, p. 204.

concept of representation, then, has over the past twenty-five centuries evolved to the point where men believe in the idea as a principle, while others advocate an elite theory which negates representation as either a theory or a practical reality. But, most importantly, no single coherent theory of representation exists. The issue here, therefore, is to analyze the problems within the concept as we say it is or should be. Hopefully, probable solutions can then be found to the keystone of representation theory.

CHAPTER III

A CRITICAL BASIS OF APPRAISAL

Introduction

Instances of some concept and system of elective representation in the political order, either actual or proposed, have just been described (Chapter II) from ancient times to the relatively recent development of large-scale so-called representative institutions in which individuals and territories are represented.[1] Classical writings indicate that some general idea of representation in a political body was present in ancient times, though not called such. Furthermore, anthropological evidence indicates that some semblance of the concept prevails to this day in even primitive societies.[2] Other research also points to understanding some idea and institution of representation where there exists little knowledge of the western developments of the concept and institutions. This is especially true of some African tribes, such as the Swazi and Ashanti.

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[1]The British system normally is termed the first to employ widely the representative device.

[2]See Ronald Cohen and John Middleton (eds.), Comparative Political Systems: Studies in Pre-Industrial Societies, American Museum Sourcebooks in Anthropology (Garden City, New York: The Natural History Press, 1967). Especially see John Beattie, "Checks on the Abuse of Political Power in Some African States: A Framework for Analysis," pp. 355-374.

For example, John Beattie writes:

> Where political relations throughout the system are in general conceived in terms of a single structural principle, whether that of agnotic kinship (Swazi) or that of the military and political federation of ever larger but internally similar units (Ashanti), the principles of representation valid of the lowest levels are still effective at the higher.[1]

The purpose of this chapter, therefore, is to present an appraisal of the development of the concept of representation from a historical-critical-philosophical perspective rather than the basically historical-descriptive standpoint of the last chapter.

In the matter at hand, two interwoven themes will be considered: first, the movement away from the objective view of personality and politics on which the ancients operated and its replacement by a subjective view of personality and the expression therein of the concept of interest prevailing today with its consequent effects for representation "theory" and practice. This subjective definition of man has even resulted in "dissecting" him into varying kinds of interests which the "academic" community has come to separate into such beings as "economic man" or "psychological man" or "religious man" or "ethical man." This dissection makes it (from a practical standpoint) improbable that any one "representative" or system could possibly

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[1] Ibid., pp. 370-371.

represent any one or group of such a multidimensional character. One issue here, for example, becomes how varying states of mind (and consequent form of "ownership") can be represented by any one representative. A second less important theme which surfaces questions whether in fact the concept development has been one of real evolution or innovation. Certainly the representative system, as well as the concept, has long been in development. Research indicates that there is no set date at which the concept or device can be said to have originated, or when representation began to function in the modern sense. On the other hand, it can be stated that the development has come gradually since the growth of the modern nation-state system.[1] Certainly, there appears to be little evidence in historical writings of any consciously planned development. Neither does there appear to be much evidence of conscious imitation of previous efforts at representative government, up to the period of the Glorious Revolution in Great Britain.[2] From this time on, there is evidence of some imitation of previous forms. Even then the development does not appear to be a direct copy of any pre-existing system, nor does it copy any form of old ecclesiastical governing systems.

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[1]This development is commonly accepted to date from the Treaty of Westphalia signed at the end of the Thirty Years War in 1648.

[2]Coker and Rodee, "Representation," p. 310.

The theme of evolution[1] appears more acceptable than that of total innovation from any particular point in historical development. Thus the growth of the idea and institutions of representation has been based upon the historical movement of the life of a people as a whole politically, economically and culturally. Early concepts contributed to the development of modern representative democracy, but this also indicates some of the emerging problems and attempted answers representation incurred. These two threads--changing views of life and personality and the evolution versus innovation of the ends--dominate the development of the representative concept and institutions and its appraisal, philosophically and critically.

The Philosophical Evolution of Individuality

From the notable alterations in the social and political structures and concepts throughout history, often quite radical in nature, there should be some explanation. One very detailed and complete analysis of the historical development of this change is to be found in Forms of Individuality, written by the American philosopher, Elijah

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[1] Ibid. For a more complete discussion of this contention that there is no direct evolutionary line to be traced, and that there are sufficient dissimilarities to prove this, see Mansfield, "Representation," pp. 55-83.

Jordan.[1] Though not a political scientist, psychologist or sociologist, Professor Jordan's work in political philosophy ranks him with outstanding scholars of the current century whose writings bear upon the present problems.

Jordan contends that there has been a marked alteration in western thought from a so-called objective to a subjective view of man--by man, with ensuing political consequences of the first order. For Jordan, this term objective has a considerably important meaning. It insists upon an integral, inherent, continuous relation of mind to what some call the external or practical world of nature and culture. "This notion of externality, along with that of embodied order or organization have appeared as the essential character of things that oblige us to regard them as real in the relations of human beings, . . ."[2] The practical life, at least to him, is constituted entirely of outside relations to and among persons and things. The only thing that can be real is objects.[3] Thus the self is composed of objects, an orderly organization of things:

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[1]Elijah Jordan, Forms of Individuality (Indianapolis: Progress Publishing Co., 1927). Hereinafter referred to as Jordan, Forms.

[2]Ibid., p. 40.

[3]Elijah Jordan, The Life of the Mind (Indianapolis: Charles W. Laut & Co., 1925). Hereinafter referred to as Jordan, Mind.

> [It] is not the specific situation as distinct locus that makes him the man he is, which, in a word, individuates him, but the total of all these relations not as combined or integrated, but as synthesized through the qualification of each of the relations by each of the rest. . . .[1]

Now according to Jordan this view of individuality was one consciously held by the Pre-Periclean Greeks. It caused them to feel a certain unity or harmony--to feel a part with nature, rather than in contention with it. The result was that Greeks in laying the foundation of Western Civilization in philosophy, art, music, literature, science and mathematics, did so in terms of objective thought forms, and in politics, e.g., treated the state as a "natural" phenomena--not an artifical one; even as an aspect of their own personality.

However, Jordan adds that when, due to causes exterior to his thought, the Greek developed the consciousness of self as subjective, life became more and more chaotic.[2] In fact, the old unconscious feeling of harmony was never restored--especially as the polis declined in significance. The trend toward subjectivism continued with its peaks and valleys, until its flowering in the subjective

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[1] Jordan, Forms, pp. 79-80. His view is too elaborate to be given treatment here, but will be more fully considered in Chapter IX below. It is a view shared by most scholars of political thought ranging from philosophers such as Bosanquet to political scientists such as Sabine and Cooke.

[2] See the Sophists.

philosophy of today and especially in political, social and ethical individualism. Here, in politics especially, the person has become crystalized in the modern concept, idea and system of interest, and interacts with the definition of a person as internal but with "interests." These interests must be protected or fulfilled through representation. Furthermore, as the subjective definition of the person developed and as interest took on its present importance, naturally there came a deterioration of ethical standards of an objective character. Hedonism replaced the previous objective ethics identifying man with some object in good (Hebraic and Christian ethics). As individualism also developed in politics and economics, the result was the "dog eat dog" theories and facts of life in these areas today.

> It is within the welter of real variety in modern political, economic, and legal fact that the problem of individuality presents such enormous difficulties. And the only hope in the situation seems to lie in the willingness with which modern man will undertake to assess the facts of practical relations as reflected against the historical background which has been imperfectly sketched above, and with forward reference to the ideal of a logically perfected individuality.[1]

More specifically, Jordan's argument is as follows. The changes in the view of man and consequently in the institutional arrangements can be observed in three stages;

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[1]Jordan, Forms, p. 103.

the classical, the medieval and the modern. In the first two, the beliefs about the nature of personality remained relatively objective, while in the third subjectivity has set in:

> The classical peoples appear to have been motivated in practical affairs by a steady vision of objects and ends in which purposes intellectually conceived found embodiment by virtue of the very automaticity with which their origin in intelligence endowed them. The peoples of the early medieval period may be said to have been dominated by a passion kindled within a disillusioned breast by the collapse of the structures upon which life had formerly depended; their characteristic attitude was still objective, in spite of the fact that its objective reference was negative. It is therefore hardly possible to attribute to either the ancient or the medieval mind a full realization of the distinction made by moderns among such conceptions as motive, purpose, interest, objective, end, or an understanding in any adequate way of the meanings of the subjective categories which moderns unconsciously take for granted as premises upon which thought in all its branches rests.[1]

The ancient Greeks had assumed the existence of a world of objects as the complement of their thoughts and the arena in which they could function. They considered themselves individuals, simply as another object. They saw no need to prove such, although later philosophers have. "The idea of an unreal object probably had not, and possibly could not, occur to them."[2] This idea is the basis for the view that the ancient Greeks did not conceive

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[1] Ibid., p. 1.

[2] Ibid., p. 2.

of individuals, defined in the modern sense, being represented. Indeed, the Greek would have been most confused by the modern meaning, "to represent," for he was the state as he was nature, or "nature and the state were both himself writ large." He was a totality with nature. Therefore, it would seem ludicrous to speak of representing oneself as a human being by means of another human being. The Greek seemingly thought more of acting in the state than through the state. When democracy prevailed it was a political life of direct democracy. Yet it may also have been the reason that arguments about liberty or how one was not represented did not occur even when the so-called "tyrannies" existed. But more importantly, even when the polis was in decline and the subjective view appeared, Plato and Aristotle, writing to rehabilitate the polis, saw representation in terms of functions, not single individuals. Plato's Guardians represent wisdom, trading it off for the protective representation by the auxillaries and the "goods" of life represented by the artisans. Aristotle seeks a state in which goods and intelligence and protection are vested in the middle class which will either act directly to govern or their function will simply be represented by a number of their class. It is representation of "life" that the Greek sees in his state as such and in the agencies of his

state. He is ordered then in "life." In any case, it obviously did not occur to the Greeks to consider the question of how a subjective self, or "parts of such a self" could be represented by another subjective self. The literature is not there, for this conception of man or representation did not exist.

However, we do know that when the city-state began to decline, theorizing about the political problem occurred in the later writings of Plato and Aristotle. Though even in these, there is little concern about how a representative can represent, for the Guardians in The Republic were agents of life and problem-solvers rather than law-givers of the people. In The Laws the problem of representation is not a theoretical one, but the practical problem of numbers. Still difficulty had occurred and the questions of tyranny and corruption by officers of government worry both thinkers, especially in the sense that traitors to the state had come into being. Actually the discussions did not settle on "untrue to self" in our sense. The beginning of personality as subjective does begin to appear among the Sophists, and still later among the Epicureans and even much later with the Cynics. However, the problem was faced more as a practical one of what to do when the house (the state) has caved in. The Sophist answer was childlike--seize power; the Epicureans withdraw

to enjoy life outside the political arena, while the Cynics protested. But there is little discussion of individuality in the subjective sense even in these writings, nor is the question raised of how the subjective self can get represented.

It is however in the transition from the classical[1] to the medieval stage that many changes took place in the view of the individual and that of the "state," and of the individual himself about himself. However, before moving from the Sophist, Epicurean, and Cynic pessimism, the Stoic-Greek-Roman view of man appeared, supporting, but influenced by the Roman Empire. Man began to identify himself beyond the polis, with the whole of nature, which was presumed to be rational. Thus he could by reason find the reason in nature (the natural law), and be one with it again. Finally, temporally, as a citizen of the world (with Rome being the world), the Roman state replaced the polis as the "representative" of man objectively. Law thus represented the state (according to Cicero) and there was not to be one law at Athens, another at Rome, and so on; but just one law. Of course we know that Roman natural law was never all "one" and "good" and "just." Rome, however, emphasized that it was under "law" and it did "represent" the Empire and

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[1]Imperial Rome, resting on physical force, gave no real renewed political ground to personality for the mass of men. Even Stoicism and Epicurianism catered only to the few.

Ius Civile did more to Ius Sanguinis. Thus a magnificant, to some extent orderly, just system developed. A particular change came when the Christian religion became dominant and emphasized the Soul by which to identify the self. But from here on, the problem and answer remained relatively objective.[1] That is, the problem is how a Soul could get to Heaven by a system of functional representation. The answer, of course, was through the "religious" scales and representatives of the Church. In the temporal-political world the solution was that the Church as representative of God would "save" the state--which would in turn "protect" it. During the Dark Ages the citizens' attachment to a "state" in any formal sense was largely destroyed, even more than had been the case during the decline of the city-state. Simple violence power combined with ownership and/or control of the land by warlords (Romans and barbarians) was the "rule of law," the latter also being based partly on tribal customs. In contrast with what one might expect, there ceased to be a clear distinction between public and private relations.[2] The practical individual thus was "wiped out" and as indicated above the "Soul" as the individual was the chief concern for representation.

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[1]See above Chapter II.

[2]Sabine, "State," p. 330. This was Augustine's answer for example in the age of the crumbling of the Roman Empire.

The emotionalized character of Dark Age Christianity--mystical religion--became the chief subjective element to be represented and even than for a "future" salvation. The rise of a Catholic Christianity on a structural base thus provided the only intellectual, objective basis for personality. Even then it was grounded on the central element of a "future" world and organized in a hierarchical system of virtues, represented by the clergy. This was the basically non-political, feudal temporal structure.

Thus the mass of the individuals was shut out of the possibility of identification. Participation in life for man centered on daily "grubbing" for a living and personal protection. Gradually a few men did secure wealth, either as new bourgeoisie or Lords, as the feudal system replaced the Dark Ages. However, "business" in our sense was not the chief occupation of the time, but rather agriculture and war. As far as a basis for representation was concerned though, wealth for peasants was not possible. In fact, wealth as such was frowned upon save for the "glory of God."

The intercession of an organized, dominating religion did cause the individual to feel that he was a <u>part</u> of life (as such) and of a system of values for eternity, if not of government and the temporal life. Thus he felt "fulfilled" by the demands of religion as otherworldly, though

as "negative objective reference." Even with the continuation of this partially objective view of the individual being fulfilled in God and eternity, the trend is toward the idea that representation existed, through the "religious," the "orders," and the steps in the Church from lowly Soul to Papal throne and Heaven. In a word, representation existed in the minds of man in the sense that the Church represented them before the throne of God--in a hierarchical manner--priest, bishop, archbishop, cardinal and Pope, he who in turn represents God on earth. So some idea of representation existed and was institutionalized, viewed in "steps to heaven" or assistance in getting out of hell through stages of purgatory and on to "heaven." This was in the religious state.

Meanwhile, in this medieval period, coupled with the "otherworldly" objectivity of the Church and its idea of a "staircase to godliness"--or "graduated" worth and dignity--a more distinct division of the people into a temporal class structure based somewhat on wealth came into existence. In fact, this leads to a division of peasant, freeman, squire, knight, Lord, Duke, Baron, and King (Emperor of the Holy Roman Empire). The hierarchy of abstract values of goodness in religion thus began to have its corresponding hierarchy of classes in the temporal world:

> The concept of values, therefore, as an abstract representation of objects in relation to disinterested preference, is a product of quite recent theorizing, but it has its historic and social antecedents in the facts of life as these occurred during the formative period of the middle ages.[1]

Yet this hierarchy of persons based on wealth and power should not, however, be confused with the classes of Plato, for the latter were, as indicated, functions participating in a common state. In other words, the Greek classes were conceived as organic and functional in character, and not inherently antagonistic due to grades of worth, dignity, wealth, power, and abstract values. They were able to cooperate in the life of the whole society; with no distinctions causing antagonism. However, with the medieval development of classes and the distinctions between them, with subsequent gradations of values and persons being "attached" to these, changes occurred in the minds of man relevant to the representation problem and institutions. Thus in the medieval system of representation in the temporal world each higher order did represent the other. The serf was represented by the landowner-knight, knight by Lord, Lord by Duke, and on up to the Emperor (theoretically). This was only functional representation, as in the protection function. The big fish protected the little fish. But the little fish was bound

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[1]Jordan, Forms, pp. 11-12.

to his own big fish, not represented really by them when the Lord wanted something, like their lives or a goat. The church body watched over the whole system and represented the feudal system to God. The Church, of course, saw the feudal organization as only a temporary shelter for the Soul, and thus not worthy of more attention than that it should not interfere with the Church, and would protect it.

John of Salisbury tries to paint the system almost in a Greek sense. The secular ruler was to represent the people and have control over those whom he represents. Yet he must still submit to the authority of the Church, for this was his source of power:

> This sword, then, the prince receives from the hand of the Church, although she herself has no sword of blood at all. Nevertheless she has this sword, but she uses it by the hand of the prince, upon whom she confers the power of bodily coercion, retaining to herself authority over spiritual things in the person of the pontiffs.[1]

This is not to say that the temporal ruler had no authority; but indicates the source of his authority.[2] This matter of

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[1]John of Salisbury, The Statesman's Book of John of Salisbury, trans. John Dickinson (New York: Russell and Russell, 1963), Bk. IV, Ch. III, p. 9. Hereinafter referred to as Salisbury, Book.

[2]Ibid., Bk. IV, Ch. I, p. 3. As, ". . .the power of all his subjects is gathered together in him. . .the prince is . . .the public power, and a certain image of the divine majesty on earth." See "Of the Difference Between a Prince and a Tyrant and What is Meant by a Prince." Also, "That It is Established by Authority of the Divine Law that the Prince is Subject to the Law and to Justice."

authority is further considered in terms of limitations on it; as the exercise of authority is limited to the confines of the law.[1] This law was established and applied to all, with judgment vested in the hands of the clergy. The prince thus was only a temporal shepherd who watched over the bodies of the subjects of God. God, acting through his Pope, and the hierarchy of the Church, was the Shepherd of the Soul of man. The Soul was the all-important part of the individual. The prince was not above the law, and was expected to abide by it; while the clergy, holding power to judge the prince, was above the law. The clergy held this power by being able to deny the Holy Sacraments, which was a potent power indeed, especially when applied to a ruler. The "unholy condition" of being denied the Sacraments was tantamount to being an "unperson" of Orwellian fiction. An excommunicated ruler of the temporal realm, in a Catholic society, could not function at all.

John of Salisbury draws a further analogy in explaining the relationship of the society to the fictional body of the same society. Thus, the Soul is looked to as the most important part of the society. It is therefore represented by the most important segment of society--the clergy. "And therefore those who preside over the practice of religion

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[1] Ibid., Bk. IV, Ch. IV, p. 15.

should be looked up to and venerated as the Soul of the body. For who doubts that the ministers of God's holiness are His representatives?"[1] Salisbury carries this analogy further in suggesting those who represent the other parts of the body. For example, the head of the commonwealth is represented by the prince; the heart by the Senate; the eyes, ears, and tongue by the judges and governors of the provinces on down to the feet, which support the whole being and so are represented by the husbandsman.[2] But of course John of Salisbury's picture was a fiction of representation in the Greek sense. It represents in the temporal world a system of gradation of power represented in the religious "unreality."

The Mansfield Thesis

It is at this juncture that the position taken by Harvey Mansfield in terms of our analysis should be noted. Mansfield raises the question of whether in fact modern representation was inherited "from medieval representation or whether the similarities of practices and opinion mark an essential difference?"[3] This essential difference which he sees is founded on the alteration of the entire societal system from the Divine to the Secular. Prior to this period,

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[1] Ibid., Bk. V, Ch. 2, p. 64.

[2] Ibid., pp. 64-66.

[3] Mansfield, "Representation," p. 55.

Mansfield believes there was no such distinction made. Rather there was one system including both elements. It would appear that there is credence in some of what he says. The distinction throughout the prior period had become quite strong, as has been shown. Mansfield, however, sees the period prior to the "Glorious Reformation" as being dominated by the "divine right of kings" theory, with the sacred holding the upper hand over the secular. Following this Revolution, there was an entirely new system instituted, with the secular holding the upper hand. This was a major change, according to Mansfield, from sacred to secular dominance. But the question arises as to whether this is a distinct division between two separate and different systems of representation. There is a definite difference between Catholic and Protestant control; but the tenets of Protestantism continued many of the old Catholic ways, and in some respects were more "Catholic" than the earlier Catholics. Thus many of the developing Protestant sects reverted to an earlier Catholicism which was less rigid and dogmatic than the Catholic Church had become-- a Catholicism of the Universal Church without the corruption which had driven Luther to take his stand.

Under the secular rule of the Protestants, man was considered to be further compartmentalized and torn between his previous commitments and the new institutions that came

into being. There was power to contend for, economic status to achieve, and an entirely new psychology dominating the world. As there was more of everything within the reach of more people, and as the Roman Catholic Church no longer held sway over every aspect of life, many individuals were drawn toward those things they had never considered during the time their lives were directed by the hierarchy of the clergy, that is, toward an accumulation of material things.

Mansfield cites additional evidence to the effect that modern government (and thus a new definition of personality as a basis of representation) was thus thought, even by such notables as the leaders of the American and French Revolutions, to be a clean and complete break with the immediate past systems.[1] In this period, also, according to Mansfield, came a change in attitude toward the nature of man, and that "man was thought to have reached his degree of perfection by his own efforts in reaction against his environment."[2] Previously the nature of man had been thought to be fixed or static. Man was thus "ordained" to be by nature either "good" or "evil"--one or the other--not both and not capable of any change. But after this time, thinkers began to conceive of man's nature as being more

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[1] Ibid., p. 57.

[2] Ibid.

malleable or at least capable of some change. This could well be construed as similar to the position taken by Jordan, in that "a" man becomes indeed the measure of all things and demands that he be represented in political life since direct democracy did not seem feasible in the new age. The curious and paradoxical fact, however, is that "a" man has disappeared into many men. Now rather than there being a single "sterotyped" man, personality differs. The individual becomes the individual with an individual mind and doing his "own thing," much like Robert Burns' "a man's a man, for a'that."

The Subjective Identification of Personality And the Interest State

Simultaneously, individually owned private property became an important object after which men sought, and this new subjective identification of personality prevailed. Locke in effect said not that a man was objectified by the property he poured himself into, but rather that property became the private property of the man. Thus from the objective realm of nature a man drew the goods of life, sucking them out of the objective to the subjective and thence it is this that must now be represented, i.e., not the objective world--but the subjective property--the disaster of our times. By "his" goods a man now became known and valued. Calvinism

had opened the door to justify wealth as a sign of "grace." The Industrial Revolution promised goods and private property replaced the feudal system. The possession of such property had thus much to do with the determination of the class to which one belonged and demanded representation. Thus those with large holdings were accorded a higher position in the social and political hierarchy and consequent "representative" needs. The desire of those with property came to be more important than the desires of those without. Then the concept of interest as the legal representation of property became the motivating force of the state,[1] with greatest importance for purposes of representation. As will be shown below, e.g., the juries of landlords which were called from the rural areas to consult with the councils, came at the request (or demand) of the Crown, the greatest landlord, to give assent to royal requests, and later to put forth requests that were in their own interests.[2] As the subjective private property system grew in England, the landowners and factory owners owned various "rotten boroughs." By virtue of owning property, then, they "owned"

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[1]This emotive attachment for a "state," and the accompanying knowledge dividing public from private relations, began its return with the rise of the nation-state. In international relations, the Treaty of Westphalia is the point of demarcation; showing the stronger personal ties with the state, which laid the ground for the concepts which political philosophers have developed from the seventeenth century to the present.

[2]See Chapter II of this study. Locke justified the latter <u>if</u> a man poured himself into the product, it was his.

representatives. Interest representation grew and expanded to more areas than just property, though that was what dominated. (All interests--women's liberation, black, red, and white power, the American Medical Association and a multitude of others--want their characteristic interests to be represented today.)

From the medieval period on, therefore, the trend was more and more toward the development of "interest" as the basis of representation. The structures of life became increasingly less rooted in objective fact, and were more and more subject to the shifting of the subjective states of mind of the individual as identified by his "interest," whatever it might be. The interest group developed to help particular interests. As a result, man came to look upon even the state as an entity from which he was to derive a share--as interest--either justly or unjustly deserved:

> The modern state is the interest state; not in the sense that it undertakes to combine and harmonize the interests of individuals into public purpose, but in the sense that it is a vast external store of values from which the individual is to derive his peculiar share. The basis of the citizen's loyalty is, therefore, what he can "get" out of his "government," and graft becomes the order of the day, an inevitable consequence of accepting interest as the basis of order.[1]

The state thus becomes the tool of the individual's interest, as previously the objective world had been the

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[1] Jordan, Forms, p. 19.

complement of the Greek's self. The state, the church (as interests), and the hierarchy of individuals, all coming into modern time, had varying interests which each wanted to see furthered. But all were becoming more devoted to their respective interests, and were doing whatever they could to advance their own at the expense of the others. The result was a demand for interest representation--as in the representation of the French "estates" or the British "classes."

There can thus be seen some credence in Mansfield's hypothesis that there was indeed a breach in the continuity of evolution of the concept of representation (as there was bound to be when the individual became identified subjectively). However, the idea that the change was purely from the divine to the secular is not wholly acceptable without admitting that the next move was from the objective to subjective definition of personality.[1] With such an acceptance, Mansfield's conclusion becomes more correct: that is, it is not necessary to say that everything prior to the "Glorious Reformation" was divine, and everything after was secular, as a basis of representation. In addition, there was also a transition from objective to subjective

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[1]Mansfield does not argue that the move was not possible.

and the movement into many forms of secular individuality which had interests to be represented:

> Modern governments embody many medieval ideas and institutions, but if modern representation is secular it is hard to see how it could have evolved either from ecclesiastical organizations or from parliaments by unconscious inheritance. There must have been a break in the history of representation. New "ideas" must have replaced the system of divine right, and those ideas must have been new political ideas, the ideas of new rulers or of old rulers thinking in a new way.[1]

The point is that personality and institutions had become conceived as diffused, disparate entities. An individual had been born in the "subjective" sense and his interests, including his disparate conflicting aspects of personality, expect to be represented in the practical world. The question then arose for political science as how to do it, based on the new conception of self.

Further Growth of the Representative Concept

Divine right, then, both in theory and practice, early came under attack. The revolutions in Europe mark the culmination and success of these attacks. The change to basically secular government was due to the success of the secular powers, commanding and using violence as a peculiar aspect of the subjectivity which had been developing

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[1]Mansfield, "Representation," p. 74.

in man's view of himself. That is, physical force--expressing Schopenhaurian blind will or the Hobbesian urge to self-preservation--rather logically became the identification and tool of man in search of himself and order. More too, kings could not manage corporations and industry, or represent them as well as could Parliament. This is important, and the view of "God in the sky" had to go when industry wants representation in Parliament.

With the development of man identified politically and legally by interest and the divisive effect which this had, the difficulty of integrating the individual into his society was heightened. Man had become compartmentalized--each individual became a variety of "interests"--economic man, psychological man, social man, religious and ethical man, among others. Within each were many and varied sub-interests. This emphasized the problem of how one human being, himself with many different and varied interests, can represent another who likewise has many and varied interests with which he is concerned and vice versa. Here again man wants to be represented as an individual, but at the same time wants representation for all of his interests. Thus almost everyone wants his property represented, but at the same time wants a "Methodist" rather than a "Catholic" (or any other combination one can think of other than "Atheist" or "Muslim") President. Of course, an Atheist or Muslim would think otherwise. Women and men both want sexual

representation; blacks want black representation almost as much, if not more than Indians want to have their interests represented. Thus we are, as individuals, at best a multi-schizoid world in our interest representation. Thus we join interest groups to get our interests represented, in part so the heart (morals) will not know about the pocket. It would thus appear that there is no way one can truly represent another of his kind, because there is little chance of similar, that is, identical interests in all respects. Still the attempt has been made with interest representation. Perhaps representation could be called a practical impossibility, unless the representative were to be corrupt, in which case they would not be a representative at all.[1] Yet the individual considered as unique became often, in theory, looked to as a part of a unity, a whole, which is in fact the real individual.

> In the one case the individual integrated into society is, from the point of view of politics, economics, and the prevailing type of ethics, whether of the rationalistic or utilitarian type, the quantitatively isolated individual "one" of the equalitarian philosophy, each of which "counts for one and nobody for more than one." . . .And it is the capacity of this will to express itself in a way such as to be counted

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[1]This is not to say that the representative is not being corrupt.

which makes the basis of the individual's political activity.[1]

The new philosophical approach, then, rests on the isolated individual as the ultimate reality and basis of representation--resulting in the vagueness of most representation theory. Such philosophical bases project the isolated individual and his interests, especially his material goods, into a battle or struggle for his political existence--which becomes the reality of life. "Society in all its aspects is dominated by a struggle for existence, it is a mechanism whose parts move upon each other under the laws of inertia and friction."[2]

Thus, representation becomes a matter of finding "faithful dogs" who will defend the individual or his groups, or at least knaves who pretend to do so, or compromise with other dogs. The "ultimate" then, in theory, is the representative who does not really represent anyone at all because he continually "compromises" for himself. This can be seen in practical applications of representation everywhere. There is the constant rubbing of one individual or segment of the society against the others in efforts at securing his or its own ends. There is also the struggle, the inertia to be overcome, and the friction to dominate in

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[1]Jordan, Forms, pp. 56-57.

[2]Ibid., p. 54.

the individual interests which are being pursued. Politics presumably is only one arena of the battle. There are also the often more real economic and social arenas in which the clash of individual and group interests is taking place. However, it is in the political realm that representative theory has been most pressed into service. Yet it is not generally observed that representative systems have not been as successful as many claim. The most prominent criticism made of such systems is that representatives fail to represent adequately. "The majority interest, so far as the effective will is concerned, is in the nature of the case, a representation of a minority of persons."[1] Philosophically speaking, the following is a more serious charge since it goes to the nature of what kind of mind is being represented and how. That is, when man becomes defined as a unique, atomistic, subjective being, an "interest" creature, some attempt has to be made to define him more concretely. This was done through the instinct or urge-drive theses of psychology.[2] But then:

> Given a plurality of instincts isolated from each other or related only by external combination, the conception of mind made necessary is that of a sum of parallel and rectilinear functions which can never converge.[3]

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[1] Ibid., p. 21.

[2] The following chapter contains more on this subject.

[3] Jordan, Forms, p. 53.

Naturally there can be no functional or practical representation of such a person or mind, or a system of representation which will work.

Even the majority rule concept which came out of the transition from divine to secular government has proven that only the most aggressive of interests find representation. These are not actually the majority of wills, or interests, but only a vocal minority. Through their vociferous efforts, such have come to form the plurality of sounds, though they are not representative of the majority of individuals. Thus, through concerted efforts, the rule of the majority is really rule by shifting minorities. This is obvious in a pluralist nation whose government operates through the idea of the brokerage rule. The political, the social, and the economic interests find expression through representatives who represent not the majority but minorities (themselves), e.g., Senators desire reelection more than "anything" and "the public be damned."

The present state of the United States is formed by forces of interest--each of which claims or demands "full" representation. How to represent blind forces, unconscious wills, vested interests, prejudice, and animal feelings, none of which are defined (even by such nebulous concepts as "soul" power) becomes the sword of politics.

The answer is negative, regardless of how many attitudes are surveyed through a computer, or votes tabulated, or interviews made. Such problems basically involve a changed attitude toward personality. We have then a schizophrenic concept of a representative in what has become an unmanageable democracy. Our institutionalized subjectivism remains the cardinal fault for which no remedy appears forthcoming. The attempted or emerging answers to the problems of representation concentrate on issues other than the fact that the subjective definition of man has rendered it impossible, from a practical standpoint, for a "representative" to represent at all.

Because of the above, little sensible written on the topic of representation theory in answer to the questions previously raised of who? what? and how? is in evidence. Much of what is written in response to these basic questions is vague, nonsense, or strictly what might be termed a "pipedream," primarily utopian and impossible of implementation. The practical result for human relations is thus chaos for our time. The daily press constantly carries stories demonstrating this. The Palestinian "liberators," and the Palestinians for that matter, are not represented in any given place. They are thus damned, and when groups of "terrorists" respond to not being represented, the world is aghast. They hijack airplanes, then blow them up, burn

them, plant bombs which kill indiscriminately, commit suicide and on and on, because so many are "un" or nonrepresented. Where in this world are almost any of the masses of poor represented? Nowhere! Some could even say that the world is "going to hell in a hand-cart" because a real Benthamite system of interest representation has not been established. Sadly, however, the most frequent answer given in response to these statements is--"who cares?" Yet the above "problems" raised in regard to the concept of representation itself (and its development) form the basis of the following theoretical analysis of difficulties encountered in representation.

CHAPTER IV

THEORETICAL PROBLEMS OF REPRESENTATION

Introduction

The historical-institutional analysis above in Chapter II reviewed how rulers acquired their power, what they "represented," and the general political-social environment for representation. The survey revealed complexity and diversity of the concept and institutions of representation but did lead to a critical basis for appraisal (Chapter III) in the philosophical evolution of individuality, e.g., the objective versus the subjective definitions of personality and man. We now come to critical, "contemporary" philosophic-scientific appraisal of the theoretical problems of representation. The distinction between theoretical ideas and practical problems of representation, of course, is not always easy to discern or distinguish due to the interrelatedness of the "usual" relation of theoretical ideas and the attempts at making these ideas practical-institutional realities. That is, a purely theoretical problem often does not fit precisely into a given existing practical system of political life and thus does not lend itself to simple resolution. As strictly as possible, therefore, this chapter will analyze and criticize the theoretical aspects of representation without attempting to consider all practical problems or criticisms of whether an

ideal system fits a practical system of representation already existing, or could be immediately implemented practically in the "real world." However, some of the discussion will have to involve the empirical-practical insofar as one of the major faults of most present theoretical systems of representation is that they already do not really fit practical realities. The succeeding chapter, Chapter V, will discuss practical problems besetting individualistic representative systems today.

Regardless of how the theoretical problems of representation are approached, much of the modern representation questions revolves around the assumption not only that one human mind can represent another human mind, or groups of human minds, but ought to do so. Thus both practical and theoretical problems of representation develop the moment "direct democracy" and the limitations on social-economic life that go with it are not accepted. Thus the problem of one mind representing another mind or group of minds (though the latter is a problem given "our" definitions of life, the individual, politics and the state) exists at once. Still another problem arises when representation is conceived to mean representation of functions of life as such, that is, of "survival," or "nature," and so on. For example, in Plato's Republic functions of life, not

people, are represented. Yet there is still the theoretical and practical problems of how to do this--once you have accepted function of life as a "purpose" or basis of representation. Plato himself--to many--stumbles along here in The Republic even when he tries to show that it is life as relationship that is being represented by his Guardians, who see "life as a whole"--reflecting it in problem-solving.

At this point the difficult question of "What is Mind?" arises. Here generally, the simple individualist psychological answer beginning with a dictionary definition is given. The "mind" according to the dictionary is "that which thinks, perceives, feels, wills, etc."[1] Now obviously if this is all there is to mind, in the usual sense of these terms, in regard to the mind of a human being--one mind obviously can not represent another because of the varieties of perceptions, feelings, and willing of the individual human minds involved in any given situation. There is also the serious fact of the ephemeral character of the "mind of each," that is, what is "in" the "mind" of a given man today may not be there "tomorrow," (or even minutes from now). Also, one mind "inside" cannot represent another mind "inside." However, it is sometimes argued that it is the fact that such minds are

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[1]New World Dictionary of the American Language (New York: The World Publishing Co., 1962), p. 936.

"unique," which makes representation possible, in that each is the same and so one can be substituted for another. But this is utterly inconsistent since unique means just that, specifically that one unique thing cannot be substituted for another unique thing. Uniqueness spells differences of each. Certainly it is a "nice" question (answered sensibly by no theorist) as to how one mind that is different psychologically, "internally,"can stand for another mind, also psychologically different "internally."

Fortunately, what makes some form of representation possible are common objects grouped about each person, which in large measure define each person practically. Thus Professor Jordan argues:

> My mind, for example, is the sort of things that you would expect from the sorts of things that interest me. I am what my pencil, my pipe, my hoe, my pocketknife, my books, my wife, my god, my associates and friends, the public instruments I want to use or have to use, make me. Not of course in the crude causative sense, but in the sense that the sum of enumerable means which I use indifferently, (publicly) constitute me; I concentrate them and thus individuate them as the stuff of my personality; I am their personality; but they, concentrated about another reference point, become the stuff of another personality within which I am a detail--an important one, to be sure, since I am individuated by the same principle as he. We therefore 'use' each other in the forbidden Kantian sense.[1]

Jordan further said:

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[1]Jordan, Forms, p. 161.

> The individual who occupies a place in, e.g., the economic connection, also is a politician and a church member, a member of a golf club and the father of a family. He is not these in the abstract, or by mere classification, but a grocer and democrat, a Methodist, a member of the Jonesville Golf Club, the husband of Sarah Jones and the father of X, Y, Z Joneses.[1]

Churches, businesses, golf clubs, political parties (if not Sarah Jones) are common objects which are the definition of personality--problems of politics, subject to representation or problem solving.

It is this latter definition of mind, or personality, of the individual in terms of common "stuff," therefore, which makes a practical and theoretically consistent theory of representation possible. Yet it is not this latter "mind" which is generally assumed to be the theoretical basis (though sometimes we stumble through to such practical representation) of representation of "the people." Thus it forms the core of so-called modern "democratic" representation--except in the sense that several persons have a common "interest," as in "interest" representation (which is also grounded on individualist definitions of personality). Rather it is the idea of representing the minds of particular persons or groups that now dominates representation theory. Too, the definition of mind in terms of a particularistic individualistic-subjective psychological definition of a person, or of

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[1] Ibid., p. 79.

"people," is in fact dependent upon a particular individualist psychology. Yet there are several important theorists who, by putting forth this concept of the individualist theory of "people" have helped build and defend theories of representation. Hobbes and Locke are two such typical individualist theorists.

Mind as Subjective and "The People:" Theories of Individualism

The term individualism is, as presently used, relatively modern. The concept, however, has its roots in the classical age of Greece, where it was considered as an element of "egoism"--self interest--rather than in the positive ethical connotation sometimes true today. Its primary meaning now involves an idea that a society is free when (to a degree necessary in the mind of the proponent) a so-called "individual" mind or will can make its "own" decision and act upon it. The belief that such is even possible, of course, has not always been present in various societies, and thus "individualist" theories have not been present.

As indicated, many scholars believe that in pre-Sophistic classical Greece the individual simply felt as one with nature (much like the early American Indian) and his polis. He thus used his reason to make decisions as part and parcel of both, and "freedom" in the modern sense

did not exist. Obligation to the necessities of life in general was the relation which bound individuals in an acting way. That which a man would reason out--and do--would be devoted to the polis and to the needs of nature, though it might be via his immediate action and thought. The Sophists and later the Epicureans, however, did think in somewhat different terms. Both regarded the human person separable from others and the state as fundamental in a sense. "There is no such thing as human society. Every man is concerned with himself."[1]

Superficially considered, this individualist theory was seemingly revived in the materialist philosophy of Thomas Hobbes when it was in fact busily at work--the age of masterless man--after the carryover of Greek ideas present in the Medieval Church and feudalism had been weakened by the Reformation and the beginning of the commercial revolution.

Thomas Hobbes[2]

In discussing the idea state or "Leviathan," and even though he did not so intend by his main argument, Thomas Hobbes' analysis of life laid a foundation for several of

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[1]See R. D. Hicks, Stoic and Epicurean (1910), pp. 177ff quoted in Sabine, Theory, p. 133.

[2]See above, Chapter II, for further consideration of Hobbes' theory.

the concepts relevant to the individualist type of representation theory. Grounded in a rationalistic, empirical, scientific, materialistic and mechanistic orientation, two central doctrines are of note: individualism on the one hand balanced by the sovereign King on the other. The basis of his psychology is his metaphysics. To Hobbes, the Universe is of material substance and is in a constant state of flux similar to a perpetual-motion clock (because it is energy-matter in motion), constantly ticking and tocking without ever needing to be wound. Energy is the life force of matter. Life seeks the promise of safety and avoids any threat which might extinguish it. Man in turn is just matter in motion and seeks to keep his life going, and avoid any disaster. This pleasure-pain dichotomy guides man's egoistic effort to protect himself. In a primitive state of nature each man does this, which results in disaster--a bloody battle royal. Therefore there is a need for some device to prevent human annihilation. This device is the state, with the monarch as representative of man's self-interest in saving himself. That is, when Hobbes begins to defend his "state" as the device, he says that any representative system in the state makes the initial premise that representation entails actors and actions. Someone appointed to act is the actor and those things which he

does constitute the actions. Hobbes differentiates between the author of an act--and the actor, who commits or carries out the actions so authorized:

> Of persons Artificall, some have their words and actions owned by those whom they represent. And then the Person is the actor; and he that owneth his words and actions is the AUTHOR: in which case the Actor acteth by Authority.[1]

Curiously and inconsistently, despite his individualism, Hobbes does not preclude such inanimate objects as a "church, hospital, or bridge"[2] from the animate in his theoretical projections of representation. Thus, the actor may represent those living, breathing human beings who are a part of society, those animate beings who have interests which coincide with the interests of others, who are not authorized to act, or be active parts of the society, and those institutions, buildings or organizations which also constitute a part of the society.[3] Hobbes in this respect is not a real defender of representative government in the modern individualist-subjectivist sense. He began with individualism on the one hand, but saw the hopelessness of it. Thus he created a state in which the state not only represented

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[1]Hobbes, Leviathan, Ch. XVI, pp. 110-111.

[2]Ibid., p. 112.

[3]Hanna F. Pitkin, The Concept of Representation (Berkeley: University of California Press, 1967), p. 15. Hereinafter referred to as Pitkin, Concept.

people but objects and functions.[1] Hobbes here provides that the interests of those not authorized to act, those not having an active part in the society, will be looked after by those who do have a voice in the activities of society.[2] In relation to the time in which Hobbes was writing, those who did participate were the aristocracy, the landed gentry and the rising bourgeoisie. Those not active participants were women, children, the incarcerated, and the landless peasantry, to name a few. The interests of these non-participants of political society presumably were to be considered by those who were participants to the extent which the latter deemed necessary in a safe society (as is practically true in many places today).[3] The interests of the inanimate beings, buildings, and institutions would also be provided for by those who did have a political voice. Furthermore, neither the non-participants nor the inanimate could give authority, i.e.,

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[1]See Chapter XVII of The Leviathan. In the end, therefore, Hobbes is over in the Plato-Jordan camp, which is considered in Chapter IX of this study.

[2]See Chapter XVI of The Leviathan.

[3]Hobbes' problems appear to be that he sees the "facts of life" clearly and is correct, but he is such an inegalitarian that he cannot really see objectively. This is similar to some present day politicians who cannot see that the "big boys" are not entitled to representation as "big boys," i.e., to "run the ship" as they wish.

be authors, a distinction Hobbes sees existing between the real and natural persons and the artificial persons. The natural person is one whose words and actions are considered his own. A feigned or artificial person is one whose words and actions are considered to be, to represent, those of someone else. Since the actions of the artificial person are not his own, but are authorized by others, the label of artificiality is attached. A further distinction is made in that some may commit acts which have their authorization in an actor himself; but are to be construed to be actions of someone without authority, acting as an artificial person--thus neither actor nor author:

> When the actor doth anything against the Law of Nature by command of the Author, if he be obliged by former Covenant to obey him, not he, but the Author breaketh the Law of Nature; for, though the Action be against the Law of Nature; yet it is not his: but, contrarily, to refuse to do it, is against the Law of Nature, that forbiddeth breach of Covenant.
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> And he that maketh a Covenant with the Author, by mediation of the Actor, not knowing what Authority he hath, but onely takes his word; in case such authority be not made manifest unto him upon demand, is no longer obliged: For the Covenant made with the Author is not valid, without his Counter-assurance. But if he that so Covenanteth, knew before hand he was to expect no other assurance, than the Actor's word; then is the Covenant valid; because the Actor in this case maketh himself the Author. And therefore, as when the authority is evident, the Covenant obligeth the Author, not the Actor; so, when the Authority is feigned, it

> obligeth the Actor onely, there being no Author but himselfe.[1]

Thus the understood representative is a person, real or artificial, acting "responsibly" for other persons, individual or corporate. As such, when single interests happen to coincide, one mind might represent another. Therefore, reactions of human beings to a given stimulus are similar,[2] and one will may will what another will would will should the qualification of coincidence of attitude and interest be present.[3]

However, Hobbes does not explain what is meant by "the people"--whether it is the individual, the aggregate of individuals, the totality of past, present and future individuals, or a group or plurality or majority, although his basic philosophical position is premised upon the acknowledgement of a self-interest drive of egoism in man. To solve the naturally resulting conflict (rather than a true representation of "wills"), the drives governing human conduct eventually result (for Hobbes) in the need simply

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[1]Hobbes, Leviathan, Chapter XVI, pp. 111-112.

[2]Ibid., p. 112. Hobbes does provide for those persons or things which cannot authorize others to act for them. "Children, fools, and madmen"--those without reason--have guardians. See Chapter XIII "Of the Natural Condition of Mankind as Concerning their Felicity and Misery."

[3]It is this which makes the difference and upsets the theory that one mind can represent another mind. In this regard Hobbes is inconsistent.

for the establishment of a civil power to check each in the interest of "all." Such permits the avoidance of pain and the acquisition of a power to cause it by establishing a state and sovereign (of one or an assembly of men) with absolute sovereignty. The sovereign results from the necessity of individual self-interest and contracting action, but once established every man is imaginatively the "author" of the acts of this sovereign in so far as the sovereign acts protectively. Despite the contract, a man always retains the right of self-defense in behalf of his life--if the sovereign himself tries to kill him (or any other man). In this sense, in ad hoc and ultimate situations, the sovereign does not act for because he has abdicated his responsibility to provide security of life and property to the individual.

> A multitude of men are made one Person, when they are by one man, or one Person, Represented; so that it be done with the consent of every one of that Multitude in particular. For it is the unity of the Representer, not the unity of the Represented, that maketh the Person One. And it is the Representer that beareth the Person, and but one Person: and Unity cannot otherwise be understood in multitude.
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> And because the Multitude naturally is not One, but Many; they cannot be understood for one, but Many Authors, of everything their Representative saith, or doth in their name; Every man giving their common Representer authority from himself in particular; and owning all the actions the representer doth, in case they give him Authority without stint: Otherwise, when they limit him in what

> and how farre he shall represent them, none of them owneth more than they gave him commission to Act.[1]

Although this sounds "nice," the question still remains as to what Hobbes meant by "people" and their "activities" and how wills in conflict are represented actually by a "sovereign," which he did not appear to answer. His "scientific" study of life, man and society appears to consider individuals as independent but equal and competitive units to beginwith--even if treated collectively in the sovereign. He sees the anarchy which results from varying conditions, which determine variations of minds, and so is faced with the logical necessity of lifting us to order by the bootstrap of a representative--a sovereign who does not really represent in terms of his own author-actor theory. Thus his theory is not a logical consistent theory of representation as based on his own argument. In fact his beginning individualism, with its stress on the proper relation of the individual to the state, ignores even the ideas of

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[1]Hobbes, Leviathan, pp. 112-113. See Chapter XIV "Of the First and Second Natural Lawes, and of Contracts." "And, if the representative consist of many men, the voice of the greater number must be considered as the voice of them all. For if the lesser number pronounce. . . .in the affirmative, and the greater in the negative, there will be negatives more than enough to destroy the affirmatives; and thereby the excess of negatives, standing uncontradicted are the only voice the representative hath." pp. 111-112. Further, numerical equality in a group renders the representative mute and incapable of action.

a general good or natural law[1] (as he too uses the term) as the foundation for representation at all.

Christian Thought

In contrast to this Hobbesian egoism is Christian thought, which also is concerned with individualism but one which stresses the supreme worth of the individual Soul as a product of God. Christian doctrine permits some individual thought and actions but not in terms of "bad" human or moral relations,[2] for here one must obey God. As a whole, Christianity thus relies on both individualist and "collectivist" doctrine. This was evident in its"theory" through the first sixteen-hundred years of Christianity and on through the Reformation period.

In the case of primitive and later spiritual representation, the emphasis is in fact so otherworldly that there is a tendency not to relate it to human government at all--but like the Greek Epicureans--to stress withdrawal. However, the individual is the only one who can be saved (his "Soul") but directly in the "bowels of Christ"--God's

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[1]As Sabine wrote, "A general or public good, like a public will, is a figment of the imagination." History, p. 475. Yet it constitutes an important element in theoretical writings.

[2]Of course under the doctrine of "sin" men have "freedom" as individuals--but "hell" is the result, which is a backhanded way of meaning the individual does not have freedom in any usual sense.

representative to men--the "Saviour." So the primitive Christian believed his Soul was represented by Christ in His sacrifice, but human life was passing and a sorry affair which did not require temporal representation. The individual lived only through Christ as God (the Son and Holy Ghost in God as Spirit). He lost himself in Christ; was saved in the Holy Spirit, a spiritual representation--otherworldly.

In the organized Church there became interposed a representative system between the individual and God. The lowly human Soul could live reasonably well in the body on earth, as long as it was represented by the Church--which helped the Soul head for Heaven through the stairstep approach--the flesh being weak and represented by the King (actually an evil, if necessary). It was the Church, however, which made it realistically possible for men who could not do this (be saved) on earth, "to take a spell" doing it through the graduated or hierarchical representative system of the Church; giving part of their "effort" to respond to the representation system of the Church by going to Mass and ascending the religious stairsteps of representation to Heaven. Meanwhile, they fought and robbed and lived vigorous sexual lives on earth. Thus in both systems--primitive and organized (Roman) Christianity--a kind of representation exists, the Church acting for the Soul and the King for the

body. The Roman Catholics simply later put the Soul in a state of transition between earth and Heaven, thereby having dual representation.

A truly individualistic theory of personality, then, is not compatible with any theory of organized religion, though the latter relies upon some form of the former by talking about "Souls." Of course, some Christian religious groups such as the Quakers permit a greater latitude in religious individualism. But here the emphasis is not on representation, but direct contact with the Holy Spirit. Thus there is a return to "spiritual representation--the bowels of Christ" again, or direct participation, as in "pure" temporal democracy.

John Locke

Lockean ideas in regard to the mind of man are particularly important in regard to our modern individualistic notions of representation. It will be recalled that each man is, according to Locke, a particular composite of sensory experience which in effect is his mind. Pyschologically, when each child is born, his mind is tantamount to a blank sheet of paper. As the child grows, and is exposed to various experiences, these incidents are engraved upon this sheet of paper or mind.[1] Through life then each new experience

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[1]John Locke, "Essay Concerning Human Understanding," Bk. II, Ch. II in Edwin A. Burtt, The English Philosophers from Bacon to Mill (New York: The Modern Library, 1939), pp. 253-254. Hereinafter referred to as Burtt, Philosophers.

is added to those already written on the mind. As a result of this learning process, no two individuals nor minds will have had precisely the same experiences, and thus no two individuals can possibly be precisely alike.[1] There may be some body of shared experiences which are engraved alike on more than one mind, but this seems to be of small importance.

However, each mind has normally the same proclivity for organizing the sensory experiences, in the sense that "mind" puts experiences together in terms of comparison and contrast. Thus although the individual minds having varied experiences which affect what the mind may "know," may differ in the way they recollect items based on such experiences--a common tendency to order similar objects similarly. In one sense then, each mind, and each individual, must be considered as different--with no one precisely like any other.[2] So long as the individual receives differing sensory experiences, and later sorts them out and uses them, individuals may seem to be different. However, as just indicated, the tendency of mind to order similar things similarly--or distinguish "red apples" from "green apples" generally understood so by each experiencing them(if they are all told they are red and apples)would indicate minds of

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[1] Ibid., p. 253.

[2] Ibid.

various individuals may coincide. It is clear that, except for natural rights, Locke would believe that the persons who see apples as red must be "taught" this, i.e., each, just because of the tendency of mind to order, does not call apples red or anything else. However, Locke does allow the development of one exception--the common recognition of natural rights. That is, it is obvious that without the fact that man does have a tendency to order similar experiences similarly--there would be a madhouse of the mind and of society. Locke did not believe this, his variations in experience made for relativism. But this sharing of experience and common tendency to order allowed for a common sense recognition of natural rights and of social contract and a common attitude toward government and sovereignty and thence of individulistic representation.

Locke thus theorized that man in a state of nature did think for himself with his "unique" individualized mind. But in addition, he had the ability to reason (Hobbes too it will be recalled admitted this), and then act on his decisions. This ability to reason and take action on those decisions permitted individual interpretation of the laws of nature as he understood them.[1] This reasoning ability remained intact upon entering the social contract. Only the practical

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[1] Ibid., Bk. II, Ch. 21, No. 75, pp. 293-294.

ability to act upon every decision was given up and then only in a limited sense. Civil society, "government", was established to remove the necessity of all men to act and interpret his "natural rights," thus allowing the individual more freedom to reason, interpret, and act in regard to his other individualized interests.[1]

Thus, of special importance, Locke implied that in a state of nature men came basically to the same conclusions concerning the fact that each had certain natural rights which were protected by the social contract but which could not be alienated, even through the social contract. To reiterate, although men differed in their perceptions based on different experiences, they do not differ totally but come to common conclusions about the fact that they have natural rights. And these natural rights, according to Locke, remain with the individual; particularly his natural rights to life, liberty and that property with which he had mixed his labor in creating it. Government was instituted simply to protect these natural rights for all individuals, and little beyond this purpose. Individuals also remain endowed, after a state is created, with the inalienable right to interpret the laws made by the government, to the extent that such laws may be unjust in denying them their

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[1]Ibid., "Second Treatise," Ch. 2, pp. 404-409.

rights by nature.[1] When the government institutes an unjust law, then it is the right of the individual to use his reasoning power and the ultimate sovereignty which he still possesses, to determine what action to take. Should the government be unwilling to change the law, then the majority of individuals retain the right to change the government, though not to change the state as the task is protection of natural rights. Locke thought also that it was a simple majority which had had the right to create the contract. In effect, the government is to protect natural rights and nothing more.[2] In any case, underlying all of Lockean philosophical thought is that particular concept of the individual "minds," unique on the one hand, but holding a commonness about natural rights which may be represented in a government. The legislature was to be the supreme state agency and in it there was to be rule by a simple majority. This is the foundation for the "simpleness" of democratic representation theory. Legislatures are chosen to represent the majority; a legislative majority of individual minds represents the minds of the individuals of a community--at least in protecting what each considers to be the proper interpretation of his natural rights.

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[1] Ibid., Ch. 7, No. 89, p. 438.

[2] Ibid., Ch. 19, No. 223-243, pp. 494-503.

But these facts raise further questions of how a consistent or practical substantial theory or fact of representation is possible if each mind is "internal" and "unique." How could one representative (including a popular legislative body) represent such varying minds? And how can the interpretation of natural rights of each be perceived to be the same as those of each other if all are so different in their "unique" experiences? Yet as just indicated, Locke lays the foundation for all the fleeting unsubstantial and inconsistent theories of representation of "states of mind" believed in today.

David Hume

Writing in a similar vein, David Hume later argued that "mind" is conditioned by sensory experience. Unlike Locke, however, Hume did not argue to "natural rights" or the "social contract" theory and believed in limits on the ability of human reason. It was Hume's contention that some things are beyond the power of reason, demonstration of the innate truth of an idea being among the most important in his consideration. Observation can tell us that one event follows another, but no matter how many times we see this sequence occur, there is no ultimate proof that the second is caused by the first.[1] We have only two events

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[1]David Hume,"An Enquiry Concerning Human Understanding," in Burtt, Philosophers, pp. 596-597. Hereinafter referred to as Hume, "Enquiry."

that seem to occur in conjucntion with one another because the mind, using its previous sensory experiences as tendency to associate like things (or its instincts or customs taught it) put them together in a causal relation. There may appear to be causation then, but still there is no certainty of it. In turning his observation inward upon the mind itself, Hume "found" a collection of what he terms "perceptions," defined simply as whatever is present to the mind due to simultaneous exterior stimulus and inward response. Nothing is present in the mind but its perceptions as a result of it. Perceptions, by themselves, however, are not unique for Hume. Many may perceive the same when seeing a triangle, or tasting an apple, but the order in which perceptions are grouped, based on what may seem to be causality, are unique to the individuals concerned. Hume understood our ideas to be "separate little bits of perceptions that can always be extracted from the complex ideas they compose--just as the bits of a mosaic fit together yet are separable from the picture they form."[1]

Thus ideas as components of perception are internal--that is, within the mind--for when Hume shuts his eyes, and thinks of something which he has previously perceived,

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[1]T. V. Smith and Marjorie Greene (eds.), Philosophers Speak for Themselves, Barkeley, Hume and Kant (Chicago: University of Chicago Press, 1957), p. 98.

his mind gives him an image which is a perfect representation of it.[1] This is true even though mind by itself contains nothing. In any case, the mind is totally within itself. It has no way to prove "objectively" any matter of fact. As each mind is thus internal, and must then work only with what it has perceived or felt, each must of necessity be somewhat different from all others. No two persons would ever perceive and feel things precisely the same way. All human beings then construct their own world of fact and also of values, the latter by preference, which is the basis for distinguishing between what we say "is" and what we say "ought" to be. Reason then can tell us nothing for sure; it can not tell what is inevitable, nor what the cause and effect are as in the case of natural laws. There is no inevitable logic in the facts as they strike us. "We" arrange the facts into what we subjectively call "natural rights."

Thus according to the individualistic psychology of mind, as Hume perceived it, each mind is again (as in Locke) so unique that it could not be represented really by another human mind. What would be perceived to be the best decision would have to be based on unique sensory experience, including

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[1]Hume, "Human Understanding," Section II, pp. 592-596.

the instincts of the individuals. Such experiences are not totally commonly shared, and so what would be important to one mind could not necessarily be said to be important to another mind. Certainly what would appear to be an adequate or proper decision to the human representative of another, may very well be anathema to the represented, let alone one representative representing many other minds. Situations and perceptions combined are constantly in flux and may also alter our minds--the functioning of one mind--faulting the possibility of representation of one mind by another mind in a given set of circumstances for any length of time if it were possible even momentarily. Hume is principally concerned with "probable" reasoning to discover matters of fact about a probable generalization to guide our lives. Upon this base of "probable reasoning" rests his individualistic philosophy of life and government. This discussion of probability resolves itself into an examination of causation.[1] This cause and effect relationship, he argues, is ever present in any representative system, and due to the unique internal nature of each mind, that mind could not be represented by another, nor could one mind be representative of another unique and internal mind. The best that could be done is to have a balance of minds, a balance of

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[1]Robert S. Hill, "David Hume," in Strauss and Cropsey, Philosophy, pp. 493-495.

interests, with lots of free play, including a little skull-duggery and corruption to keep the situation fluid.

In many respects, Hume wanted a system similar to that existing today in the United States. He wanted a "nobility" without vassals to give the society some "stability" even though it did not represent the many minds. He wanted a "popularly" elected body, which in his day meant the few well-to-do would represent, if only poorly, the many. He was not an advocate of governmental intervention in the economy, which he believed should be left free, so that the fleeting "minds" of each could determine the production of goods, services, prices and wages, in all a "free market." He wanted free speech and press so that each mind could explain what it "wanted." His is our system today; with the ruling circles enjoying privileges, and deciding, in so far as they are able.

Jeremy Bentham

The thought of Jeremy Bentham develops further the Utilitarian principle of David Hume.[1] Bentham and Hume both agree in their psychologically-based theories that the mind of the individual and what affects him are more important than what may potentially have an effect upon him.

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[1]See above Chapter II at pp. 101-107.

Bentham said that what we "ought" to do is govern by the basic fact that: "Nature has placed mankind under the governance of two sovereign masters, pain and pleasure."[1] In the real sense, these two--pleasure and pain--as psychological causes determine what men do. They have a profound influence on both what the individual does and what the government does. The end of government, happiness--which is defined as the presence of pleasure and the absence of pain--is the same as for the individual. Thus in Bentham's work there is no question of whether or not there would be a representative system. This is an accepted thing, though Bentham is quite explicit in delineating the responsibility of the representative-legislator. The principle of utility of course is the guiding force:

> By the principle of utility is meant that principle which approves or disapproves of every action whatsoever, according to the tendency which it appears to have to augment or diminish the happiness of the part whose interest is in question. . . .I say of every action whatsoever; and therefore not only of every action of a private individual, but of every measure of government.[2]

The representative-legislator is then given a schema based on this principle which is to be applied in the law-making process. He is to consider the sources of pleasure and

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[1]Bentham, Principles, p. 1.

[2]Ibid., pp. 2-3.

pain--of which Bentham finds four: 1) physical 2)political 3)popular and 4)religious. By considering these sources the legislator can then determine his course of action,[1] which involves selecting from two or more alternatives that will produce the most pleasure and the least pain.[2]

The psychological orientation of his theory made Bentham believe that it would have validity "for all men in all conditions at all times because government rests simply on human psychology which is identical in all men under all conditions at all times."[3] Thus the thought of Hume and Bentham is very similar, as is the thought of an associate and disciple of Bentham, James Mill, who made a concerted effort to work out the implications of Bentham's thought as it would apply to government.[4]

James Mill

James Mill accepts Bentham's psychology and ethics and applies them in his Essay on Government. Utilitarian thought does not accept the social contract theory but sees the obtaining of good government as a problem to be overcome. Individual interests are only protected when the

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[1] Ibid., pp. 24-27.

[2] Ibid., p. 5.

[3] Henry M. Magid, "Jeremy Bentham and James Mill," in Strauss and Cropsey, Philosophy, pp. 622-623 (1963 edition).

[4] Ibid., p. 621.

individual protects them, but individual interests do fit in as part of the aggregate which go to make up the community interest.[1] The interest of the individual and thus of the community, according to Bentham, is furthered:

> When it tends to add to the sum total of his pleasures: or, what comes to the same thing, to diminish the sum total of his pains.[2]

Government then has this as its end, and "good government depends on finding a way in which some may govern while the people can check the governors."[3]

For Mill the solution is to be found in having representatives elected by the people--such representatives to check the governors (the monarch and the House of Lords). On his terms, Mill believes that good government is possible. But Mill runs into difficulty at this juncture for he would give the representatives "sufficient" power to check, but the term itself is vague.[4] This was not the only weakness in James Mill's writings. The criticisms of his Essay on Government written by Thomas Macauley caused John Stuart Mill to attempt a clarification of Utilitarian thought, partially to vindicate his father and partially to broaden

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[1]Bentham, Principles, p. 3.

[2]Ibid.

[3]Magid in Strauss and Cropsey, Philosophy, p. 625.

[4]James Mill, An Essay on Government (Cambridge: Cambridge University Press, 1937), p. vii. Hereinafter referred to as Mill, Government. See also Chapters II and IV of this study.

the scope of the concept of utilitarianism.[1]

John Stuart Mill

John Stuart Mill found Utilitarianism as defined in hedonistic terms to be inadequate as it related to human nature. He rejects the a priori understanding of the distinctions between right acts and wrong acts.[2] He believed that the fundamental principle of morality is to be found through experience rather than being an innate deduction. Thus he applies to pleasure a qualitative as well as quantitative measure:

> A being of higher faculties requires more to make him happy, is capable probably of more acute suffering, and certainly accessible to it at more points, than one of an inferior type; but in spite of these liabilities, he can never really wish to sink into what he feels to be a lower grade of existence.[3]

The superior pleasures are thus to be sought, and upon this Mill's political philosophy partially rests. First he believed progress of the society to be essential. Then a society in which people seek the superior pleasures is more advanced than one in which they do not. Thus to promote

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[1]Magid in Strauss and Cropsey, Philosophy, pp. 679-696 at 679 and 683.

[2]John Stuart Mill, "Utilitarianism" in Burtt, Philossophers, pp. 895-897.

[3]Ibid., pp.901-902.

the higher pleasures is to pursue a higher civilization.[1] The individual then must be given the opportunity, through education Mill said, to seek the higher civilization and thus the higher pleasures.[2] Society should provide the conditions under which each can develop his special talents, thus contributing to the further progress of the society.

Modern Individualistic Theory

The problem previously noted relative to the physical-mental impossibility of one mind representing another has not been directly approached by any of the familiar modern personality theorists, at least with regard to political theory. Psychological theory as evidenced in the above individualistic orientations has its counterpart in the social-psychologists, such as Alfred Adler. However, contemporary psychological theory may seem to add to the complexity of the question of how one mind can represent another or others. That is, contemporary political-psychological theorists make the psychological phenomena the basis of representation, although such phenomena are often less than rational, tied to emotion, and are by nature unstable. The reasoning ability of man, as pointed out in Locke and Hume, is based upon what

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[1] Ibid., pp. 901-907.

[2] Ibid., pp. 901ff.

man perceives and what each person believes to be the connections between events. Events perceived by a supposedly unique being may be ordered at times in somewhat similar fashion. If there is a strong emotional link between a particular event and a particular unique personality, its meaning and impact will differ sharply from the meaning and impact that same event will have upon an individual who does not have the strong emotional link to the event. At best, emotions of individuals are fleeting and unstable--particular ones are here today and often gone tomorrow (sometimes the next moment). Such is not the basis of logical-practical representation, i.e., emotions as such can not really practically be represented. However, the social needs which man qua man (including women) has are continuous and thus may be represented to some degree--maybe. At least the social environment is vitally important as a conditioner of what man's social needs are as a basis for representative government and thus has been so considered by Adler.

One aspect of Adler's theory is his emphasis on the "individual" in his social setting. The usual strong stress by most modern thinkers on "individual" or "genetic" or innate physical criteria as the basis of personality development was among the causes for Adler leaving the Vienna Psychoanalytic Society while President of the organization (and a charter member). Adler's social-environmental ideas were

at variance with those of Freud and others in the group, and precipitated a profound split which largely aided the development of social-psychology as known today.[1]

Adler's individualistic psychology considers man firmly a part of his society--an entity which would be unthinkable without his social relations:[2]

> Heredity only endows him with certain abilities. Environment only gives him certain impressions. These abilities and impressions, and the manner in which he "experiences"them--that is to say, the interpretation he makes of these experiences--are the bricks which he uses in his own "creative" way in building up his attitude toward life, which determines this relationship to the outside world.[3]

Like Aristotle, then, Adler considers man a social animal requiring the presence of other individuals. Thus, "social interest is inborn although the specific types of relationships with people and social institutions are determined by the nature of the society into which a person is born."[4] Adler is concerned with both the innate biological and the social-objective aspects of individual development. The

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[1]Calvin S. Hall and Gardner Lindzey, Theories of Personality (New York: John Wiley & Sons, Inc., 1957), p. 116. Hereinafter referred to as Hall and Lindzey, Personality.

[2]Alfred Adler, The Practice and Theory of Individual Psychology, trans. Paul Rodin, Rev. Ed. (New York: Harcourt Brace & World, 1964). Hereinafter referred to as Adler, Psychology.

[3]Alfred Adler, "The Fundamental Views of Individual Psychology," International Journal of Individual Psychology (I, p. 5) quoted in Hall and Lindzey, Personality, p. 124.

[4]Ibid., p. 117.

individual is to some extent a creation of society, while the individual is creator of society. Although there is evidence that emphasis upon social determinants of behavior is considered by some his major contribution to psychological theory, the second element--the "creative self"--also contributes much to an understanding of the impossibility of one mind representing another mind. That is,

> Adler's self 'remains' a highly personalized, subjective system which interprets and makes meaningful the experiences of the organism. Moreover, it searches for experiences which will aid in fulfilling the person's unique style of life; if these experiences are not to be found in the world, the self tries to create them.[1]

Adler further adds a feature setting his theory apart from classical psychoanalysis. This feature emphasizes a unique personality composed of motives, traits, interests and values, where every act it performs wears the mark of the individual distinctive style of life.[2] The personality thus believes much, because of that which sensation has told it to believe, though it can have little understanding of that outside itself. Sensations are the sources of impressions and ideas, as with Hume. As the mind is within itself, knowing nothing without the body, it is subject to the sensations which the physical body of man brings to it

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[1] Ibid.

[2] Ibid., p. 118.

in response to sensory stimuli. Sensation is transfered from the nerve endings of the body through the channels of communication to the mind or brain--the self--(which then translates the sensations into "knowledge"), providing the mutual bases of all thought including that which requires representation. The sending of messages to all parts of the body provides another base for representation in that the brain explains the sensation to the body for the body's reaction. Thus despite Adler's emphasis on social determinism in regard to personality, intertwined here is a definite strand of individualistic psychology-physiology-philosophy which gives us the so-called subjective being known as the "individual"--the basic element in theories of representation.

The fact that Adler believed social interest to be inborn, and not acquired by habit, provides a further similarity to Hume, whose thought led to the fact that one man can not be represented really, practically, by another. Like any other "natural" innate characteristic, however, this predisposition does not appear spontaneously, but must be cultivated. One may develop his natural social interest so that he is nicely conditioned to accept representation by another in regard to common needs he has been led to perceive, even though he may not be. The individual, according to Adler, "perceives, learns and retains what fits his style

of life and ignores everything else."[1] Obviously despite Adler's emphasis on socal interest, the fact that one may ignore all which does not fit into his life-style means that existing representative systems are not credible; for it means that no representative will represent anyone whose life style does not fit "his own" life style. The study of personality for Adler, therefore, becomes an analysis of a physiological individual's unique adjustment to his environment. Darwin had introduced or elaborated upon the idea that the study of mind is ultimately a study of how psychological processes as the emotions and the consciousness serve to adjust man as species to his environment. The essential difficulty for representation theory here is that all human conduct is considered a unitary, or whole (i.e., relative to one individual), and yet is unique or peculiar to that particular individual. But worse, it is inconsistently at times broken into "parts" within the psychological-physiological realm. This then is the theoretical orientation of clinical psychologists grounding all known theories of contemporary representation on one to one or man for man basis, i.e., democratic representation--including interest representation. It is obviously questionable then how one mind can accurately represent another

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[1] Ibid., p. 123.

on a basis of the psychological-physiological definition of man just given. It is certainly difficult to understand how the mind of a representative--itself broken into a series of psychological-physiological processes could possibly represent the parts of another mind also broken into such different parts. For it is obvious that it is totally impossible for the mind of one (so defined) to represent the parts of mind of "thousands" of minds of his constituents. The theory tends to be fraudulant. Worse of all, virtually no one believes it even while stating it--but instead jumps the objective process on a surrealistic basis--saying "Oh, well--it all works out in the election process"--or in the "long run" in the political process. This is game theory at its worst.

An example of this "tuning out" process can be seen in consideration of the mind being battered by a constant repetition of television commercials, including political ones. The mind has certain sensations, either of pain or of pleasure, as it watches or listens. But what appears as painful to one may not affect another in the same way. Our knowledge of "subliminal" effects indicates a mind that is certainly not always conscious of what it thinks or feels--a sine qua non of rational democracy. There is little doubt that many television commercials produce somewhat similar impacts; but there is also no doubt that each mind

interprets and knows in its own unique way on a basis of the individual definition of mind. This has been verified by the simultaneous empirical testing of an adult and a small child.[1] The adult is often aggravated by any attempts of the media to obtain customers for various products. Yet this same attempt often has a pleasant, entertaining, even "mesmerizing" effect upon a child, who stops all other activity when a commercial begins, and watches to conclusion as if hypnotized. In one sense the individualist is correct. However, his own definition of such a psychological phenomena would seem to demonstrate that one mind is unable to represent another in the knowledge acquired within itself--through various stimuli--a fact he discounts or ignores as simply "mental subjects"--representation of bodies. Such is about as valid a theory as that of representing "souls." Yet the individualist argument in behalf of democratic representation plows on and the mind is casually considered as an integral part of man for purposes of individualistic representation theory.

But worse confusion, a man is often considered more than a mere psycho-biological creature. A man is said to be more than reflex and sensation,--inward ideas and habit.

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[1] A recent Harvard Business School study established that levels of confidence in commercialized products held by children of the pre-teen set were surprisingly low. However, the above example pertains to what is known as the "toddler set."

Rather, it is argued, these "inward ideas" at times provide a myth to define the belief about the nature of man upon which men act and representation occurs. For example, in many societies, it is admitted a preference has been expressed for a particular way of life--which comes to cause man to "think" of himself in "special" ways (roles) even for purposes of representation. Thus the Spiritual man of the early Christian era was represented in the mind of the clergy and others--even if this clergy was not very spiritual--by the clergy. Intellectual man of the Renaissance is represented by the creative artists in the minds of the creative artists. Economic man of the industrial era is represented by the shop steward, the business manager, or the entrepreneur in their own minds. The concept of Heroic man, held in various forms by the Fascists and even by the Communists, was and is represented by a Hitler, Mussolini or a "Stakhonovite" in the minds of the people, "befuddled" into thinking such men exist.[1] In this case, individualist mental notions are said to have obtained some "objective" status in a myth--but a myth in which men act in practice and which forms the basis for practical representation. Of course the whole theory and practice is a myth: men do not think or act in practice--even politically--in such simplistic, one to one forms.

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[1]This can be likened to the tactic in academe of first creating a "strawman" so that he can then be torn apart. Likewise, Orwell's 1984 notes the repeated creation of the newest "alleged" enemy.

This is worse than a myth--it is a fraud and a lie, although "interest group" representation or Fascist corporatism results from it. As noted above, men live out their lives and personalities in a highly complex, functional-objective manner in which there can be no such simplistic representation from a satisfactory standpoint, because man is not of this character. This will be noted more empirically in the discussion of practical problems of representation.

CHAPTER V

PRACTICAL PROBLEMS OF REPRESENTATION

Introduction

As can be readily seen, the theoretical approach to the understanding of mind and personality in terms of an individualistic definition of the person as a quantity to be represented presents a number of practical problems. No aspect of representation is so thorny as that of trying to reconcile the theoretical approach with the practical. Briefly, the individualistic system is largely beset with problems because psychological phenomena are at its base. The difficulties in determining the nature of these phenomena have previously been noted as stemming from their irrational, emotional origins. Such phenomena are fleeting and unstable by nature; and practically, can not be represented in terms of the continuing social needs of man. They are thus here today, gone tomorrow, and vary from person to person because of the unique structure of the human mind. One mind thus representing another is not possible, let alone one mind representing a number of minds. Confronted thus with an impossible situation, practioneers in government have settled for what could be attained practically in a variety of "representational" forms. For practical purposes then, there has been a general insistence on a

representative "form" of government--representative to the extent that it is called representative, for the ideal of a representative body has never become a practical reality. That is, a political system called representative in which representatives are formally selected has been developed. The people governed by such systems acquiese and accept them as representative,[1] whether it is practically possible for them to act so or not. With this acquiesence and acceptance of something less than compatible with reality, it is necessary for us to consider the practical problems in more detail and their implications for the general theory.

Three general practical problem areas are here important in consideration of existing systems of representation.[2] The first is the "felt need" for establishing a representative system. The second is that concerned with the origin and designation of the "actual representative." Among the most important questions to be raised in this regard are: How shall the representative be chosen? By whom shall the representative be chosen? And from where shall the representative be chosen? The third practical

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[1] A more detailed consideration of the "why" is presented in Chapter VII below.

[2] This matter of why a representative system "needs" to be established is definitely a practical problem and must be considered at this point. The problem also emerges as a rationale or reason for establishing such systems and thus will be further considered in Chapter VII below also.

problem area involves the questions of what the function of the "representative" shall be and what relative degree of freedom he will formally be given. Central to these latter considerations are the following: Who is to determine what level of freedom the representative is to have in speaking and acting for his constituents? Who makes the determination of problems to be solved, and how is the ultimate solution or resolution of problems achieved?

Establishing a Representative System

Presumably a representative system is desired to give a voice to the wishes and provide for the needs of the "members" of a society. As an ideal this is fine. However, history will bear out the vital fact that ideals do not often work out in the real or the practical world. Flaws and imperfections in practical attempts at representing have been pointed out by theorists since the beginning of written records. In turn these theoretical assessments based on practical examples have been transmitted into numerous practical attempts at representative government. For example, it was the study of practical ventures of the Greek city-states--examples of many flaws--which prompted Aristotle to devise his categories of pure and corrupt forms of government. His analyses of 158 Greek constitutions led him to select what appeared to be the best practical form which government should

take. These Aristotlean judgments were based primarily on failures, prompting suggestions as to what should be avoided.[1]

In most governmental systems there is the basic premise that the people as such must be represented.[2] In most cases where this premise is a part of the foundation of the governmental system, it has not come to fruition. Available evidence does not show that democratic representation in all cases is or can be more "efficient" and/or "better" than representation which does not have a so-called democratic base. That is, it is argued at times that non-democratic systems may be more representative of certain needs of a mass of people than some so-called democratic systems. Vice versa, the attachment of the label "democratic" to a political system does not make it so, as there are many variations of "democracies" presently existing.[3] All things considered, extensive differences exist even though the labels attached to various political systems are the same. There

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[1]This is the main theme of Aristotle's The Politics, which may well have been intended as a practical guide for statesmen. See Sibley, Ideologies, pp. 105-107.

[2]As people "must be represented" some democratic-republican notions are elevated to the level of necessity as attitude that these forms can best govern--not that democracy is in all aspects respectable.

[3]See Elton Atwater, Kent Forster and Jan S. Prybyla, World Tensions, Conflict and Accomodation (New York: Appleton-Century Crofts, 1967), Chapter VII.

is no guarantee that any type of "system" will be fully representative of what it claims to represent.

Yet almost all political scientists adhere to the notion that representation is a necessary concept and fact in any governmental system even though they may not adhere to the possibility that one mind can represent another mind. Implicit in this belief seems to be the idea that people rather than geography, political entity, resources, or other things must be the basis of the representative system. There is further the idea that there must be at least a "physical equality" of warm bodies (which is being represented) in the system. This is clearly ennunciated in the landmark decisions of the U. S. Supreme Court in Reynolds v. Sims,[1] and Wesberry v. Sanders.[2] In these two cases and others, the Court decided that each man's vote should count as nearly equal to every other man's vote. Thus the U.S. House of Representatives' electoral districts are to be as nearly equal in population as possible. Equality of the vote in this instance presumes equality of representation based on physical human beings and is not grounded on intellect, wealth, or skill-ability criteria. Most ancient, medieval, modern and many contemporary political systems and "politicians" do not generally accept this principle. Still for

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[1]Reynolds v. Sims (377 U.S. 533, 1964).

[2]Wesberry v. Sanders (376 U.S. 1, 1964).

democratic representative systems, equality of one to one seems to prevail, i.e., each shall count for one and none shall count for more than one. Here in the first instance the ideal of equality of representativeness is fallacious, as pointed out previously.[1] Yet electoral laws in the United States exemplify an attempt to establish an equality of suffrage as a base for the political system and in turn an equality of representation. However, this is not a reality of a practical nature. The absence of any enforcement of provisions contained in Section 2 of Amendment XIV of the U. S. Constitution demonstrates this fact. This section provides for a reduction in the state delegation to the House of Representatives if any significant segment of the electorate is refused the franchise. Still for many years portions--significant portions--of the population, particularly blacks in the southern states, were denied the suffrage, and thus representation. Yet never has the U.S. House taken action to reduce a state's delegation, as it may, because of the denial of the suffrage. Still the case in point of the deprived (economically), the illiterate, the minority groups, women, and the eighteen year old[2]

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[1]See the individualistic theories as discussed in Chapter IV above.

[2]For a detailed analysis of relationships between "electoral laws and political party systems on a cross-national scale," see Douglas W. Rae, The Political Consequences of Electoral Laws, Rev. Ed. (New Haven: Yale University Press, 1971), Chapter IX.

student voter often demonstrate discriminatory application of the laws.

For example, American college students often have been denied the right to register to vote at their principal place of residence, the academic location. The bulk of judicial rulings have gone against these potential voters in their attempts to register. Yet the ideal or theory of "democratic" representation holds that qualified individuals (a universal adult suffrage) have the "right" to register, vote, and be represented by those who represent the population located wherever it may be at any specified point in the time continuum. The practical reality is that those in control of the electoral apparatus--the Election Board or whatever--have vested interests in their locality which "might" be adversely effected by the weight of "student" voting, "black" voting, "poor" voting and so on. It is thus to the benefit of established boards to deny the vote to any who may threaten or who may appear to pose a threat to "local" feelings of security and interests. Therefore some election boards continue in attempts to deprive the student and other groups of their franchise, denying the practical nature of a representative system based strictly upon population and locality. Here is the ideal of equality being applied by subjective individuals who permit their own norms, values, attitudes, and interests to enter into

the determination of who may register and who may vote, and ultimately who may be represented as well as who may represent.[1]

The existing representative system is therefore, practically, merely a means for the continuation of control by political powerholders. Representatives thus represent not individuals as individuals but rather as vested interests, in turn excluding many from having any representation.

Choosing the Representative

How? Selection or Election

Presently there are several practical methods employed for determining the representative.[2] Generally speaking, in a world which has come to demand at least the attachment of the word "democratic," to a government, some form of election has come to be used rather than other devices.[3] However, much of this election procedure, as has been said again and again, involves only paying lip service to what is assumed to be democratic election, and is in truth selection (by other means). The major distinction here is that

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[1] Thus North Carolina voters in November, 1972, approved a state constitutional amendment permitting eighteen year olds the right to vote (a political fact in the federal constitutional amendment) but in the same phrase stipulated that all office-holders must have attained twenty-one years of age.

[2] See pp. 191-192 above.

[3] Actually there are four possibilities by which one may become a representative: appointment, election, inheritance (rare today) and the use of force.

number or group which determines who is chosen to represent. That is, election has come to imply a majority electorate actually working its will in a fair process to determine who is to represent them. On the other hand the use of the term selection implies that some factor other than popular determination is employed. In the selection process, even though a majoritarian representation of individuals is supposed to be at work, a small number of persons in control of a one-party system nominates who is to be voted upon by the many. Therefore, it is really the small number in control of the party who are being represented, even though a "mass" electorate votes finally. Thus during the period of National Socialism in Germany, the power resided in the hands of the party for both party and governmental function. A portion of such determination, however, continued to include some sort of election procedures, along with party determination. That is, once the party determined whose names should appear on the ballot, the electorate could verify party choice, with generally but one choice permitted. But this particular political system was not constructed on principles of individualistic theory, although again lip service was paid to such in the initial stages of its development.

In many of the "democratic" nations much the same is true, with the exception that some greater choice is provided.

Western nations such as Great Britain and the Scandanavian countries with disciplined political party systems provide a number of candidates from which the electorate may choose. The party makes the first determination in selecting candidates for the various offices, basing its judgment on how well the candidate conforms to the party image and position. Then the electorate selects from among the candidates of the various parties so determined--in effect the voter has little choice. Here party is important for the initial selection, following which the electorate has the choice of party. Thus the candidates elected represent a party image and policy position rather than the individuals who elect them.[1]

A less rigid party structure exists in the United States wherein the determination of seeking a representative position is made by the candidate himself (self-selection) or groups of his followers. No strong party structures make the initial determination, rather the individual who desires to run for political office places himself in the running. No absolute necessity of party support exists, just the necessity to fulfill relatively minor state regulations for inclusion on the ballot. Almost anyone may, if

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[1]See J. F. S. Ross, Parliamentary Representation, 2nd Ed. (London: Eyre and Spottiswoode, 1948). Of particular note is Chapter XVI, "Electoral Methods and Party."

he desires, place himself in contention for the representative role. This, however, is practically predicated upon the availability of, or ability to obtain, the necessary funding for the candidacy.[1] This financial consideration insures that large numbers of people are denied the opportunity to try for most political offices. It does not satisfy the criteria of the individualistic theorists that each individual is unique wherein no consideration is given to whether a candidate possesses or has access to large sums of money. Here there is equality to the extent that petitions of nomination are filed, each of which requires a specified number of signatures from registered voters--equality of the individual vote?

None of these methods assures that the "best" or most qualified person available for governmental position will achieve the office. All that it assures is that somewhere along the line either the few or the many will determine that someone is to fill a slot in a hierarchical organization, thereby cloaking a representative in a mantle of legitimacy. No bother that those who are "most qualified" to serve may be totally denied a position. It appears rather that election and selection are based on other criteria.

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[1] Ibid. See Chapter XIV for a discussion of the cost of British elections. A more detailed discussion is also to be found in William B. Gwyn, Democracy and the Cost of Politics in Britain (London: The University of London, The Athlane Press, 1962).

Over a half century ago Lord Bryce observed of American politics that the most able men do not seek office therein.[1] The better or best persons would be took likely to have engendered animosities because of some thought, word or deed. Such of the best would more likely be controversial and not the type selected by the mass electorate which theoretically elects officials in this country (whereas in reality only a small percentage of the "mass" vote). American politics thus has tended to attract relatively bland personalities who are able to attract a large following across ideological lines. These bland personalities then try to "represent" the largest number of voters possible and as a result often represent no one (except themselves). The choosing of the representative in the United States where the <u>average</u> is to be served is thus a fallacy for, as Plato said, no such thing exists. What is represented then is not the best possible.[2]

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[1]James Bryce, <u>The American Commonwealth</u>, I (New York: The Macmillan Co., 1906), Chapter VIII, 78-85. Hereinafter referred to as Bryce, <u>Commonwealth</u>.

[2]Much the same can be said for the election of representative officials in any country, and for those officeholders elected by some authority higher than the people. Thus the notion that God (or Allah) selects those who would rule over the nation becomes the best possible practical answer to the dilemma of choosing the representative. All that is necessary for the powerholders to maintain their position is the simple declaration that "God wills it." This does not satisfy all the people, but there is little one could do against Higher Authority.

Further, the ideas underlying popular election appeal to some as a way for the so-called popular will to be worked. However, as Rousseau notes, when the people do not devote their full energies to governing and select little assemblies to do their will, they cease to be a part of the "general will." A contemporary writer notes a similar argument in advocating "participatory politics" rather than representative democracy where "the adult citizen is almost dead, and with him will vanish the human being, autonomous and social."[1] Thus popular elections are not magical devices for achieving ideal representation from either practical or theoretical viewpoints.

From Where is the Representative Chosen?

In theory, the representative represents people; in practice representative schemes which have been established appear to represent a number of things including, supposedly, people. The format of representative districts is varied and diverse, ranging from small local electoral districts to enormous areas. Within a nation-state artificial boundaries separate individuals in one "representative" district from those in others. The practical

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[1] Robert J. Pranger, The Eclipse of Citizenship: Power and Participation in Contemporary Politics (New York: Holt, Rinehart and Winston, 1968), p. 102.

nature of "sovereignty" precludes any practical representative district larger than the nation-state. Thus many different schemes of "representation" have been implemented in different nations. George Kateb, for practical reasons, believes that:

> Political systems must be studied from inside by those fully at home in the culture--those who are alert to the meaning of human activity in the system and are intimately acquainted with the usages, rules and conventions of the system.[1]

However, the political theorist attaches emphasis to the isolated common good of a single nation-state rather than the greater good of all. As a practical matter consideration is bound to a particular culture, with its language, symbols and institutions to the exclusion of general applicability to higher levels.

Georgraphy or Population Numbers

Among the representative formulae in use are devices requiring representation based upon geographic areas, or some form of population grouping. Within these two forms are a great number of alternatives which have been or may be adopted as a practical means of obtaining representation to the extent that this is possible. It is from areas or population groupings that representatives are most often selected or elected. Either way, the results are often

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[1]George Kateb, Political Theory: Its Nature and Uses (New York: St. Martin's Press, 1968), p. 86.

the same with little practical reality of representation. In all there is the dominant theme of self-interest, be it of geo-political orientation or based on population. There is no guarantee whatever in the system adopted that there will ever be practical representation.

The United States is an example of a nation which has implemented both the geo-political and population-based ideas of representative districts. The Senate of the United States Congress represents the states as geographical entities, with each state having "equality" in numbers (two) regardless of size, wealth, culture, population, or other criteria. On the surface this would appear to be an equitable mode of representation, but Senators are far from "equal" in any respect. From personal ability to seniority, many forms of inequality exist. However, the major practical consideration is that there be two--no more, no less--from each state, "automatically providing equality of representation."

The House of Representatives presents the same sort of practical problem except that the practical basis of representation differs markedly. The House is composed of 435 voting members, and other non-voting delegates, who "represent" population groupings. These population groups exist <u>within</u> the political confines of each of the fifty states; and within the state all districts must be as

nearly equal in population as possible. This premise would have one believe that mere equality of numbers guarantees equality of representation. There is, however, no demonstrable proof that the 500 or so thousand people residing within any given congressional district are equal to the like number residing within any other district. Nor is there any supporting evidence to the contention that the representative from any one district is the equal of any other. If the contentions of the individualistic theorists that no two minds are precisely alike in all respects are to be accepted, then the unique character of one mind (a Senator or Representative) can not represent the unique character of other minds.

A further difficulty exists in the congressional district with population as a basis for representation, in that the districts are subject to partisan manipulation for political advantage. So long as the determination of the districts resides with the individual state legislative bodies, gerrymandering will continue to present problems. The apportioning bodies are composed of representatives of local interests and thus have something to gain either individually or collectively through their positions of trust. These legislatures have traditionally been dominated by the more conservative rural interests and, through the use of partisan districting, have denied equality of representation

to urban dwellers. The urban versus rural dichotomy has traditionally denoted the liberal versus conservative or the Democratic versus Republican differences, though these are not distinctions which apply universally. Only recently have steps been taken to eliminate this dominance by rural conservative interests.[1] However, the shift has meant that the urban populace has begun to assume a dominant role and thus has provided little change in the nature of representation except the characters involved.

The concept of representation has developed (in the United States at least) to a point where most theorists accept the fact that it is better to represent people (if this is possible or not) than it is to attempt to represent areas. The interests of an area are most often best served by advancing or providing for the interests of the people who live in the area.[2] The people are responsible for their areas and the diversity of interest of the people from region to region today is not so great as it once was.

There are perhaps as many attempted practical solutions to the practical problems of "by whom" and "from where is the representative chosen" as there are political entities to present or attempt them. In this respect the "attentive

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[1]See the series of Supreme Court cases on apportionment, especially Baker v. Carr (1962), Wesberry v. Sanders (1963), Grey v. Sanders (1964) and Reynolds v. Simms (1964).

[2]This, however, is interest representation and does not abide by the principles of individualistic theory--in effect the individualistic theory is denied in practice.

public" which considers their own "representedness" must be included, at least as quasi-theorists-practioneers as it were. The relatively recent phenomenon of universal suffrage coupled with a belief in equality led to the insistence that each participant in a society has a voice in choosing his representative. This is as good a solution to the question of "who does the electing?" as is available, though from the proceeding discussion, it can be seen that the question is still unanswered. Who better to choose the representative than the represented? In some respects, almost anyone else could do a better job of choosing than those who have an interest in what the representative might do once chosen:

> A representative need not necessarily be chosen by those whom he represents. But a system of election seems more likely to secure representatives who will represent their constituents to a considerable degree, at least on matters of general policy. As to whether the representative should be guided by their own immediate constituences, by their party, or by their own views as to the best interest of the country as a whole, it may be said that all of these factors are likely to affect their decisions, in varying degrees, according to the definiteness and intensity with which these elements are expressed and recognized.[1]

Degrees of Freedom for the "Representative"

The practical problem of what is the optimum degree of freedom for the representative is thorny indeed. In

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[1]Fairlie, "Representation," p. 466.

defining this degree, several categories have been proposed, with those of Wahlke, Eulau, Buchanan and Ferguson receiving perhaps the greatest acceptance; or at least imitation. Wahlke and his associates in their four-state study established or at least labeled as such, the categories of Trustee, Delegate, Partisan and Politico. These divisions are convenient for present purposes as they delineate an attitude, or express a degree of freedom held by the representative.[1]

Care must be taken to insure that thought be given to the origins of the divisions devised by Wahlke. There are indications that they have merely popularized and modified ideas and attitudes.

Delegate

The Latin representare, "the mirroring of an object or idea," is reflected in the category of the delegate. The delegate, in terms of representation, is one fully instructed by his electors. He is the agent, referred to by Hobbes as one authorized to act for others.[2] Those representatives thus instructed, or given a mandate by their

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[1] It is important to point out that these categories arose out of a series of interviews with almost 500 state legislators in the states of New Jersey, Tennessee, Ohio and California. Further, these represent the role perception held by the legislators themselves. This particular study will be discussed further in Chapter VI.

[2] Hobbes, Leviathan, Chapter XVI.

electors, are endowed with little if any freedom to act as they want in the representative role. This limitation was for a long time the accepted norm. Early councils were generally limited in what they could do, either by their constituency or by the power of the king. The entire period of absolutism reflected the mandate-agent-delegate idea, where there was representation at all. The spirit of the French Revolution and the French Constitution of 1791 were cognizant of instructions to representatives and rejected it on principle.[1] In this document mandatory instructions to representatives were prohibited. It was felt that representatives should not be subject to instruction by the constituency because the representatives represented the nation and not just the constituents who had elected them.

Many within modern constituencies believe that they do have the right to send instructions to their representatives. A popular attitude in the United States is that if the elected official does not listen and do as the constituents wish him to do, then he should be replaced at the next election. This presents a dilemma to the representative and those representatives who perceive themselves to be "delegates" or "agents."[2]

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[1]Section VII, I and III, French Constitution of 1791.

[2]See Wahlke, System, Chapter XII, pp. 304-308 and Neal Riemer (ed.), The Representative: Trustee? Delegate? Partisan? Politico? (Boston: D. C. Health and Company, 1967). Hereinafter referred to as Riemer, Representative.

The delegate-agent theory thus calls for a high degree of accountability. Within this theory the representative is not often left to his own "conscience" on how he should speak, or vote. He is responsible to the constituency for his position and thus is strongly obligated to it. The modern complex situation in the legislature obviates against the agent concept.

Trustee

Burke stated in no uncertain terms that he believed the representative once elected should be free. Freedom, he said, is to exercise personal judgment on the matters which come before the Parliament. Once the electors have made their judgment and shown their wisdom in electing the representative, they should not interfere in his activities.[1] The representative, according to Burke, is elected because he is thought to be wise and thus could exercise his wisdom unimpeded by instruction for the good of the entire nation. This pattern of "virtual" representation that Burke proposed makes the representative a "trustee." He is entrusted with the responsibility and the freedom of judgment to act in the best interest of the nation as an entity and not for any particular interest subdivision.

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[1]See his "Speech to the Electors of Bristol" in Burke, Works, II, 12.

The representative is unable to consult with his constituents on all matters--it is a physical impossibility. Mass government of the modern era precludes individual contact when each representative supposedly represents about half a million people. One representative could not receive or follow instructions from this number of people. Thus segments of the population, what is called the "attentive" or the "key constituent,"[2] are consulted. But still the practical problem, of which group to listen to, continues. Those representatives who perceive themselves to be "agents" are constantly in a quandry. They must at times function as trustees, doing what they think best when they have no instruction. Regardless of the classifications, the representative practically represents no one in the sense of the individualistic theories.

The problem is further complicated by time, distance, and complexity of the issues. The U. S. Congress is now in session most of each year. State legislatures have largely gone to annual sessions and have been extending the length of those sessions, with special sessions increasing in frequency.

Distance as a factor obviating against instruction

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[1]This "segment" is a portion of the constituency upon which the representative relies for information, and in which he has confidence or to which the representative "owes" something.

was mentioned by Burke and is even more of a factor today. While Burke spoke of 300 miles from district to the seat of Parliament, several thousands of miles separate some constituencies from their capitols.[1]

The complexity of the issues before a representative body has also required more and more representatives to rely on their own judgment. Issues in the present age have become diverse, complex to the point of not being understandable, manifold to the point where one is not able to have knowledge of but a few of them, and constantly changing so that one can keep up with few. Thus few representatives--even those who see their role as "agents," can be fully instructed at all times. The trustee, implying great freedom in the decision-making process, must take care to keep from alienating too many of his constituents else he will not be reelected. Thus, it is as T. V. Smith observes:

> All in all, . . .they owe little to each other--but all owe their jobs to the people back home.
>
> And these people back home happen to be different people in each case. Not only are the representatives not answerable to one another, but no two of them are ordinarily answerable to the same group back home.[2]

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[1]This would include not only the U.S. but the U.S. S. R. and many other countries as well.

[2]T. V. Smith, The Legislative Way of Life (Chicago: University of Chicago Press, 1940), p. 48. Hereinafter referred to as Smith, Life.

The desire to be reelected results in a slow moving representative body, bogged down in issues which can aid in one's being returned to his present position. The agent, of necessity, moves closer to the definitional position of the trustee, relying more on "savvy" than instruction. Both at times move toward a position defined as that of the "partisan."

Partisan

The "partisan" is one who has little freedom in deciding his position on the issues that come before the representative body. He has traded his freedom for whatever security can be found in the political party. Thus the partisan has great freedom only within the bounds established by the party. Once a party position is taken, the partisan goes along with it.

In some political systems, of course, party membership is all that is necessary for whatever one desires. Where the more militant parties dominate the political systems within which they function,[1] a great toll is exacted in return for assurances and security. The discipline that party holds over the individual varies in degree. In what

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[1]See Robert Michels, Political Parties (Glencoe, Illinois: Free Press, 1958) and Sigmund Newman, Modern Political Parties (Chicago: The University of Chicago Press, 1956).

Robert Michels has called the "member party system," party is very influential in the political life of the individual representative. Thus the British party system has a rigid disciplinary hold on its members in Parliament where M.P.s are expected to stand with the party on important issues. When no official party position exists, the members are free to consult whatever source they wish and vote as they are moved. In this system, the party first accepts an individual as a member and then approves his candidacy for a given office. Party decisions may be made in regard to the district from which any candidate will run, what speakers will campaign for him, funds, and whatever other assistance the party may wish, or be able, to offer. Once elected, of course, the member submits to party discipline.

Party discipline of this nature is missing in the United States. Anyone may belong to any party he desires simply by declaration. Party hierarchies would like to be able to guide, direct, or bind their members; but do not have the power to do so. Some members do, however, submit to party desires and discipline for a variety of reasons and by so doing function not as "representatives" of the people but of the party or their own self-interest.

Politico

The fourth category is at once both complicated and simplistic. This is the category of the "politico." By

definition he is perhaps the most free and the most restricted, as he will adjust his position whenever it appears that advantage will be gained by doing so. He will negotiate, bargain, trade, promise, cajole, and whatever else is necessary to obtain what he sees as the "best deal." The politico at once tries to be all things to all people moving from position to position as he sees advantage. The advantages he acrues, the favors he does, promote him in his own mind and hopefully, he thinks, in the minds of the constituents who will re-elect him. The politico thus is restricted by the goals he sets for himself and the accommodation he can obtain. He is free to do as he thinks necessary and as a result will at various times be a delegate, a trustee, or a partisan.

Still, it is not clear precisely what freedom the representative will have so the problem remains. "Despite the hoary antiquity of this representative-informing function, parliamentarians have long differed as to how it should be interpreted and performed. How much independence should an elected representative have?"[1] Various positions can be taken, but it is certain that at all times, all representatives can not be fitted into any clearcut niche and be

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[1]George B. Galloway, The Legislative Process in Congress (New York: Thomas Y. Crowell Co., 1953), p. 200. Hereinafter referred to as Galloway, Congress.

called by any single label. There must be a more general attitude, even though a representative may at one time claim to be, or appear to be, "snug" in one of the categories:

> The body of historical fact shows us clearly that it is quite impossible to draw a hard and fast line between agents with definite instructions or mandates and representatives empowered to attend to a general task. An elected body may and usually will be both a set of agents with different interests and a representative group determining the common interest.[1]

Thus as a practical matter there appears to be no single answer to the question of what degree of freedom the representative should be allowed. We then proceed to the question of who determines what the representatives, once assembled, will consider.

Who Determines the Questions to be Considered?

Emphasis on the relative degree of freedom held by the representative shows that perhaps this is the greatest factor influencing his actions. Those representatives most bound by instruction--either real or imagined--will be much more limited in what they can consider than those not so instructed. The instructions thus often serve as an important element in determining the problems to be considered. "The legislative process begins with consideration of the

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[1]Fairlie, "Representation," p. 465.

need for legislation. . . ."[1] However, as has been seen, it is the public which desires legislation and not just the legislating body.[2]

In an elective system, the representative may often be elected on the basis of his position on various issues. Under those circumstances he is bound and will be considering only such issues or problems. If the electorate expresses interest in specific issues, and votes, accordingly, then the representatives are so bound. What Moffat was saying in 1939 continues true today: "Very little legislation ever originates within a legislature itself."[3]

Electorate interest is but a single factor in the totality of determination of what is to be considered. Voter opinion is regularly received in the form of communications to the representative. Of course, there is more to the matter than the voter expressing his wishes. Carl J. Friedrich somewhat skeptically believes that the influence of those who have elected the representative is "as devoid of ascertainable manifestations as the influence of a courtesan upon

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[1]Galloway, Congress, p. 3..

[2]It should be emphasized at this point that Galloway believes that representative government exists in the United States. Further, the national legislature is considered to be the prime representative body, although it is not the only representative of the people.

[3]Abbot Low Moffat, "The Legislative Process," Cornell Law Quarterly, XXIV (1939), p. 233 cited in Galloway, Congress, p. 4.

her royal master"[1] and thus the representative must exercise his own judgment. T. V. Smith in his practical-philosophical way expresses the same attitude, though more clearly, while introducing an additional element: "It is the legislative way to do something upon demand, do the best we know how, and 'wait to see who hollers.'"[2] Smith is aware that the election orders one type of consideration which may be later modified through the communications of the electorate. The representative is performing the legislating-informing function, while at the same time he is being informed. The process is continuous, without perceptible end, or as Smith says:

> Then we try through legislative amendment to relieve the hollering, if possible, and wait again to see who hollers from the remedy--ever and ever repeatedly so.[3]

Of course, the representative is constantly bombarded with communications, or to use Smith's phrase, someone is always "hollering." As a result of this, the representative can not possibly satisfy everyone, and often can satisfy no one. Thus, influence on the determination of which problems to consider may come from the electorate either before the election, or after, while the representative assembly is in session. It

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[1]Friedrich, Government, p.589.

[2]Smith, Life, p. 71.

[3]Ibid.

is also at these two crucial points that the party may determine what is to be considered.

Modern government in many states is government by party. Thus the party in power is the sole determiner of the problems to be considered. Of course, in the non-democratic nations, the party is in power either through its own power, or through the acquiescence of various groups in the society. In these states, the party determines not only what problems are to be considered by the representative body, but also who will be the representatives, and their relative degree of freedom.[1] In such states, the representative bodies, as has been noted, sit for limited periods of time, and act only on those issues brought before them for their action--action which usually entails only the giving of their assent to what is already a fait accompli.

In so-called democratic states, however, the party is often influential in determining what is to be considered. The political party in Great Britain, France, and the German Federal Republic, among others, exercises firm control of legislative programs. Thus party, though still maintaining the semblance of a democratic order, determines

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[1]See John Hazard, The Soviet System of Government (Chicago: University of Chicago Press, 1957) and Merle Fainsod, How Russia is Ruled (Cambridge: Harvard University Press, 1953) for a complete discussion of party dominated states. Hereinafter referred to as Hazard, Government and Fainsod, Russia.

what is to be considered. Party systems in other democratic states would like to have such control, but through the nature of their systems, do not.

Party control of the legislative program in the United States is not as sophisticated as in the countries previously mentioned. The Democratic and Republican leadership would like to have more control over what issues are considered, and in some respects do. However, any member may at any time rise to introduce material which may be an embarrassment to the party. The issues of the national platform, therefore, are not the only issues to be considered. When Representatives or Senators do adhere strictly to the party position, then it can easily be conjectured that they are a part of the party hierarchy and thus have had some voice in determining what issues will be considered--and as such have their own axe to grind.[1]

> The process goes on with inspection and review by legislative committees of the statutes in operation, their amendment from time to time by the legislature, and their interpretation by the administration and by the courts. Thus legislation is seen as a dynamic and continuous process in which many people participate; constituents, interest groups, executive officials, the President, legislators, administrators, and judges.[3]

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[1]In such cases, it is difficult to separate the activities of these representatives as representative from their activities as party officials, or as members of specific interest groups (or spokesmen for these groups).

[2]Galloway, Congress, pp. 3-4.

Thus the question of what the representatives may consider is only partially answered. More of the answer lies in a consideration of how problem solving is approached in the legislative body.

How Representatives Solve Problems

In order to resolve problems, they must first be brought to the attention of the representatives. This is accomplished by a variety of individuals and groups, from the executive, administrative officials, interest groups, the party organizations and judges. Those in control of the legislative apparatus, of course, have the primary advantage of having their recommendations considered in that they have control of the direction the law-making body takes. Party, however, is but one factor influencing the resolution of problems, with the size of the body, quantity of legislation, time and exigency also being important factors. Exigency is perhaps of least importance, but to repeat, it is those who "holler" most and loudest who get action.[1]

The size of the representative body and the number of proposals presented greatly effect how the problems will be met. In the two chambers of the U.S. Congress, there are 100 and 435 (voting) members respectively. These two bodies

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[1]Smith, Life, pp. 70-75.

show the distinct differences which come with the involvement of different "numbers." The U.S. Senate prides itself on being flexible and able to give as much time as necessary to a proposal. It has no general limitation of time imposed on discussion of most items. With 100 members, unlimited discussion or debate in the Senate is a continuing tradition. In the House, however, time is more of a factor in consideration of legislation. The House Rules, and the Committee on Rules, severely limit the amount of time that may be given to any specific item. In the Senate debate time may be measured in days, weeks, and even months, while in the House it is measured under the "five-minute rule," and hours--generally four or less. A further example of time and size as a factor is the use made of the various committee systems. It is thought that the bulk of consideration can be given best in small groups--the standing committees, which have from seven to fifty-five members each. This is not a new situation, for Woodrow Wilson has committee government as one of the main themes of his work, Congressional Government.[1] Committees in both the House and Senate carry the bulk of the workload, as small groups of persons knowledgeable on a particular subject are able to accomplish more than could the

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[1]Woodrow Wilson, Congressional Government (Boston: Houghton Mifflin, 1885).

entire legislative body. For the same reasons, much of the work of the House of Representatives is accomplished in the Committee of the Whole House on the State of the Union, which requires the presence of only 100 members.

In addition to the problem of size of the representative body are those concerned with complexity and diversity of proposals, as well as the quantity of proposals and the limitation imposed by time. Complexity and diversity of subject matter requires more expertise than most representatives can possibly possess. Thus the committee system must also function to provide the knowledge necessary to the proper consideration of matters coming before the body. Further, the number of proposals or problems coming before the body is immense. "The regular session of Congress--January to August, 1939--handled 7,922 bills and joint resolutions. . .Of this number introduced, Congress passed 719. . ."[1] During the first session of the 92nd Congress, January-December, 1971, 16,616 bills and joint resolutions were introduced, with Congress passing 902.[2] Although such numbers include many duplications, the increase in the number of proposals introduced is overwhelming, yet only a slightly greater number were passed in 1971 than 1939. Time thus severely limits

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[1]Smith, Life, pp. 70-71.

[2]U. S. Congress, Congressional Record, Vol. 117, No. 199, Part II, Daily Digest, December 17, 1971, p. 1341.

what can and will be considered, and that which is considered must first be sifted through the screening process provided by the committee system.

As practical problems of representation, these may well be the greatest, for it is the goal of the representative body to provide for the public what the representatives think the public needs. To accomplish this, proposals must be presented, facts gathered and digested, and then the discussion, debate, argument, and compromise, if necessary, until ultimately a solution is achieved. The process then begins again. Yet with the ongoing legislative process there remains the practical problem of measuring the satisfaction of either the representative in fulfilling this role, or the constituency for whom the legislation is enacted. This measuring process has rarely been considered until recent years. Part of the problem here entails the lack of an adequate instrument to measure satisfaction. However, there has been an increasing number of empirical studies which attempt to measure a variety of variables. Among these variables are some which relate to representation and its "satisfaction," as will be seen in Chapter VI.

CHAPTER VI

RECENT EMPIRICAL STUDIES IN REPRESENTATION THEORY

Introduction

> Despite the proliferation of representative governments over the past century, theory about representation has not moved much beyond the eighteenth century formulation of Edmund Burke. Certainly most empirical research has been cast in the Burkean vocabulary.[1]

There is a growing body of empirical studies concerned in part with representation and representative bodies. Little of this contemporary material resolves the theoretical or practical problems of representation previously surveyed.[2] As Dale Neuman has observed:

> Curiously, however, little empirical attention has been given to popular conceptions of political representation. Studies have touched on related topics but usually tangentially in pursuit of other objectives.[3]

Instead, many of the available studies merely describe the existence of some presumably representative institutions without directly discussing underlying assumptions about them or the logical and practical relation of the assumption

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[1]Kenneth Prewitt and Heinz Eulau, "Political Matrix and Political Representation: Prolegomen to a New Departure from an Old Problem," The American Political Science Review, LVIII (June, 1969), p. 427. Hereinafter referred to as Prewitt, "Representation."

[2]See Dale A. Neuman, "Conceptions of Political Representation in the United States: Some Preliminary Findings," The Journal of Politics, XXXIII (August, 1971), pp. 831-839. Hereinafter referred to as Neuman, "Representation."

[3]Ibid., pp. 831-832.

to the practice. The existence of the bodies and systems studied appears to be accepted as providing an "assumed need satisfaction," one of the practical problems considered in Chapter V. At least there are no serious so-called scientific studies which seriously suggest solutions to either the practical or the philosophical problems involved with the subject.[1] In fact, few of the studies address themselves to any of the subjective-objective problems considered in Chapters IV and V. The values of these studies, other than the aggregation of individual datum, seem to provide chiefly a basis for another empiricist to project to another similar study and so on--ad infinitum. On the other hand, such findings, whatever the "purpose" of the research, should be useful for the development of a more "practically" based representation theory. That is, inferences based on the accumulated data might lead at least to further speculative thought about representation, which could in turnlead to changed conceptions of representation in terms of "oughts." Practical and empirical surveys of representation, then, should be beneficial to both causal and value theory.[2]

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[1] Ibid., p. 832.

[2] Angus Campbell, Philip E. Converse, Warren E. Miller and Donald E. Stokes, Elections and the Political Order (New York: John Wiley & Sons, Inc., 1967), p. 348. Hereinafter referred to as Campbell, Elections.

Thus more specifically, according to John Wahlke et al, institutions may be studied profitably by use of both the "institutional" and behavioral approaches. In The Legislative System the two approaches to such study "are, in fact, interdependent."[1] Of course, studies in the empirical area have a broad scope, and range from "conceptual clarification to empirical analysis of elite beliefs and behavior."[2] Within this broad range of empirical research can be found illustrative data at least related to the major theoretical and practical problems of representation theory. It is only that the present state of empirical research seems deficient in formulation of more comprehensive theorizing about representation after the empirical data is gathered.

One of the difficulties is that most of these empirical studies rather logically study a sample of a small number of individuals. To extrapolate from such data or project from it over a large population is to force it, and a few studies seem to do this when they veer toward the normative.

> . . .they admit that each man represents the structure and function of the human species plus the habitual response of the species to nature. However, they still speak of man in an individualistic manner in reference to any of these characteristics. That is, they speak of a man as if his tropisms, etc., somehow make him separable and distinguishable

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[1]Wahlke, Systems, p. 4.

[2]Neuman, "Representation," p. 831.

from others.[1]

In reality, all attitudinal studies of representation seem to try to probe the "mind" of individuals as a basis for judgment about ideas going on in representation, and what "ought" to go on. Yet psychologically the individual thinks and certainly acts in one way as so considered, but often acts in an entirely different way as a part of a group or a collective. Certainly "groups" or institutions do so. Here lies one of the most serious difficulties in the studies of the representatives so far, wherein individuals are studied as the "ground" of the group or institutions when the theorist is attempting to ascertain the determinants of representation through use of selective samples and analysis thereof.

Furthermore, most behavioral studies in the field of representation do not even really consider the "individual" represented (let alone the group or institution), but those who act as representative,[2] i.e., how the legislators view their positions, their obligations, their responsibilities and their privileges. Thus how well "people" (let alone groups or institutions) are represented, if in fact they

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[1] Ibid., p. 428.

[2] This would in large part be attributable to the fact that the legislator qua representative is generally more accessible, fewer in number, and perhaps thought to be more important than the "average citizen."

are represented at all in the cases studied, is often not considered. Eulau thus writes that there:

> . . .has been little, if any empirical analysis of the extent to which the represented do, in fact, want to enforce political responsibility, and how capable they are, under modern conditions, of exercising the necessary control.[1]

However, even with all of these confusions and complications there have been attempts at measuring some "public" attitudes, with increasing interest in this area of study in terms of legislatures.

> The problem of representation is central to all discussions of the functions of legislatures or the behavior of legislators. For it is commonly taken for granted that, in democratic political systems, legislatures are both legitimate and authoritative decision-making institutions, and that it is their representative character which makes them authoritative and legitimate.[2]

The Eulau research interests, of course, revolve around the belief that only a small area of the attitude or behavior of individuals may be analyzed at one time with real accuracy. Thus, Prewitt and Eulau have suggested that the political matrix should be limited to include: "the complexity of the social environment, the impact of elections in forcing incumbents from office, the degree of public support perceived

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[1]Heinz Eulau, John C. Wahlke, William Buchanan and Leroy C. Ferguson, "The Role of the Representative: Some Empirical Observations on the Theory of Edmund Burke," The American Political Science Review, LIII (September, 1959), p. 742.

[2]Ibid.

by the council, and the amount of sponsorship in political recruitment."[1] These four very general components may be reviewed or studied in an attempt to determine whether there will be the emergence of a "responsible relationship between governors and governed."[2]

In any case, the selected studies below illustrate peripherally, if not directly, the various practical problem areas of representation. The capsule summaries which follow are examples of what is being done in "representation theory" and indicate something of the confusion that "representation" theory is in currently as seen in terms of "empirical" studies.

Why a Representative System?

One analysis of "why" a "representative system" is established is provided by Gabriel Almond and Sidney Verba's The Civic Culture.[3] Their findings support the value judgment that a "democratic consensus" exists in the systems of the five nations studied--which judgment in effect pays "lip service" to democracy--and that evidence exists of an under-

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[1] Prewitt, "Representation," pp. 440.

[2] Ibid.

[3] Gabriel Almond and Sidney Verba, The Civic Culture (Boston: Little Brown and Co., 1965). Hereinafter referred to as Almond, Culture. The unabridged edition of The Civic Culture was published in 1960 by Princeton University Press and alone contains the questionnaires used, in the appendices. However, unless noted otherwise, citations are from the 1965 Little Brown edition.

lying desire by the respective publics for "representative" institutions.[1]

This analysis is a study of political attitudes and their social correlates in Great Britain, the United States, Germany, Italy and Mexico and involved over 5,000 interviews. The purpose of the "data" gathering and analysis of the political beliefs, aspirations, emotions and actual participation in politics by the citizens interviewed, was to gain further understanding of the relationships existing between the attitudes of citizens and the functioning of the modern, democratic, representative state,[2] as defined by the authors. That is, democracy is a society where ". . .ordinary citizens exert a relatively high degree of control over leaders."[3] It then involves the allocation of power among the population wherein the ordinary man significantly participates in political decision-making.[4]

> Theorists of democracy from Aristotle to Bryce have stressed that democracies are maintained by active citizen participation in civic affairs, by a high level of information about public affairs, and by a widespread sense of civic responsibility. These doctrines tell us what a democratic citizen ought to be like if he is to behave according to the requirements of the system.[5]

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[1] Ibid., p. viii.

[2] Ibid., emphasis added.

[3] Robert A. Dahl, A Preface to Democratic Theory (Chicago: University of Chicago Press, 1956), p. 3.

[4] Almond, Culture, p. 119.

[5] Ibid., p. 9.

By a priori definition, the concept of democracy (they thus claimed) implies some form of expression of a popular will, most often expressed through "representative" institutions. It was granted that a full and complete understanding of democracy as so defined would not be gained from studying the attitudes of the few interviewed.[1] However, analysis of the British and American interviews indicated to the authors how the citizen of a democracy (as defined by the authors) acted. That is, from the interviews they seemed to believe some understanding of at least the practical problems of representative institutions, as so defined, might be gained. They also agreed that democratic institutions (defined in a particular way) reflect a society which is democratic or if the society agrees and believes that "democracy" (as so defined) is a "good" thing, then some such institutions seem to arise to express the democracy. This is what had occurred in these countries.

The study was not presented as conclusive of more than--after democracy is defined a certain way--does it exist in fact, and as the first link in a series of other such analyses.

> We hope to have shown. . .that the kind of data reported here make sense only if interpreted in terms of other types of material about the systems we study. . . .One must integrate into a study of this sort findings about the general shape of the

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[1] Ibid., p. 4.

> system, the institutions, the history of their development, and so forth. . . .It is only if material of the sort we have can be combined with other materials that we will have made progress.[1]

The progress, of course, is toward a scientific theory of democracy through the development of a hypothesis about the relationships of the political culture and the political system.

In any case, the data for this study was drawn from the five so-called democracies and were five samples "independent" of each other. "The samples are similar in design, for all are stratified, multistage, probability samples,"[2] which means that in each nation anyone 18 years of age or older in any family might be interviewed. Successful interview completion was in excess of 79 percent.[3]

The interviews consisted of over 100 questions relating to personal information, political knowledge, family life, occupation, group membership, and attitude toward change. The most pertinent to attitudes on the fact of representative government are those questions on the impact of national and local governments on the lives of the

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[1] Ibid., p. 44.

[2] Ibid., p. 509 of unabridged Princeton edition.

[3] Ibid., pp. 510-523.

respondents and their families.[1] These questions were not specifically structured as: Are you represented? and Do you feel represented? Rather, they asked:

> Thinking now about the national government [in Washington, London, Bonn, Rome, Mexico City], about how much effect do you think its activities, the laws passed and so on, have on your day-to-day life? Do they have a great effect, some effect, or none?
>
> Now take the local government. About how much effect do you think its activities have on your day-to-day life? Do they have a great effect, some effect, or none?[2]

However, from the attitudes of government impact on the individual, some assumptions were made. For the most part, national and local governments have varying degrees of effect on society and daily life in the individual countries. In Germany, the United Kingdom, and the United States (but not Italy and Mexico), a majority of the respondents believed that the national and local governments had either a great or some effect upon their lives.[3] In contrast, in Italy, only 23 percent believed the national government had great effect, 31 percent said it had some effect, and 19 percent said it had no effect.[4] A different pattern was seen in

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[1] Ibid., pp. 45-62 of Little Brown edition. Actual questions used are found in Appendix B, questions 22-38 of the Princeton edition.

[2] Ibid.

[3] Ibid., Little Brown abridged edition, Table II.1, p. 46.

[4] Ibid.

the responses from the Mexican sample, where 66 percent said that the national government had no effect on the daily life in the country.[1] Almost identical results were obtained when the respondents replied to questions on the effect of the local governments.[2] In all countries there was a decided opinion that the national government "improves conditions" in the country.[3]

Additional conclusions from the data related to "political awareness" or "cognition." Analysis indicated that the majority of the sample in all five nations did not follow accounts of political and governmental affairs on a regular basis. The highest percentage of regular following was from Germany where only 34 percent of those sampled admitted to regular concern for national affairs.[4] The United States' sample, on the other hand, had 43 percent indicating regular attention to political campaigns.[5] Yet 62 percent of the Italian sample answered that they "never" followed accounts of political and governmental affairs and 54 percent did not pay attention to campaigns,

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[1] Ibid.

[2] Ibid., Table II.2, p. 47.

[3] Ibid., Table II.3, p. 48.

[4] Ibid., Table II.4, p. 54.

[5] Ibid.

revealing the least cognition of their political world.[1] Levels of awareness and following of political and governmental activities and political campaigns show a positive influence on the level of awareness of governmental impact on the life of the individual.[2] Thus, awareness and cognition were significantly related to pride taken in the government. The highest level of regular attention was from Germany, yet only 7 percent of those sampled indicated pride in their governmental and political institutions.[3] Instead, Germans took pride in their "characteristics" as a people. Some 85 percent of the American respondents ranked pride of governmental and political institutions first.

It is obvious from this study (as indicated above) that Almond and Verba approach the problem areas of representation more specifically in suggesting simply whether a given body of attitudes and practices reflects then an *a priori* definition of democracy and representation. Like Hume, they believe this is true when there is a mixture and balance of opposites. That is, they believe that "democracy and representation" exist where there is a balance

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[1] *Ibid.*

[2] *Ibid.*, Tables II.5 and II.6, pp. 56-57.

[3] *Ibid.*, Table III.1, p. 64.

of the competition of government power with government responsiveness to the expectations of people. They do believe that it is accomplished in part by the selection of an appropriate electoral system, whether one of single-member districts, proportional representation or a mixed form, but also in the organization of political parties and other political action groups. Thus ultimately a stable democratic government depends on a peculiar political culture (or so they imply), in itself a product of pluralistic political socialization. Yet this socialization in turn depends on the process by which the individual acquires the belief in what the authors term the "democratic myth" of citizen competence.[1] That is, the typical citizen perceives that by active participation in the political process the government (the elites) can be influenced in the decision-making process. They admit that in fact a behavior gap exists, for the individual does not always actively participate. Still they agree that when he <u>believes</u> in his <u>potentiality</u>, he is more likely to believe that the political system is democratic. <u>The Civic Culture,</u> then, by empirical-quantitative analysis, studies the question of whether under a given theory of democracy attitudes and feelings of political participation exist which cause the people to believe that democracy

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[1] <u>Ibid</u>., pp. 346-354.

and representation as so defined exist. Such an analysis, however, does not provide an empirical basis for more than this correlation. It does not raise the question of whether the representation as so defined or the correlation as fact go beyond the definition by value judgment or demand wider or "better" definitions of democracy--or correlation of fact with theory.

By Whom and From Where are the Representatives Chosen?

A seminal study of practical representation problems of apportionment and districting has been provided by Robert Dixon.[1] Contending that "neither the content of representation theory, nor ways to implement it, have been featured in political philosophy above the level of emotive generalities,"[2] Dixon writes that:

> The relevance of the writings of the great political theorists to the precise issue of reapportionment in America in the sixties and seventies, and to the fundamental components of a system of fair and effective representation, is not readily apparent. Their focus is on "grand design," on the larger issues of representative democracy and its contrasts with nondemocratic systems. There is much on leadership in general, on separation of powers, on conflict between

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[1]Robert Dixon, Democratic Representation: Reapportionment in Law and Politics (New York: Oxford University Press, 1968). Hereinafter referred to as Dixon, Representation.

[2]Ibid., pp. 4-5.

> the aristocracy of the intellect and the political equality of men as an ideal. There is little on implementation, on actual experience of mature democratic states, on the crucial role of political parties, and on the striking contrasts in party style inside democratic systems.[1]

Thus he believes that by studying judicial-legislative roles in districting and apportionment, the court briefs and opinions since the 1962 decision of Baker v Carr, the work of various study commissions, and case studies of the practical problem of "one-man, one-vote," he may empirically analyze the general process of both national and state systems of "democratic" representation as he à priori conceives these terms. Apparently Dixon simply assumes some of the value judgments of the "grand design" theorists. His fundamental premise is that the political rallying cry of "one-man, one-vote," means more than a mere individual voter having the same "value" as another individual voter. This is an oversimplification and does not constitute effective or adequate representation by his definition. For one thing, according to Dixon, such a simple formula ignores the realities of such political practices as the seniority system, the filibuster, the powers of committees and their chairmen, to note but a few practical problems.[2] Rather, he argues, to

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[1] Ibid., p. 23. Emphasis supplied.

[2] Ibid., p. 12.

have "fair and effective representation,"[1] the practical issues of by whom and from where are the representatives chosen must consider not only such "themes" as population in exclusive mathematical terms, but also include political subdivision groups. The indication of the equality of voting relative to factors other than numbers should be considered. Thus fair representation should preserve "communities of interest" to include purposes common to groups of individuals. After all, as one writer noted:

> It is evident that Washington politics today are, to a very great extent, group politics. Homogeneous majorities rarely face homogeneous minorities. There are instead temporary majorities formed by an alliance of groups which then disperse to form new alliances, what Professor Holcombe long ago called majorities of the moment. In this content, democracy is largely measured in terms of the ability of all groups to participate in the process of alliance building. Surely, even the purist theories of majoritarian democracy presuppose fair representation for minorities so that they may participate in majority making.[2]

Dixon contends that little empirical proof exists of the bad or good effects of malapportionment on government policy.[3] Rather, empirical research indicates that our present

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[1] Although Dixon adopts the term as his own, the concept of "fair and effective representation" in at least one interpretation is to be found in Chief Justice Earl Warren's 1964 decision on reapportionment.

[2] Martin Shapiro, Book review of Sidney Hook's The Paradoxes of Freedom, LI, Columbia Law Review (1963), pp. 255, 259-260 quoted in Dixon, Representation, p. 11.

[3] For example, one study concludes that "no significant relationship [exists] between appottionment and public policy." Richard I. Hofferbert,"The Relation Between Public Policy and Some Structural and Environmental Variables in the American States,"The American Political Science Review,LX(1966),pp.73-82.

frustrations are not met by mere reapportionment. It is first necessary to find a "sounder basis of values and institutions,"[1] and thus perfect representative democracy. Therefore, he believes apportionment and districting practices are "the structural heart of the 'grand design' of representative democracy."[2] Dixon, then, believes a "better" system would include mixing "unity and diversity, majoritarianism and consensus, interest representation and safeguards against balance of power tactics, as to yield a stable, fair, dynamic power to govern."[3] Therefore, political scientists, he says, should begin to show concern for malapportionment of interests, the "functional components of effective representation,"[4] rather than the past emphasis placed on apportionment and districting of people:

> A mathematically equal vote which is politically worthless because of gerrymandering or winner-take-all districting is as deceiving as "emperor's clothes."[5]

Only after further judicial and legislative work will a viable representative system of political equality be possible. Thus Dixon's work shows very clearly that there is no uniform

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[1]Dixon, Representation, p. 587.

[2]Ibid., p. 23.

[3]Ibid., p. 587.

[4]Ibid., p. 22.

[5]Ibid.

answer to our present representation dilemma, by either normative or empirical theorists, to the problems we have heretofore confronted. Only further studies of the elements of political representation can do this.

One such on-going study has been conducted at the Ann Arbor Social Science Research Center. A massive quantity of data on the American voter (in the representative process) has been compiled by the staff members of the Social Science Research Institute of the University of Michigan. Among the many analyses of this data are The American Voter and "Constituency Influence in Congress."[1]

Although the study reported in The American Voter was conducted between 1948 and 1956, data is still being gathered for continuing validity. Large nation-wide samples were taken in 1948, 1952, and 1956; with smaller samples made in the non-presidential election years of 1954 and 1958. To verify the research hypotheses, both "pre" and "post" election interviews were completed.[2] The major emphasis of

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[1] Angus Campbell, Philip E. Converse, Warren E. Miller and Donald E. Stokes, The American Voter (Abridged ed.: New York: John Wiley and Sons, Inc., 1960). Hereinafter referred to as Campbell, Voter; Warren E. Miller and Donald Stokes, "Constituency Influence in Congress," The American Political Science Review, LVII (March, 1963), pp. 45-57. Hereinafter referred to as Miller, "Congress."

[2] These interviews were not of the same sample, but through scientific procedures this was not considered by the authors to be a detrimental factor.

the research lies in the study of the American political party system, representative government and mass ideologies (if such there are). Individual membership in particular social classes as a factor on political behavior is also considered.

Specifically, the study analyzes popular perceptions of national politics. In doing this, the authors examine qualitative themes the electorate has associated with political party and candidate.[1] The concern is with the psychological and sociological forces which have an impact on political attitudes. Much of the study is devoted to questioning partisan positions, but further study is made of factors leading the individual to commit the political act of voting itself. Several areas of common, though distinct, political involvement on the part of the individual are considered.[2]

The American Voter develops what is termed the theory of the "funnel of causality."[3] According to this partial theory, the closer in time a political actor is to some social, cultural, or psychological factor, the more influential such factors are on his political actions. That is, the closer some given factor is to a participant in the political arena, the more precisely his actions can be

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[1]Campbell, Voter, p. 13.

[2]Ibid., p. 14.

[3]Ibid., pp. 31-38.

predicted. The further away from such factors, the less precise the predictions of his actions.

Here again the interviews did not include questions under the heading of "representative" government or the philosophy of it. The questions used in the pre-election interview were concerned simply with who would be elected President, how the state would vote, which political party would win, and other inquiries about the two-party candidates and the parties, as well as general questions on knowledge and understanding of current political issues. The post-election questionnaire was designed to obtain data on which of those interviewed had or had not voted and what factors were involved in that decision. As the study sought to determine sociological, psychological, and other motivating factors, there was little concern with representation or how represented the interviewees felt.[1] This, however, is one of the "classic" studies in voter behavior, analyzing how people vote and the factors which influence them to vote.

From the above data accumulated in this series of studies has come also the Miller and Stokes study. This work

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[1]See Angus Campbell, Gerald Gurin and Warren E. Miller, The Voter Decides (Evanston, Ill.: Row, Peterson and Company, 1954). This publication includes an analysis of the first major portion of the project ultimately reported in The American Voter, i.e., the 1952 Presidential election.

has been concerned with the influence exerted by constituencies on the elected representatives, and indirectly approaches both theoretical and practical problems of representation theory. One problem intertwined, of course, is that of one mind representing another, or group of minds (even the basic concept of the individual in a particularistic way), which, as noted, is empirically an impossibility in a logical sense. The practical problem addressed is that of "By whom is the representative elected?" and "Elected to do what?"

By Whom Chosen--To Do What?

As just cited, the most specific example of an empirical representation study thus far considered is Warren E. Miller and Donald E. Stokes' study of constituency influence in Congress.[1] This actually comes closer to surveying the influence of citizens on their representatives than most studies in relating practical events or institutions to representation theory.

Following the 1958 election, Miller and Stokes used a probability sample[2] of the incumbent Congressman, his challenger, and a sample of the constituents in 116 Congressional

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[1] Miller, "Congress," pp. 45-57.

[2] For an explanation of a probability sample, see p. 234 above.

districts across the United States[1] to determine the degree of influence the candidates "felt" was exerted by their constituents. Previously there had been "common knowledge," sometimes cited, that considerable influence is exerted over members of the House of Representatives by constituents. The authors assess this "common knowledge" as being primarily drawn from inference about the Congress (the irregular voting patterns of Congressmen) and not from fact.[2] However, according to their study, a measure of constituency influence does exist, at least enough to give the local constituency some satisfaction. Yet "variations in the representative relations [i.e., that influence] are most likely to occur as we move from one policy domain to another."[3]

The analysis of roll-call votes and attitudes in the 116 districts was made relative to three policy domains. In the domain of social and economic welfare, the level of agreement between district and Congressman was found to be a relatively high 0.3 (on the basis of the study methodology).[4]

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[1]The sampling aspects of this research were complicated by the fact that the study of representation was a rider midway on a four-year panel study whose primary sampling units were not Congressional districts. See Ibid., p. 46f.

[2]Ibid., p. 55.

[3]Ibid.

[4]Ibid., p. 49. The methodology involved cumulative scaling techniques ranking Congressmen by roll-call votes and then by attitudes revealed in their interviews. The authors admit to "uncertainities of measurement" throughout their analyses, but felt the "unequal probabilities of selection and unequal weights in the analysis" not severe problems.

Relative to foreign involvement, little agreement was found between Representative and constituency in a correlation of -0.09.[1] In the civil rights area the highest level of agreement exists, with a correlation in the late 1950's of roll-call votes to constituent opinion on matters concerning the Negro of 0.06.[2]

Overall, Miller and Stokes found that the sampled members of the U. S. House of Representatives "do in fact vote both their own policy and their perceptions of their constituents' views, at least on issues of social welfare, foreign involvement, and civil rights."[3] They continue:

> What is more, both the Congressman's own convictions and his perceptions of district opinion make a distinct contribution to his roll call behavior. In each of the three domains the prediction of roll call votes is surer if it is made from both factors rather than either alone.[4]

This statement when related to the entire field of behavioral studies in the field of representation theory indicates that both areas of study are dependent upon the specific

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[1] Ibid.

[2] Ibid.

[3] Ibid., p. 51. These "constituents" were less than 2,000 individuals sample-drawn from particular districts (116 of them). Characteristics of whole constituencies were inferred from a weighted analysis given to those districts where more interviews were taken. It is unclear who the legislators viewed as constituents and thus it could be construed to mean those who "count" with the legislator or who are in a majority or any of a number of other possibilities.

[4] Ibid.

political attitudes being analyzed. Miller and Stokes indicate that other factors, scarcely related to the policy process, enter into consideration. Among these identified factors are ethnic identification and the benefits a legislator brings to his district. These are not indications of representation, but indications of what the represented consider important for their own self-interest[1] as they perceive it when asked. Still, the authors see the study as raising the fundamental question of whether a legislator's response to his constituency is based on a normative belief about the representative role. Of course, in re constituent responses, there is the partial relationship to the general lack of information on the part of the constituent about issues of government, to wit, constituents may not perceive much. The authors here then draw upon their cooperative work with Campbell and Converse to show that the electorate knows enough to answer questions about how he feels the government ought to be run, though not being fully informed on political issues.[2] Thus the representative-constituent relationships are determined by many factors, either causal or value.[3] Still, one important factor is role-perception,

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[1] Ibid., p. 47.

[2] Campbell, Voter, pp. 194-209.

[3] This would include the fact that data used in the two studies appear to be identical.

which basically determines the amount of freedom a representative assumes in his pursuit of the representative function and therefore pertains to our analysis of representation theory.

Wahlke, Eulau, Buchanan and Ferguson[1] analyzed state legislators and their "role-perceptions" in the states of New Jersey, California, Ohio, and Tennessee, a study which relates to representation theory. Completed in 1957, this study revolves around the central hypothesis that "every legislator is a player of roles"[2] playing one or several roles in the political system of his respective state. Here Professor Wahlke states that the "institutional" and "behavioral" approaches are interdependent. The institutional context guides the political analysis of the empirical data which consists of accounts of human behavior.[3]

However, the nature of the Wahlke study does not provide further information as to the public's feelings of being represented. This, as T. V. Smith so well has said, is because the representatives do not represent each other. They are not responsible to each other, having been elected from their own districts, with no two of them from the same one.[4]

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[1]Wahlke, System.

[2]Ibid., pp. 7-14.

[3]Ibid., p. 4.

[4]Smith, Life, p. 48.

In interviewing the state legislators, questions were asked about personal interests and backgrounds--such as church, family, and income--attitudes toward politics in general and the legislature in particular, the leadership of their legislative house, their political party, and the governor and interest groups. In addition, detailed questions were asked about the work of the legislature and the part each representative took in it.[1]

Four hundred and seventy-four of the 504 legislators sitting in the eight chambers of the state legislatures were interviewed,[2] primarily to ascertain their individual thoughts on what they, as individual legislators, were doing in relation to the functions of the legislature as an institution.[3] Also considered were the legislator's relationships with constituency, party, and interest groups, as viewed by the legislator himself. Generally the findings of the study bear out the central hypothesis that every legislator plays several "roles" of a purposive, representative and areal[4] nature.

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[1]Wahlke, System, Appendix 6, pp. 492-504.

[2]Ibid., p. x and p. 486.

[3]Ibid., pp. 3-4.

[4]Constituencies defined geographically as state-oriented, district-oriented or a combination thereof are area influences. The authors then use the term "areal" to mean such constituencies.

Thus this study most clearly explains the typology of representational roles, the roles of trustee, delegate, and politico derived from legislators' responses to two questions:

> How would you describe the job of being a legislator--what are the most important things you should do here?
>
> Are there any important differences between what you think this job is and the way your constituents see it?[1]

The responses were then analyzed as to how the legislator views his position as a representative of the people.[2] This, in conjunction with the consideration of what areal role orientation the legislator has, provides a base from which speculation and hypothesis for future study may be drawn in "advancing the study of legislative institutions in particular as for developing general political understanding."[3]

The data reveals that the role orientation of trustee (a free agent following his own conscience, judgment and understanding) is held by greater proportions of the legislators in all four states than either the politico (instructed

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[1]Wahlke, System, p. 272.

[2]Through the use of anonymous interviews, the legislators were willing to discuss freely (how freely is undetermined) how they looked upon this one aspect of the representative position.

[3]Ibid., p. 26.

by constituents, interest groups or political party) or delegate (weighs judgment and/or conscience versus instructions)[1] orientations. Furthermore, the delegate orientation is held by fewer than that of politico, showing that being merely the voice of the people is not the perception held by the preponderant number of legislators in these four states.[2] In analyzing the areal orientation of the legislators in the four states, the authors make a three-part distinction by political character of the individual legislative districts. That is, they considered the competitive, semi-competitive and one-party distinctions. They were thus able to draw inferences from the correlation of party competition and areal orientation. The combined data from California, New Jersey, and Ohio showed that the more competitive the district from which the legislator was elected, the more district oriented he was. The least competitive districts were most likely to have a legislator who was oriented toward the state rather than his home district.[3] However, the difference between the competitive and one-party district was not as great as would be expected. In the competitive district 53 percent were district-oriented.

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[1] Ibid., pp. 467-468.

[2] Ibid., pp. 280-282.

[3] Ibid., p. 292.

The distinction is not significant for the one-party districts, when the authors include such variables as degree of urbanization. Too, the competitive districts were more likely to be in urban areas, and the one-party districts in rural areas.[1]

Furthermore, the authors state:

> . . .there has been little if any empirical analysis of the extent to which the represented do, in fact, want to enforce political responsibility, and how capable they are, under modern conditions, of exercising the necessary control.[2]

Thus it was concluded that the role played by the representative, the state legislator in this instance, was based on the information he has available to him, and how he perceived his role. Here, as in most of the studies being considered, the hypotheses have been made and the data gathered with some foreknowledge of what the findings might be. The combination of the use of normative concepts and the speculative methods in empirical studies is a viable thing as long as the concepts are not confused or "tricks" played (as previously noted). Such data, properly defined, clarified and separated can be helpful in explaining, relationally, differences in so-called role orientations of various state legislators. Such role-playing studies, therefore,

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[1] Ibid.

[2] Eulau, "Role," p. 743.

are normatively significant as indicative of the legislator's perceptions of his function and thus ultimately of representation and its theory. Too, some writers suggest that "role" studies may be the vehicle to tie together "institutional," "functional," and "behavioral" studies in political science.[1] As a model of behavior--but with individual and group psychology--some writers also see a model of the legislature:

> . . .as an institutionalized human group which logically incorporates the model of the individual legislator and which relates the behavior of legislators to problems of legislative structure and function which are the traditional concern of students in the field.[2]

Thus role-theory properly structured emphasizes those aspects of legislators' behavior which make the legislature an institution.

Subsequent to the above study, Professor Wahlke's efforts can be seen in one of the most comprehensive projects yet undertaken in the study of representation and the related areas of political behavior. A group of studies under the direction of G. R. Boynton and Samuel Patterson has been conducted by the Iowa Laboratory for Political Behavior. A model for future efforts, The Iowa Legislative

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[1]Wahlke, System, p. 7.

[2]Ibid., p. 8.

Project[1] includes three separate, though related studies, and is so very recent that all of the results are not yet available as the data are still being analyzed and reported.[2] The project consists of "The Public Attitude Survey," "Interviews of Legislators," and "Key Constituent, Lobbyist and County Chairman Survey."[3]

First, the "Public Attitude Survey" is an attempt to ascertain the views of a large sample of the population about representation both in Des Moines and Washington. In

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[1]This series of studies has thus far produced the following articles: G. R. Boynton, Samuel C. Patterson, and Ronald D. Hedlund, "The Structure of Public Support for Legislative Institutions," Midwest Journal of Political Science, XII (May, 1968), 163-180; Samuel C. Patterson, G. R. Boynton, and Ronald D. Hedlund, "Perceptions and Expectations of the Legislature and Support for it," The American Journal of Sociology, LXXV (July, 1969), 62-76; Patterson and Boynton, "Legislative Recruitment in a Civic Culture," Social Science Quarterly, (September, 1969), 243-263; Boynton, Hedlund, and Patterson, "The Missing Links in Legislative Politics: Attentive Constituents," The Journal of Politics, XXXI(1969), 700-721. In addition to these articles, there is a forthcoming book under the editorship of Patterson and Boynton on comparative legislatures.

[2]As this is the case, the materials are not generally available, making work difficult in this area.

[3]"Public Attitude Survey," The Laboratory for Political Research, G. R. Boynton, Director, Iowa City, Iowa: The State University of Iowa, 1966. Study No. 015. Mineograph. Hereinafter referred to as PAS; "Interviews of Legislators," Ibid., Study No. 013. Codebook was prepared by F. Ted Hebert of the Laboratory for Political Research. Dr. Hebert was most gracious in allowing this writer access to his personal copies of all three studies; "Key Constituent, Lobbyist and County Chairman Survey," Ibid., Study No. 018. Codebook was prepared by Hebert, assisted by Edwin J. Zastrow, Jr. Hereinafter referred to as KCLCC.

this survey, which is only a portion of the overall project, a statewide sample of over 1,000 was interviewed. The research instrument included in-depth interviews of almost 200 questions, to which the respondents were asked to submit answers. From these questions, and the responses, there is sufficient data to give a micro-theory of representation, if the sample is truly representative of the population universe.[1]

The various portions of the study attempted to determine the degree of political activity or awareness of the respondent by a series of questions concerning the representativeness of the Iowa legislature; the importance of legislation and law; and the values held by the legislator as perceived by the constituents. This directly connects with the practical problem of who elects the representatives, what is expected of them, how expectations are fulfilled, and the varieties of influences exerted on the legislators.

It was clear from the data that the residents of Iowa interviewed were aware of the existence of governmental units. The compilation of the responses to the questions of the effect of the activities of the national, state, and

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[1]Assuming of course that the interviewed were "honest" in their answers. The sample was wholly from one state, but the purpose of the study was to analyze attitudes within one state. The data obtained could only be obtained accurately, according to the authors, through use of the research methods employed.

local governments on day-to-day life indicates that an overwhelming majority of those responding believed that government at all levels has an effect on their daily lives.[1]

The issue of being represented was both directly and indirectly raised. The respondents in a direct question were asked their level of agreement with the statement: "The Iowa Legislature does not represent the citizens of Iowa very well." Of 1,001 responses listed, slightly more than one-fourth either agreed (251) or agreed strongly (34) with the statement. There was a majority (569) who disagreed with the statement and thirty-two who disagreed strongly.[2] The consensus thus showed that of those interviewed, most felt that they were represented (at least somehow) at the state level. Eight hundred sixty-five respondents agreed that the state legislature was important because it was here that the differences of opinion about what the state ought to do could be compromised for the good of all.[3] Of course, none of the questions involved particular issues in terms of how well the voter felt represented.

Several of the practical problems suggested in Chapter V above are found in the twenty-four questions as to how the legislator should decide his political position when

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[1] PAS, Questions 14, 15, and 16.

[2] Ibid., Question 25.

[3] Ibid., Question 26.

there is conflict. The elements of conflict offered are state, conscience, group, party, and governor, in various combinations. When state and conscience were the poles of conflict, 318 believed the legislator should choose the state, while 549 said conscience and 134 did not know.[1] The state, however, was most chosen over group, party, or governor.[2] It was thought in all areas of conflict, except where there was conflict between conscience and district, that the legislator should consult his conscience. When there was conflict between conscience and district, the legislator should, according to the answers, follow the desires of the district. From this study, it would appear that Iowans want their legislators to be free to do as they think best, except in regard to their districts. In such instances, the interviewees believe district should take precedence, but again no "trouble cases" were raised.

The "Key Constituent, Lobbyist and County Chairman" survey sought to ascertain the political views of individuals who were both observors and participants in the political process. Those interviewed in the latter studies were more active politically than those surveyed in the "Public Attitude Survey." A cursory glance at the questionnaires used

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[1] Ibid., p. 20, Question 105.

[2] Ibid., Questions 105, 109, 110, 111, and 116.

in all three studies revealed a very detailed investigation of some attitudes held regarding representation.

In the "Key Constituent, Lobbyist and County Chairman Survey" the same questions on the effect of national, state, and local government on day-to-day life were asked. The results, from those normally considered more active politically, are somewhat higher than the data obtained in the "Public Attitude Survey."[1] This group tended to be more aware of the effect of government. They also disagreed with the statement that the Iowa state legislature did not represent the citizens of Iowa very well, although a greater percentage agreed or strongly agreed than was found in the "Public Attitude Survey."[2] The same kind of results were found in regard to the importance of the legislature for resolution of conflict through compromise for the good of all, where 96 percent agree or agree strongly.[3]

As with the "Public Attitude Survey," the "Key Constituent, Lobbyist, and County Chairman Survey" found that the conscience of the legislator should be the most important factor in resolving conflict.[4] The one difference

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[1]KCLCC, Questions 42, 43, and 44.

[2]PAS, Question 25. Also KCLCC, Question 55.

[3]KCLCC, Questions 56, 131, 139, 141, and 144.

[4]Ibid., Question 135.

noted was that in this survey the attitude was that conscience takes precedence in all conflicts, whereas the "Public Attitude Survey" placed district over conscience in conflict between the two.[1]

Probability sampling was used in the determination of which lobbyists, key constituents and county chairmen to interview. Although 181 of the 185 total legislators were interviewed, all were considered as a part of the field. This exhaustive methodology called for extensive interviews of the individuals most likely to be the active participants in the politics of Iowa and goes far in checking attitudes of the represented about their representation (the "feeling" of representedness) and thus was a valuable effort in this area.

Summary

It can be seen from the empirical studies sampled that there is a growing, though small, body of literature being provided by the empirical theorists in the realm of representation and a certain level of representation theory. These empirical studies point out several conclusions pertinent to this study. First, there appears to be a deficiency in the scope of many studies in that the effort is directed

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[1]PAS, Question 116.

more at gaining an understanding of the "representative" as an individual than of the represented. Such is understandable when one considers how much simpler it is to study the representative body than it would be to study the relationship of a representative to the body of the represented. Here, however, the easy road is not the one which will necessarily lead to better comprehension of the problem, particularly when the emphasis on the individual is based on a particular definition of personality and of life which ignores the "whole" and relatedness of life.

Second, many of the studies indicate the failure of the existing representative systems in terms of their own definitions and standards. There is much evidence in the materials available to prove this contention.

Third, the studies show that the empirical and normative theorists are working toward the same ends. The empiricist seems forced to base his hypotheses on the normative, speculative works which have gone before, even when he pretends this is not true. The normative, though, provides him with the definitions and assumptions from which he proceeds. For example, almost all of these empiricists begin with certain assumptions about what democracy means, or freedom means, or the nature of an individual,[1] and even

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[1]They are almost all wrong in the latter case. Thus all of the attitude studies are debatable on the basis of this nature of mind.

what representation means. These definitions are in the value judgment category and can not be derived from "empirical facts."[1] Too, what facts to study and correlate are based on value judgments and normative definitions which the empiricists do not verbalize. Also, some empirical theorists show that the facts define "democracy," etc., and thus they are actually normative theorists. Still other theorists make studies so general that we never really learn much of anything relative to representation theory from them.

The normative theorist on the other hand obviously benefits from the quantitative data presented to him by the empiricist, for normative theory seeks to take "all things" into consideration, including empirical study data. Thus the empirical studies provide a base for normative philosophizing. However, when better agreement could be reached on the definition of such terms as individuality and representation, more progress might be made in one group helping the other. Each is concerned with the relationships existing from man to man and from group to group, although most empirical theorists, as previously noted, tend to ignore the search for relationships in terms of totality, i.e., they do

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[1] Some empiricists argue correlations of empirical facts give at least some generalizations--an anti-natural law position--and that these generalizations become definitional of democracy, freedom, etc.

little more than show how a system called representative works or does not work in terms of the limited goals of the individual theory and system.

There is also the inherent difficulty to be found in empirical studies considering something as vague as representation, particularly contemporary concepts and institutions assumedly grounded on interest. Interest and the individualistic theories of personality and life have not solved the chaos of our present social-economic and political life. It is logical to have a changed conception of these concepts and of the representative, so that perhaps a higher "good" for society could be obtained through grounding representation not on interest but on purpose.

CHAPTER VII

REASONS FOR AND PURPOSE OF REPRESENTATION

Introduction

A discussion of reasons for and purpose of representation should indicate the major distinctions between the IS and OUGHT of representation. Here the terms are intentionally used on different planes to demonstrate the differences between "why" particular representative systems exist as they do and the higher plane of what a representative system should do. The existence of both theoretical and practical problems of representation, as shown above, are instrumental in understanding the distinction to be made here. It is to these problems of representation which political scientists have turned, and it is also at this juncture that the differences which exist in the meaning of the same word is further demonstrated. Here in the realm of problems of representation is to be found a wedding, or a divorce, of the reasons which are publicized for the existence of a particular governmental system which is called "representative." In looking to a more ideal system,[1] we find that representation ought to serve a purpose, rather

[1] In this sense the philosophical ideal is that which, if implemented, would provide a much better representation for all those who were in truth being represented. However, as seen in Chapters IV and V above, this is both a theoretical and practical impossibility.

than be considered as merely further rationalization for something which exists. The two words as presently used do not mean the same. On the one hand there are rationalizations given for something in existence, and on the other the theoretical bases for development of a more representative system in every aspect of the concept as previously idealized. The fact is there is no agreement about these terms among political scientists.

There have been a number of reasons at least implied in the previous discussion and analysis for the establishment of "representative" systems.[1] These, however, by and large indicate a false theory and practice of representation as formerly and presently in use (i.e., one grounded on a philosophy and "science" of an individualistic society and politics). Many writers on representation are trying to save a particular way of life, that of the atomistically defined person--the person defined as rat or ape (Hobbesian man), or power man (Stirner) or violence man (Bakhunin), or sexual man (Freudian man)--with private property and competition. These writers use language to defend and continue the existing system, so that interest becomes "vested" interest (even "civil rights") or "collective" interest or "public" interest, even translating the latter into purpose.

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[1]These reasons bear resemblance to many of the same given for the existence of the organized, modern state.

Therefore, such reasons as set forth by many existing governments and their apologists indicate the is, but do not approach the ought--the real purpose for representation considered by some thinkers. Thus the validity of any "purpose" or system lies primarily in the eyes and the mind of the analyst. This then injects the possibility that whereas one mind may consider something as "absolute truth," another may see it simply as fraud. It may be useful, therefore, to note the self-interest "reasons" for representation most often given. Among the rationale are ideas such as maintenance or development of stability within the political system, the legitimizing of that in existence, as being in the "public interest," as well as the theme of "justice," which underlies much of what all governments do, or claim to do.

Reasons for Representation

Stability

Stability is one of the major "reasons for" adopting the concept of representation. The notion is that only through a representative system can a certain degree of stability be obtained (assuming that stability is for self-preservation of the society). David Easton writes of this as "input support" of the community. In referring to the

political elite as the dominant factor in the political system, he believes that they often recognize stress and attempt to cope with it. One means of reducing such stress, thus maintaining stability as presently discussed, is inclusion of members from the dissident groups in the governing structure.[1] This alone is not sufficient, however, as Easton continues:

> As in all other responses [to stress on the political system], to be examined, alone probably no one of them would be effective. In combination of different sorts, they may have a chance to overcome tendencies that reduce support.[2]

If the people living within the confines of the state _believe_ that they do, whether they do or not, have political representation, there is less possibility of movements arising to overthrow the existing governmental structures. This is illustrated in the more recently developing countries, which presently call themselves "representative democracies," as well as some nations which have longer histories.[3] Dissident groups that demanded, but had not received, "adequate" political representation in the preexisting system revolted and took over the system. Internal

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[1] David Easton, _A Systems Analysis of Political Life_ (New York: Wiley, 1966), pp. 247-250. Hereinafter referred to as Easton, _Analysis_.

[2] _Ibid._, p. 251.

[3] Here could be listed the Soviet Union, the Chinese Peoples' Republic, and almost any Latin American or Black African nation.

considerations then constitute a major portion of the rationale for development of systems which call themselves representative.[1]

Furthermore, it is argued by some that when there is a degree of acceptance of a belief that a system is representative, there is less possibility of either external or internal movements being successful in attacking the system.[2] Representation as a slogan, then, rather than a reality, supposedly has a tendency to unify people, especially when there is the possible existence of an external enemy.[3] Such external threats provide more unity of purpose, and a base for the government to mobilize the majority of the people behind its "representative government." Meanwhile, internal stability is achieved by the organization and containment of political conflict and dissent--usually through the political party structure. Or as Easton notes:

> As a possible response to cleavages, representative structures in their many forms operate so as to enable groups to obtain access to the centers of authority in the system.[4]

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[1]Thus the use of representative assemblies during the Dark Ages was largely the effect of a practical necessity--often the financing of military operations. See Rushton Coulborn, Feudalism in History (Hamden, Conn.: Archon Books, 1965), passim.

[2]Easton, Analysis, pp. 25-54. Easton also points out the inadequacy of the Canadian Federal structure and its representative system for reducing the friction between the French-Canadians and the remainder of the nation.

[3]Ibid.

[4]Ibid., p. 252.

Particularly in a two-party system, stability is presumably enhanced by the moderation of conflict through compromise and consensus.[1] The existence of a representative structure, then, provides an open forum in which the contending party groups may meet and at least have the opportunity to resolve their differences.[2] Through allocation of access to the decision-making function, the various groups in society may feel that the governmental system is more legitimate than it would be were they excluded.

Legitimacy

Representation as a legitimizing function of the government and the state is closely related to the claim of stability. That is, the governors may find it necessary to rationalize their position in terms of their "legitimacy"--which they then have to defend in terms of "representativeness." When the people are convinced that they are a part of the activities of the government (by choosing their own elites through representation), they will support or at

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[1]Stability permits flexibility to environmental changes and more efficiency in problem-solving. Too, representation becomes a reference symbol of continuing stability regardless of the social realities of individual governments or office-holders.

[2]Easton, Analysis, pp. 252-253. Also Easton, Systems, pp. 185-193 and Karl W. Deutsch, S. A. Burrell, et al, The Political Community and the North Atlantic Area (Princeton: Princeton University Press, 1957).

least condone the actions of that government; that is, an acceptance that it is right and proper that the existing government should govern.[1] Thus government through representation, regardless of degree, is considered more legitimate than government without representation.[2]

Representation even as a simple "conviction," or as a promise for the future, is often "legitimizing" to groups which have not experienced representation even remotely. Thus many are receptive to the idea of government by representation, even though it does no more than "legitimize" a new governmental structure without any "real" or "effective" representation being present. However, the institution of periodic elections makes clear that governmental offices are held by a trust rather than dominion, and is thus seen by some as making the government more legitimate.

When the people of a state feel that they have a part in the governing processes (by voting for representatives), then more of a legitimate aura hangs over the governmental system.[3] Such is the case with the governments of

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[1]See Easton, Analysis, Ch. 18.

[2]"Legitimacy," The International Encyclopedia of the Social Sciences, Vol. IX, pp. 244-248. This articles by Dolf Steinberger reviews legitimacy from the time of the Early Egyptian Pharohs to modern constitutional governments.

[3]Thus, when 18 to 20 year olds are guaranteed the franchise, with the ability to influence their representatives and have a "stake" in the political structure, it is assumed that they will become more moderate in re campus demonstrations, etc.

many totalitarian states going through the motions of representative assemblies meeting periodically to conduct the business of government.[1] These assemblies, as in the Soviet Union, or during the Fascist era of Italian history, do little more than give their assent to what the ruling elite had done. Popular assemblies, then, continue to serve the legitimizing function.

For example, the histories of many of the newly formed African nations, including Ghana, are filled with the promise of a representative government.[2] Ghana moved from colony to nation and from under the colonial status of little political representation for the "natives" to independence. After this independence was obtained, a proliferation of political party groups occurred. A form of representation followed, thus making the existing government more legitimate than the previous one.[3] However, with the development of a nation of non-politically socialized people, the end result was domination by the Convention People's Party--the

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[1] Hazard, Government, Ch. 1 and Fainsod, Russia, Chs. 11 and 12 especially.

[2] See Lucien Pye and Sidney Verba, Political Culture and Political Development (Princeton: Princeton University Press, 1965) and Gabriel Almond and G. Bingham Powell, Jr., Comparative Politics (Boston: Little Brown and Company, 1966), Chs. 5 and 6. Hereinafter referred to as respectively Almond and Powell, Politics and Pye and Verba, Culture. For a more comprehensive study of the political history of Ghana see David Apter, Ghana in Transition (New York: Atheneum Publishers, 1964).

[3] Ibid., and Rupert Emerson, From Empire to Nation (Cambridge, Mass.:Harvard University Press, 1962), Chs. 13-15.

party of independence. This party, with its leaders and members, convinced a sufficient number of voters that the only legitimate government must come from their ranks. Thus the promise of what the people wanted, or had been convinced that they should want (as perceived by the party leadership) was conveyed through the dominance of a single party. This party was successful in decimating the ranks of the opposition, and in effect muzzling them through increased control over the political processes of the state.[1] Thus as the party conceived itself to be the legitimate ruling body, others were pushed down to the point where they could see how "good" the C.P.P. was. The task of the Convention People's Party, then, was to legitimize its position, and its success can largely be attributed to the need for such a political expedient.

Political Efficiency

Claiming to have representation is often used as a political expedient in order to maintain both stability and a facade of legitimacy. Of course, expedience may include both of these as well as meaning a more "efficient" way of governing. Expedience may also provide certain economies of government. A ruling elite may find it more economical

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[1] However, the January, 1972 "coup" may produce some alterations in governmental form, although to date it has not.

to "buy" the opposition through the use of representative positions than to attempt to suppress them:

> We can appreciate the decisive significance of this kind of response when we recall that threats of irredentist or separatist movements within a community have frequently and typically been alleviated by changes in the political process.[1]

Thus participation in the political system no matter how limited, may have value. There are, of course, degrees of participation ranging in meaningfulness from none to some. These degrees of participation may be adopted and used for self-serving purposes by political elites who have control of a particular system.[2] As a motive or purpose of developing a so-called representative system, those in control can retain and perhaps increase the political power they have.[3] The strong man or the charismatic leader may, for "efficency," obtain extraordinary powers to govern on a temporary basis. In times of crisis, it is often necessary to review the governmental system and provide a President, a Prime Minister or a Chancellor with powers he normally would not have, to meet the exigencies of the day.[4]

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[1]Easton, Analysis, p. 32.

[2]Almond and Powell, Politics, pp. 314-322.

[3]I.E., control the people who are the source of those necessary political resources of money, manpower and skills.

[4]United States President F. D. Roosevelt during WWII was given great power to "meet the national emergency." Mussolini as Prime Minster and Hitler as Chancellor of their respective nations were granted extraordinary powers to meet the crises facing those states, not to mention the expedient of Napoleon and Julius Caesar.

One of the most astute African leaders in the early era of independence, Kwame Nhrumah, suggests the need for efficiency (for rapid national progress) when saying:

> Even a system based on social justice and a democratic constitution may need backing up, during the period following independence, by emergency measures of a totalitarian kind--without discipline, true freedom can not survive.[1]

Yet the use of expediency or efficiency can often be questioned as to whether the system can provide for any meaningful participation of citizens in the policy-making process. How much representation is offered as an expedient to quickly accomplish the desired ends,[2] or as clear desire of those in control to give the individual citizen a meaningful part in such policy-making as may be necessary for operation of the state, is subject to speculation.[3] This does not take into consideration the political, physical and mental impossibility of full participation of all those living under a particular system.[4] Thus fewer and fewer theoretically represent more and more as an expedient

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[1]Kwame Nhrumah, Ghana (Toronto: Thomas Nelson & Sons, 1957), p. xvi.

[2]This means those ends desired by the controlling elite rather than of the public in general, though the desires of the various groups may, at times, coincide.

[3]"People" are important as the consumer of political activities and the source of political power.

[4]Further discussion of this impossibility can be found in Chapters IV and V above and in the model of an ideal representative system which will be discussed in Chapter IX.

necessitated by the size of population. The convenience, then, of having the few determine the solutions to the problems of the many has long been recognized, and has been shown to be the source of whatever representation is in existence.[1] As a practical matter, for example, 500 individuals can more efficiently consider the problems of a nation of 220 million than could that entire population. It is thus "expedient" to call the few, to translate the public good into law.

Representation: The "Public Interest"

In democratic representation theory, the most readily available, and perhaps most overused, reason given today for the use of so-called representative systems is that it is in the "public interest." However, the two quite simple words, public and interest, take on many meanings, and even more when used together. According to Samuel Krislov, "the basic term, interest, is accepted as self-defined and ineluctable."[2] He believes that interest is interest, and once this is understood, there should be no difficulty whatsoever for anyone with its use. Interest, however, in its modern usage, as a concept, conveys many meanings. The term "public,"

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[1]This is clearly shown in the development of representative institutions, see Chapter II above.

[2]Krislov, "Interest," p. 830.

as pointed out, is filled with ambiguities as well.[1] Thus it has been said that:

> Fashions change, however, including fashions in the use of political concepts; and the verbal formula which denotes the idea of responsible official decision-making for Americans in the twentieth century is 'the public interest.'[2]

Krislov points out that the various definitions of interests used by political scientists are merely attempts at contrasting the concept with pressure groups.[3] Thus interests are and ought to be held both individually and collectively. A basic distinction which is made between interests and pressure groups agrees with this. This distinction accepts the fact that pressures of interest groups come only with an attempt at influencing others to accept the same interest held by those attempting to do the influencing. Thus, interests are those ideas which are held, and those things which might have an effect upon one. Such ideas or things--interests--are varied and many, and thus again have no simple definition. That which interests me today may have meaning today, but none tomorrow. A passing interest as opposed to a lingering, permanent interest is not as important. For example, at the age of nineteen the draft had greater effect than at age forty, though there is

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[1] Ibid., p. 842.

[2] Glendon Schubert, The Public Interest: A Critique of the Theory of a Political Concept (Glencoe, Ill.: The Free Press of Glenco, 1960), p. 7. Hereinafter referred to as Schubert, Interest.

[3] Krislov, "Interest," p. 830.

an interest in the conscription concept. To define interest thus as defined in itself is less than adequate.

In reference to that concept known to the world of political science as "public interest," further explanation is necessary. Political scientists often discuss the public interest and consider the dichotomy between the public versus private interest. They then get bogged down in the political actions of interests, rather than examination of just what is public and what is private. Interest individually or collectively held can not be the "public interest." The public interest, then, as it is usually conceptualized is a fake and a fraud, for the public has no interests. Only individuals, singular or corporate, have interests. Interests which are ultimately represented are those of groups, most often a group which has control or lines of communication leading to those who make political decisions.

As presently considered, then, the "public interest" turns out to be what is transmitted from one elite group to either themselves or another elite group controlling the system of government. These interests then are translated into legislation or law having an effect upon the society as a whole. Such legislation considers and determines policy for the varied factors of the social, political, ethnic, and religious well-being of the populace. All of these are at

one time or another considered by the existing representative assemblies, but:

> As is pointed out, . . .there can be only confusion in such an attempt to resolve conflict of interest by positive law since there is no way logically or practically of getting an "objective" social legal system of "right" or "purpose" into existence by scrambling subjective motive back and forth or scrambling to and fro between these motives and the "objective" order.[1]

If the policy-makers are going to represent the so-called "public interest," some writers argue, then there should be total objective life, and not an elite group which attempts to impose its will on all. "Political" importance would not be considered, then, but only "right" and "purpose" as the end of government.

Further consideration of the policy-making process fits into the categories of interest listed by Pound. He

> distinguishes between three types of interest--individual, social and public. . . .The public interest is exemplified by the state and involves such matters of governmental concern as the construction of a capitol building. This is in contradistinction to the social interests conceptualized as being in the interest of "society" which would involve such things as, say, the prevention of murder.[2]

Pound's definition of "public interest," as that of Krislov above, is logically unacceptable. The public interest, others tell us, should take on more meaning than that so strongly

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[1]Duncan, "Interest," p. 274.

[2]Krislov, "Interest," p. 836.

intertwined with the physical activities of the state. Needs of the "whole" people should be considered more than merely this categorization by Pound. Further, if a state is classified as an authoritarian type, then representation is not of the public interest but is used only to mollify and hold down the populace. Here public interest is totally defined by the existing organized violence power--the governing entity of the state. Legislation in such a state is used as a means of maintaining control over the territorial area of the state and those residing there. This peculiarity applies most rigorously to the authoritarian state, but can apply also to those with "democratic representation." Here again, the notion of the "public interest" will always be determined by those perceiving it. If the state, or the government of the state (as they are often equated), is perceiving, the public interest will always be defined in terms of its <u>own</u> interest, as opposed to the interest of the public. The one is, or may be, a false determination of the public interest and thus is used as a reason for having a so-called representative system. However, if this concept is defined as truly in the interest of the public, then a more representative system is possible, as Herbert Spiro notes:

> The general interest is what the power elite decides it should be, and neither the rational individual, nor the democratic group, nor, finally, the

> political party whose members are agreed upon some common principle, contributes to the definition of the general interest. Representation is a mockery, popular politics consists of empty and meaningless motions, and the only politics that matters is the politics--or mere intrigue--that takes place within the small circle of the ruling elite. We have returned to a Platonic kind of politics, only it is a vulgarized form of Platonism because it is no longer dedicated to the truth. Unlike Plato's Guardians, this new power elite does not believe in the true, the good, the beautiful. It believes only in the enhancement of its own power and will do anything that seems to serve that goal.[1]

Public interest, though, as has been shown, far from the "true" public purpose which is desired, has an underlying theme. This theme is that once convinced that they are being provided with a "just" system, which in turn provides for some of their needs, the people will accept that system and its representative scheme, and its justice. Thus justice, as most political philosophers from Plato to the modern age have discussed, is an important commodity. It is what people want most and what the governing elite wants to convince the people that they do have. A "representative system" then is seen also as providing the desired justice.

Justice[2]

Underlying all other reasons for providing a "repre-

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[1]Herbert J. Spiro, Politics as the Master Science: Plato to Mao (New York: Harper and Row, 1970), p. 212. Hereinafter referred to as Spiro, Politics.

[2]The term justice is here used in its broadest sense, having to do with the abstract moral/ethical good for members of a society. See Plato's Republic, among others, for a complete discussion of the concept.

sentative" system is that of justice, often used as a slogan for even some non-representative systems. That is, some proponents of a particular political system see representation as the only way to provide "justice." The question of what justice is, however, obviously has many claimants or answers. However, the meaning accepted or perceived by the citizens of a state is often colored by their feelings of being represented.[1] Such a commodity may be distributed from the top down, or from the bottom up, depending upon the type of governmental sytem in operation. And with a "representative" system, there will be some perceived benefits to be obtained. At least with a representative system, the people may believe that such a thing as "justice" exists. Justice may, in turn, be related to the core of the concept of purpose, and every governmental theorist from Plato on has seen this. Justice is the bridge to true public purpose, and thus is a major end which is sought in government. For if justice really prevails, a representative system will represent not only all--but life itself.

Representation as Purpose

Purpose as the basis of a particular system of repre-

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[1]In another terminology, political culture, which is the combined ideas of what the political system is, ought to be, and how the individual fits into it, is what is being perceived.

sentation (a higher level of means than "reasons for representation:), according to some theorists, is premised on the expression of the public will, a new direction in thinking that does not get expressed in present representative electoral systems. However, the public has been so indoctrinated in the need for "democratic" representation that the divorce of representation from the democratic form would hardly be acceptable to many.[1] The one word conjures up an image of the other in both theoretical and practical terms.

> The critical process of making representative government democratically responsible is election of the representatives. Elections are the indispensible mechanism for ensuring a continuing linkage between citizens' public-policy views (interests) and the public-policy formulated by representatives (in cooperation) needless to say, with executives and administrators. The mechanism works in one or both of two ways. It may provide the representative with a mandate to enact into public policy at an early date, the policy views expressed in the elections. It may also serve to legitimize by stamping the imprimature of citizen acceptance on the policies most recently enacted by the representatives.[2]

Surely the pure or direct form of democratic government (again, a different level or reason for representative democracy) is practically nonexistent,[3] and seemingly

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[1]Charles E. Gilbert, "Operative Doctrines of Representation," The American Political Science Review, LXII (September, 1963), 640.

[2]John C. Wahlke, "Role of the Representative," (The Laboratory for Political Research; Iowa City, Ia.:The University of Iowa), 4.

[3]Direct democracy was replaced by a representative form in the ancient Greek Achaean Confederacy, a broader representation of city-states. See J.A.O.Larsen, Representative Government in Greek and Roman History (Berkeley: University of California Press, 1955), pp. 157-161.

unworkable in an interdependent technological age such as ours. Thus there must be some method of determining who will participate both directly and even somewhat indirectly in the policy-making processes in place of multitudes acting as legislatures. Of course, for Rousseau, universal participation was a necessity if there were to be any political liberty.[1] Part of this notion was based on a rather limited technological society and part on geographical size and population. Since his time, it has been argued that there may be political liberty with a scheme of representatives institutions.[2] As seen above in Chapter IV, one mind may not truly represent another in all of its aspects. Such a representative system can serve to provide some of the necessities of life in the sense that at times this representation may be looked upon as a functional means of getting formulations of policy which otherwise could not come to the public attention.[3] It is thought by many that only the public would be the loser should such formulation not be implemented.[4]

There is also the view which considers representing essentially separate and private interests and protecting

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[1]Eulau, "Role," p.742.

[2]Schubert, Interest, pp. 79-93, particularly 84, 84f.

[3]Easton, System, p. 57ff.

[4]Eulau, "Role," p. 742.

so-called "individual" rights of the governed. Here many believe that the collective shares the same or common interest, a collectivity of interests. Yet by the nature of the individual being an individual, his interests are thus also individual. Some theorists, at times, talk about colectivity of interest or common interest as if each atom in a group had an identical interest. They do not see through the problem, for this does not translate to public purpose as some would have us believe.[1] Rather, these definitions--interest and purpose or Ends--are essential problems of representation clouded by language by those who ignore our confused concepts of man and society. Definitions of interest, then, are normative and are arrived at through logical processes unique to those who develop them. Thus the concept of public purpose, if such can be found, is one which some analysts see as a logical or preferred alternative conceptually for unifying an otherwise disparate group into a cohesive nation.

It is evident in the contemporary state that the major cohesive force has long been the traditional elite structure.[2] Elite groups look upon themselves as the cement which holds the nation together. They thus serve

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[1]Duncan, "Interest."

[2]A. F. K. Organski, The Stages of Political Development (New York: Alfred A.Knopf, 1965), p. 48.

their own interest rather than the public interests due to the fact that it is the elite which interprets what the "public interest" is. The interests of the elite groups, then, become the interest of society at large.[1] The interests of the many, however, may not be properly reflected in the interests of the few. The collective interest of the many may be assumed to be the public interest; although in every instance it may not be so. In a way, this harks back to the feudal days and the concept of noblesse oblige, wherein those in positions of power and authority considered their own position within the society as being that of benevolent protectors of the less fortunate.

Thus, through the educational processes (indoctrination at times), the masses came to look upon "their" interests as being the same as those of the traditional elites. As these masses gained political power, the "public interest" became their own, as previously they had been told it was. Through further evolutionary processes, these same masses began to question whether or not in fact it was in their best "interest" to act in previously specified ways. Thus the development of the franchise and later of political parties were not as much a move toward the end of obtaining

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[1]This is the contention of all movements founded on the Marxist-Leninist theory of the Party as the Vanguard of the Proletariat, and has had a tremendous impact on many developing nations.

representation as movements toward the end of unification of purpose, which would be in that true "public interest."

Therefore, it is the interests of interdependent groups which will determine the purpose of society, taken together, that is, and not individually. Thus, Easton sees all social life as being interdependent, and hence the solidarity groups of the public will and should be felt in the determination of what is in the "public interest." This "public interest" as popularly construed, should reflect those things beneficial to both the people and the environment,[1] according to Easton. However, care should be taken to refrain from casting public purpose only in terms of the good of the people in their individual groups and the land which constitutes the state. Interests such as health, welfare, safety and public order are common to all groups, and are included as a part of the public purposes. Certainly there are specific interests, but these are among those which would be considered common to all, regardless of subgroup or regional allegiance. Thus these interests must be attended for the benefit of all.[2] General interests usually do get expressed in the public interest, but are often subordinate to the multitude of private interests which do not meet the criteria determining the public interest.

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[1]Easton, System, p. 97.

[2]Coker and Rodee, "Representation," p. 314.

Thus existing representative systems often break down and do not serve their public masters because of influences exerted by private interests.

There is now, however, a need for a new system and goal of purpose considered by some analysts as a logical or preferred alternative conceptually to that of interest. But as interests have been active in the development of the political system, it has developed more to protect the private than the public interest:

> The modern state is the interest state; not in the sense that it undertakes to combine and harmonize interests of the individuals into a public purpose, but in the sense that it is a vast external store of values or goods from which the individual is to derive his peculiar share.[1]

Governments then have claimed that they are the protectors of the public's interests, and are doing what is in the public interest. These, however, are objectified through the views of individuals, who in turn have interest to protect. What they might do could often be construed to be in their private rather than the "public interest."[2] When this occurs, the public interest would have to be only that which those who do the choosing say it is. There are then few genuine public functions in public life; most have become a

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[1] Jordan, Forms, p. 19.

[2] Ibid.

part of private function.[1]

Thus the idea of "purpose" and "public endedness" is a necessary replacement for the theory and practice in use, a possibility of establishing a better system based on Purpose. Therefore, to have a truly representative system, there must be Purpose in both a philosophical and practical sense. The form that this purpose should take is that directed toward the public good, the good of all of the public rather than just the articulate few holding sway over the existing "representative" system. Still, under present systems, as we have seen again and again, that which is sometimes suggested as purpose is not purpose at all--but "interest"--self-interest.

Summary

Many governments lay claim to being representative. This claim, as noted, is preposterous, for the present interest theory in which they are cast can be nothing more than chimera. Interest theory pretends to work as well as anything, and yet pretend is all it can do. For so long as private life is private, as it always will be, it can only operate in terms of interest. Such operation in terms of

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[1]Elijah Jordan, Theory of Legislation (Indianapolis: Progress Publishing Co., 1930), p. 372. Hereinafter referred to as Jordan, Legislation.

the private aspects of life can never be truly representative of Purpose. The concept of Purpose includes the facts that man will be represented as he is--the whole man, man bound and man unfettered; objective and with purpose. Public life can not be cast in terms of interest--a fleeting want or desire as vested interest or collective or public interests (whatever that is)--for public life assumes Purpose. Therefore representation must represent this higher purpose or purposes rather than the interests.

Purpose of representation implies much more than "reasons for" having governments which are called representative. Purpose is the higher goal which should motivate the development of a system, truly representative of man in his whole being. Purpose denotes the more inclusive ends desired by a people under a representative government. Such would divorce the interests of the individual or collectives of individuals from the corporate or true public interest.[1]

If there is to be any truly representative system, the idea of Purpose and true public interest must replace

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[1]There is, however, the difficulty in discussing such a divorce due to the ambiguities contained in the term "public," as noted previously. Contrary to Krislov, there is no commonly accepted meaning of the "public interest," and that which is normally accepted is not the true public interest at all, but is a compilation of private interests ennuciated as the true public interest by those holding public positions. See Duncan, "Interest."

the existing systems of interest representation. The existing theories and practices of what is called representation are cast in the mold of interest representation. This mold must be broken, for our system of defining man simply and trying to make interest represented does not work. The interests, however, have a strong grip on the representative institutions which presently exist. A clean sweep would be the only way that the necessary changes could be made to give a proper theory and practice as would be implied in the term "representative institutions." The key to such a change would require the development of an entirely new theory of representation, and in turn a new system of representation of purpose rather than interest. All revolve around the vague notion of the general good--the public interest in the clearest, truest sense.

Within the development of individualistic representative systems can be found the origins of the idea and institutions of corporate representation, even as the ends of the totality of man as corporate are seen in public parks and public waters (although there is no universal agreement here).[1] Still, in general the present system of representation does <u>not</u> follow our theory or practice--i.e., represen-

[1]Thus only recently the Vermont state legislature enacted laws to protect the whole people and their environment against land speculation in the rural areas by providing a high tax on land sold by speculators. The law is being tested in the courts as a violation of "private property" rights.

tatives do not represent people or geographical areas, or even the major interest groups; the President does not represent all of the people or some of the people, or the country as a whole. Stating that they or he represent what they or he supposedly represent is pure rhetoric. It is thus necessary to devise a system, intellectually and practically, which will reflect Purpose rather than interest. There is a possibility of establishing a better system based on Purpose rather than Interest or End. This possibility exists in the development and implementation of the social-corporate view. However, to achieve the better system, the technological order of life would have to be completely altered, which is impractical in terms of "human nature." Thus we have to strike as good a balance as possible and use a representative system that represents man qua man in relation to life and all men. Such a system has been proposed by many social-corporate theorists and seems to be a better answer to our problems than those proposed by the individualists heretofore considered.

CHAPTER VIII

SOCIAL-CORPORATE THEORIES

Introduction

Obviously the concept of the human being as defined in individualistic (psychological or state of mind) terms, as a basis of representation, or of "the people" (also so defined), may be seriously criticized both in terms of logic and empirical and practical data. However, not only have theories based on the "individualistic" definition of the human being been criticized, but so too theories based on "interests" or "geography." According to some theorists, a "correct" view of personality defines man as a thinking, acting being who has certain social, psychological, and physical characteristics peculiar to him. These characteristics distinguish or individuate him from all others by virtue of objective fact embedded in objective fact and action, including institutional fact and the fact of physical nature. It is argued that a man's peculiar psychological orientations, indeed the attitude of others toward him, have a great significance in determining how he thinks of himself even as a part of "the people."[1] That is,

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[1]The works of the social-psychologists cover in great depth this concept of self-perception. See especially the works of Adler, Allport, Baldwin, and Mead, especially Mead's "mirror" theory of personality as grounded in the Hegelian group theory.

"self-perception" is instrumental in defining an individual in the aggregate nature of "the people." As a concept it must include more than mere living, breathing, warm bodies or "warm" (or "cold" for that matter) minds. Thus it is agreed further that it is this so-called "objective" mind that is the most significant factor to consider in connection with any system of representation. The social-physical fact of personality, then, how men are part and parcel of each other, of physical nature and institutions (even though the latter are at times in conflict with one another), is insisted upon by those theorists advocating that the basis of representation must be human beings considered as "corporate persons."[1] These social corporate theories and the political structures built thereon are different from those of the individualistic views and facts in re the representation issue, as will be seen.

Yet the corporate theories themselves are somewhat similar to each other in that all see the need for some elite which represents "intelligence," or in some cases "force," as well as basic "life functions," representing not people directly, but rather functional entities of human life, or at times just "life."

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[1]This is true even if at times there seems to be a merging or at least a blurring of the individualistic theories and the corporate theories (see Chapter IV above) by these same theorists.

The Ancients: Hebrew and Greek

These ideas of a so-called corporate person, or of corporate bodies, or of corporeity as a basis of representation are not of recent innovation. At least the philosophical seed of corporate theory is evident in the religious society of the ancient Hebrews. Although the latter viewed the nature of man as individualistic in the sense of choice-making (good versus evil), man was viewed also as a creation of God and connected to His "monistic" universe. That is, the individual was considered as bound to God and to other people (at least Jews) by a feeling of peoplehood in a universe which was considered as both meaningful and purposive. Society (later government) was considered as the means to regulate man (his evil) to make him less selfish and more cooperative in the sense of obeying God (Jehovah). Under a combined theocracy/gerontocracy of the Prophet Samuel, representation in the "state" was to represent the morality of God to the people and the function of their morality to their God,[1] a means for man to strive to return to the good life he once had (Eden).

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[1]Thus God's laws as interpreted by the prophet were the "social glue" holding everything together. The "state" is an institution supported by force and violence. See Chapter I above, pp. 8-10.

In the case of the ancient Greeks, we have seen that a number of theorists argue that man felt unconsciously that he was part and parcel of his world. He was a part of the whole, inalienable from the life not only of "others," but of his institutions and "nature." It was recognition of this idea and fact that Plato and Aristotle--the "founders" of Western Political Philosophy and Science--tried so hard to restore consciousness as the idea of social harmony. Their failure was in limiting the notion to the reconstruction of the "polis" in a day when events demanded a more extensive and complex human association, a broader political arrangement, just as today the nation-state in many respects is an anachronism but is theorized about as a reality. The mistake they did not make, but which would be evident in the modern nation-state, was to treat the person in the modern subjective definition as a basis of human relations. Yet, no theory of representation of subjectively defined persons resulted either in Aristotle or Plato, and there were no republican institutions in our sense. Rather, they viewed the human being as a conscious person ultimately defined by objective relations and conditions, with institutions being merely extensions of and definitions of the self. Thus Plato has representation of intelligence and "life" in his Republic, but altered his view to representing "people" who hold property in The Laws.

Aristotle's polity consists of "leaders" of a broad middle-class grounded in land. For, as the individual "needs" others, Aristotle believed that man without a "polis" is either a god or a beast.[1] Still, neither theorist presents a full corporate theory or practice, but still importantly, representation is not one of people or geography.

The Romans and Early Church

The person as a corporate entity was less evidenced in Roman law except where the concept of "Roman Citizenship," gradually extended to "municipal Romans," became important. In fact it was Roman law which secularly influenced the movement toward subjectivity and privateness as the basis of representation.

> . . .aspects of private law also felt the Roman impact. The Roman law of property, which in its form as represented in the Digest emphasized the power of the owner more strongly than did either Germanic tradition or feudal law, proved useful to feudal tenants who sought to transform their fiefs into private estates.[2]

According to some theorists, such as Gierke, this added the disastrous impetus of the movement toward private property.

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[1]Aristotle, Politics, I (Jowett translation), p. 3.

[2]Hans Julius Wolff, Roman Law: An Historical Introduction (Norman: University of Oklahoma Press, 1951), pp. 205-206.

During the rise of the Imperial system in politics, Christian thought emphasized the notion of a "Soul" as a definition of personality rather than the original corporate idea, attributed to Christ, of "I am the vine and you are the branches." Thus Christianity began to emphasize that it would be by an "inward" change of spirit that a new social order--an ideal community--would be established. It would be postponed until after earthly death, even though the idea of a brotherhood of man and the establishment of a Kingdom of Heaven on earth had been central to the teaching of Jesus. Historical circumstances, such as the practical necessity of dealing with power motivated the Romans, it is argued by some scholars, led to the degeneration of the original notion of the church as itself the corporate body of God and man.[1] Specifically the world seemed to Christians as so evil that the "Kingdom" had to be put off until "Heaven" --like the movement of the individualistic New Left today-- dropping out of a "hopeless" society. Thus emphasis was placed on just saving the Soul or "restoring" the Soul-- on the individualistic basis of social glue and change. It was the medieval life which, though inegalitarian, resurrected, if unconsciously, the corporate theory and fact of political representation.

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[1]A. Penty, Toward a Christian Sociology (New York: The Macmillan Co., 1923), p. 35. Hereinafter referred to as Penty, Sociology.

Medieval Theory

For practical (if not theoretical--at that time) purposes, the real flowering of corporeity occurred in the Middle Ages, although the theory and practice of corporatism was itself confused until the later writings of Gierke. The church developing out of the Dark Ages was on the basis first of the Imperial Roman pattern, and secondly, incorporated the notion of the union of the "Soul" with God through a human-spiritual structure. This helped develop the Western corporate theory of the post-classical era. That is, the human being became part of a structure which represented him as a part thereof--to God as ideal and ultimately to a set of norms (in the vision of a Heavenly Kingdom). The church was corporate and man a corporate part thereof.

Further, the feudal power system, which Gierke describes, developed the secular side of the same notion through the development of the Guild system. The church development came first, followed by the feudal period as evidenced in the writings of John of Salisbury. Salisbury, who wanted people to live as they "ought" to live, under order and legitimate authority, presents an idealization of the medieval structure. He thus describes the medieval institutions as more productive of law, order, harmony, and justice in

the principle of function than it actually was. But he did this deliberately to "idealize" it as a norm. The principle of function, then, is the "proper apportionment of functions to members in the apt condition, strength and composition of each and every member."[1] Therefore, every member must support each other at all times.

Further expression of social corporate theory is found in Salisbury's metaphore of society, with the various elements of society depicted as part of the man.[2] The true state is thus "organic," natural, and headed by a Prince who must follow the law. However, in effect here again, Salisbury rationalizes the supreme role of the Church, which as a corporate body is charged with guiding the individualistic Soul through earthly perils to Heaven.

Following the development of the Church and the feudal system came the emergence of the Guild and town as a development in corporate theory. In the guild system man became a significant personality only through working in and being a part of a productive unit of society. Both the craftsmanship of the whole product he made and the community in which he lived as a part were important. Simplistic monetary goals and private interests were not alone involved. Craftsmanship

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[1]Quoted in Penty, Sociology, pp. 69-70.

[2]See pp. 134-136 above.

utility and social life were bound in a structure defining personality. The unconscious representation system which emerged therefrom became based upon and has structured several aspects of a person's functions in life and not upon a single aim.[1]

> The idea of Function was central in the Guilds. The Guilds were privileged bodies, but their privileges were held conditional upon their performance of public duties. . .The Guilds were required to uphold the traditions of their craft, to sell at a just and fixed price, to pay just and fixed wages, to train apprentices and suppress profiteering in its various forms of forestalling, regulating, engrossing and adulteration, while they performed the functions of mutual aid among their members. If a guildsman was sick, he was visited. If he fell into want, he was befriended. If he died, his widow and children were provided for out of the funds of the Guild. Thus in one way or another the Guild entered into all the details of life. It gave the craftsman security. . . .And with a fine instinct of sociological truth, the Mediaevalists saw that such things were only possible on a basis of reciprocal rights and duties.[2]

This concept is further expressed by Gierke.

Otto von Gierke presents his theory of the corporate nature of the medieval secular society in his concept of Gennossenschaft, usually translated as a "cooperative association."[3] According to Gierke, man has a dual nature. He

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[1]The problem, of course, is that if people are represented as functions there would by necessity be plural voting. Also the medieval period was one of agriculture and handicraft which would not adapt to the contemporary complex system of urbanized technology with its division of labor.

[2]Penty, Sociology.

[3]This is contra his concept of Herrschaft or the subordination of the wills of the group members to one or a few commanding wills.

is an individual, but a social creature also. Thus he pursues diverse ends through membership in many generic associations, whether economic, political, professional, religious or social as either part of a family, church, commune, association, or international community.[1] These "associations" arise naturally within a society and exist prior to any state.[2] Gennossenschaft, then, is a cooperation of the wills of individuals to attain the ends of a group. Thus the individual has part of his individuality absorbed into a new and independent whole, a real organic unity characterized by "immanent purpose, will and power."[3] The Genossenschaft, therefore, is not only real, it has a personality--one distinct from that of its individual members. It is a juristic person established as an "original organ in the elaboration of law."[4] That is, there is no requirement that the association ever be "represented" for as a

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[1]Otto von Gierke, Deutsches Privatrecht (3 vols.; Leipsic, 1895, 1905, Munich, 1917). See particularly Vol. I (1895) and in English his Politics of Johannes Althusius, trans. Frederick S. Carney (London:1965).

[2]Here Gierke is reversing previous theory by building from the bottom up.

[3]See his Die Grundbegriff. This unity, then, is a common spirit, will or consciousness.

[4]See Das Deutsche Genossenschaftsrecht (4 vols.; Berlin, 1868, 1873, 1881and 1913). Vol. III is in English translation as Theories, previously cited.

living, acting person it speaks directly through the bodies established for it by the association constitution. Individuals, then, never speak _for_ the association, but instead _as_ the association,[1] doing so in seeking the construction and expression of a corporative decision. As soon as the association or corporation becomes the most inclusive association, i.e., the highest, and is a definite territory seeking to attain all human social ends, such becomes the state.[2] As the highest universal, the state is sovereign and declares the law. Thus Gierke envisions a living organism, not a mere aggregation of individuals, with a will of its own. It not only has will, but can act through the acts and wills of its organism (man) via positive law. As Gierke notes, there is:

> . . .exaltation of the Sovereignty of the State which ended in the exclusive representation by the State of all the common interests and common life of the Community.[3]

In practice, then, the guild members termed themselves "brethren" and evidenced their corporate entity by the right to have a common seal and in all considered their association more than an economic union. Religious worship (often

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[1] _Ibid_.

[2] Gierke, _Theories_, pp. 87-100.

[3] _Ibid_., p. 98.

[4] quoted in Penty, _Sociology_, pp. 69-70.

mandatory), social gatherings (banquets--sexually segregated), and even defending the city[1] were included in the brethren's duties, above those of controlling the crafts or guild itself.[2]

Gradually, as the medieval period waned and was replaced in turn by the modern era, Protestantism and individualism grew. Eventually, the guilds were disbanded, partially due to the "decay of the fraternal spirit which had at one time animated the guild brethren and the substitution of the cash nexus for the fraternal bond between employer and employee."[3] The corporate theory and fact are rediscovered later in the writings of Jean Jacques Rousseau, or as Sabine calls it--the rediscovery of community--although Rousseau also retains individualist overtones.[4]

Rousseau

Although his theory is one of direct democracy, and thus individualistic, Rousseau's desire to institute altruism into government, and inculcate the best tendencies of the period in government to develop the General Will, shows the

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[1]John J. Webb, The Guilds of Dublin (Dublin: Sign of the Three Candles in Fleet Street, 1929), pp. 71-73, 88-89, and 97-98.

[2]Ibid., pp. 66-67.

[3]Ibid.

[4]Sabine, History, pp. 575ff.

development of the corporate theory also. Rousseau believes it necessary for all to participate as much as possible in government to enhance the consciousness of all, in that all are a part of a higher order, the General Will. Thus the will can not be represented without participation by all, which in turn delineates the relations of one to others,[1] with equality necessarily following from such a societal organization. But by devoting himself to something greater than himself, the individual contributes to the collective well-being of society. Rousseau's General Will is then this something greater. The will is general and constitutes the corporate entity. Thus Rousseau believes it possible for a perfect harmony to exist between individual and community interest. His nostalgia is for the ancient city-state of the Greeks and the corporate being which that represents. He idealizes the collective will and participation in the common life for the mutual benefit of all members of the society. Yet in espousing this idea, Rousseau denies that rational self-interest is a reputable moral motive to hold in society.[2]

Rousseau thus indicates an emergent theory of corporatism, but does not indicate for the modern era how it

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[1]Rousseau, Contract.

[2]Sabine, History, pp. 578, 594-595.

shall be transmitted into fact. The emphasis of the period was on the development of individualism rather than a corporate society. The revolutions which occurred were spurred on by a desire to overthrow authoritarian figures who had reduced the individual to his minimal factor. Thus institutional developments toward a corporate society suffered from an undesirable mental image held by large numbers of people. Rousseau would have society and man develop into small agrarian groups which could implement a corporate society,[1] but the industrial revolution gaining momentum directed man into an urbanized, industrial environment of mass production which insisted upon largeness rather than small compact units.

Rousseau's theory, however, as George Sabine points out, is astonishing similar to the basic ideas of Burke:

> Specifically the two men had nothing in common. . . .Yet Rousseau's nostalgia for the city state and Burke's reverence for the national tradition were of a piece. Both were phases of the new cult of the individual.[2]

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[1]Rousseau's basic philosophy is grounded on the belief that man, naturally innocent, relatively happy, and fairly independent, was corrupted by the institution of private property in society.

[2]Sabine, History, p. 618. It should also be noted that Rousseau lays the groundwork for the German idealist theory.

Edmund Burke[1]

Edmund Burke's philosophy of conservatism is grounded on the belief that man is both a rational and institutional creature, blessed with instinct and emotion as well as reason. Man is both the product of society and the universe. However, this society is more than an aglomeration of individuals. It is a complex structure (as man is) with a unique political personality determined by such factors as: 1)historical experiences 2)patriotic loyalties 3) duties and 4)habits. Thus it could be said that the state creates the individual, who in turn is not only antecedent to the state but creates it. Man, then, as an individual, needs freedom, the ability to choose good over evil. This "freedom" is intertwined with often mysterious "prior obligations," termed prescriptive rights,[2] and customary duties. Man and the state are bound together in a natural historical compact,[3] an organic rather than mechanistic view of society.

"Civil society. . .is an institution of benificence; and law itself is only acting by a rule. . . .Government is

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[1]Chapter II of this study also considers Burke's theory.

[2]The process of acquiring rights by uninterrupted assertion of a particular right over a long period of time constitutes prescriptive rights, such as private property.

[3]This is not a social contract.

a contrivance of human wisdom to provide for human wants."[1] The state, therefore, is the custodian of the common welfare, sanctioned and guided by Divine Law, an emphasis on a religious basis of the universe. This religious view is structured on natural law and Christian ethics, with a dash of mystery (somehow things are all right as well as structured).[2] All institutional authority is expected to justify itself according to the laws of God. The established Church and aristocracy, then, would be the "earthly guides" in this undertaking.

Attacking the idea of equality, Burke sees society as guided by one of the sacred institutions of society--private property.[3] It is private property in its unhindered use that stimulates social progress. Or as Burke wrote: "nothing is due and adequate representation of a state, that does not represent its ability, as well as its property."[4] Thus his concept of the corporate nature of "the people" and representation includes a religious view of the nature of all things, the equating of "the people" with a landed and

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[1]Burke, Reflections, II, pp. 362-363.

[2]Ibid.

[3]Charles Parkin, The Moral Basis of Burke's Political Thought (Cambridge: Cambridge University Press, 1956), pp. 45, 56.

[4]Ibid., p. 131 and J. MacCunn, The Political Philosophy of Edmund Burke (London: E. Arnold, 1913), p. 122.

well educated aristocracy (one of psychological and intellectual breeding). This elite sets the "good example" and controls the political institutions, in order to protect the traditional in all things.[1] Thus the community is superior to the individuals who make it up, with the duties of the individual to the community more important than individual rights. "The people" then is a corporation or entity which continues to exist as specific individuals move in and out of it. It is a partnership of all dead, living and unborn generations. Order and balance, therefore, are balanced by religion, political parties, honor and obligation--all acting for the public interest in a continuous community. In practical application, Burke opposed any change in Parliament's representation scheme, believing it represented the community after centuries of evolution. The "true will" of the community is then equated with the theory of "virtual" representation, here again the long-standing practice of the aristocracy or small group "understanding" and "interpreting" the community spirit. Burke thus anticipates the German idealists in viewing community as undefined by space and time.

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[1]William McGovern, From Luther to Hitler (Boston: Houghton, Mifflin, 1941), p. 110.

The German Idealists

German respect for the corporate community was also, like Burkean thought, an attempt to stem the tide of individualism with its theory of "contract" among individual men to form governments. The groundwork underlying a century of idealistic philosophy in Germany is found in Immanual Kant's analysis of the mind of the individual.[1] Kant believes man is made human by his free moral will, the ability to "ought." The state qua state represents this free moral will, which is generically the general interest. The state thus acts to hinder the hindrances of man's capacity to engage in the categorical imperative. It harmonizes the free moral wills.[2] Thus the state is supreme over its citizens, for the state can make men free (objectified compulsion). But always the individual is of supreme worth, although the state is authoritarian. Government, then, should be by expertise representing impartiality with the legislative body representative of estates and classes, groups which are bound

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[1]See Donald A. Zoll, Reason and Rebellion (Englewood Cliffs, N. J.: Prentice-Hall, Inc., 1963), pp. 222-225 and William Archibald Dunning, A History of Political Theories from Rousseau to Spencer (New York: The Macmillan Co., 1920), pp. 130-137. Hereinafter referred to as Dunning, History. Kant admired both Rousseau and Montesquieu. It has been suggested that he wrote nothing new,but merely put both of these men into his own terminology. See Dunning, History, pp. 132-133.

[2]Immanuel Kant, Critique of Practical Reason, trans. and with an introduction by Lewis White Beck (Indianapolis: Bobbs-Merrill, 1956).

to land and not business cycles. It is thus survival of the best. Still, Kant's concept of the volk as the people who have entered into a contract stresses their sovereignty. The general will is the supreme law-maker; in fact, it is the law. People thus, or the volk, is a corporate concept representing itself to itself, via a king or aristocracy as well as elected representatives. This sovereignty, however, consists of pure reason and this pure reason determines what laws should be developed to govern society. The state functions to set the moral laws for the society, and does so through reason under the governing entity of the general will. The idea of the state exists only to promote the exercise of freedom in accordance with universal law (a future basis for social democracy). The question ultimately to be resolved by the state is how to reconcile one's freedom to exercise his will with the freedom of another to also exercise his will. Thus the state sets the pattern by allowing each to do as he "ought" so long as this does not hinder the capacity of others to also "ought."

Johann Gottleib Fichte recognizes, as Kant and Rousseau before him, that the free rational being is limited in his activities by the idea of other individuals also enjoying freedom. But Fichte places an emphasis on the subjectivist individual in his rational capacity in a world

of sensation. Thus by reason man can solve problems. But all our "selves" are a part of the universal self (God). Thus the individual as a part of the social contract must be self-limiting in his activities. Ideas being a priori (as with Kant), they are thus inherent in the conscious of every rational being. As such, the social contract will bring the rational beings into harmony through effecting a union of wills--a union in which each retains its autonomy, though being affected by all others.[1] The state, then, exists to represent the rational self--it civilizes. The function of the state is to create the situation so that the real will can be exercised. It is necessary to allow culture and society to develop in a nationalist framework. The state, then, is the organism representing the universal mind and fosters economic life (a closed commercial state).[2] It preserves values, teaches philosophy and is reinforced by a national religion and strong patriotism. The leaders are directly elected through a hereditary monarch with scholars and heroes (the best and wisest) viewed as the "best" rulers. The end of the state then was to give to each his property and then to protect him in it. Fichte believed that all would work out for the good in a developmental process, a

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[1]See C. E. Vaughan, Studies in the History of Political Philosophy, edited by A. G. Little, II (Manchester, 1925), Ch. 3.

[2]This is in anticipation of later utopian socialist thought.

thought which directly leads to the theories of Hegel and Marx.

The concept of the "State" is central to Georg Wilhelm Friedrich Hegel's political philosophy. However, this "State" is not necessarily the contemporary institution of the same name. Rather the state is conceived as a civil society while the "State" is the ethical community, a "march of God" seeking the end of a rationalist conception of collective life, the "mind objectified." Hegel's corporeity, then, is a "moral oneness" (like Plato), which he explains:

> The formal subjective freedom of individuals consists in their having and expressing their own private judgments, opinions, and recommendations on affairs of state. This freedom is collectively manifested in what is called "public opinion" in which what is absolutely universal, the substantive and true, is linked with its opposite, the purely particular and private opinions of the Many. Public opinion as it exists is thus a standing self-contradiction, knowledge as appearance, the essential just as directly present as the inessential.
>
> Public opinion, therefore, is a repository not only of the genuine needs and correct tendencies of common life, but also, in the form of common sense (i.e., all-pervasive fundamental ethical principles disguised as prejudices), of the eternal, substantive principles of justice, the true content and result of legislation, the whole constitution, and the general position of the state. At the same time when this inner truth emerges into consciousness and, embodied in general maxim, enters representative thinking. . . .it becomes infected by all the mistakes and falsity of judgment. . .because the bad is that which is wholly private and personal in its content.[1]

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[1]Georg Wilhelm Friedrich Hegel, Philosophy of Right, trans. T. M. Knox (London: Oxford University Press, 1942), Sections 316-317. The quotation would seem to question whether self-government should not have a philosophic prerequisite.

In this theory, Hegel employs a historical dialectic process in progressing from the family to civil society to State. Representation therein is essentially along class lines: the "substantial" (agricultural), the "reflected" (business and industrial class) and the "thinkers" (who establish the general interest).[1] Still the idea of the organic state permits individuality to be harmonized in a collectivity which "discovers" the general will. It is an institution which plays down the self and strife and competition and provides the channels for fulfillment of man as a part of the whole. Human reason, then, is part of universal reason and participates unknowingly and unconsciously in the dialectical process of life. This concept of "the people" as related to the idealist concept of spirit influenced later social-corporate theorists, including the British idealists and the entire trend of socialist thought which developed from Marx's use of the Hegelian dialectic.

The British Idealists

F. H. Bradley, Thomas Hill Green and Bernard Bosanquet, three of the best known British idealists, were profoundly influenced by the European thinking of Rousseau and Hegel. All think in terms of the social whole and the role

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[1] Ibid.

of the individual in the whole during the intellectual transition from liberalism to British Socialism. British idealism goes beyond the formalistic theory of the Greeks to Christian ethics as well as the state to develop the "good life." The full man is dependent on personal, moral and spiritual growth. Thus the state and the individual are one.[1] However, each theorist waivered in this mutual belief--for Bradley the emphasis was more on the state than the individual while Green, similar to Kant, made assumptions of liberalism. Bosanquet advocated two wills, with the state the greater. But the same moral standards which apply to the individual also apply to the state--Machiavelli notwithstanding. Green is particularly interested in the state and the individual being considered as one, more or less equated to each other. Bradley and Bosanquet were much more Hegelian, thinking of the state as the higher self with a "better" set of morals. Regardless, as idealists they see the state as a projection of the individual--his moral self, improvement of which will achieve "good."[2] As real morals are a part of each individual, the state in setting the law by virtue of individual participation

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[1]See F. H. Bradley, My Station and Its Duties (New York: Liberal Arts Press, 1951) and Green, Lectures. Also, Bernard Bosanquet, The Philosophical Theory of the State (New York: St. Martin's Press, 1923).

[2]This contrasts with the German Idealists who see the end as the state. Bosanquet believes the individual should be left free in the cultural sphere, with private property; ideal then is not equality but vague goodness, like later Fascists.

is only setting limits which determine the line between social and anti-social behavior. The corporate entity of the state thus provides individuals the opportunity to be moral and to be equal--an individual can only be moral in groups--the state and society. Man's being then is determined by the state, for the individual lives as an organic part of society. Man, then, must participate in the activities of governing and this individual will cheerfully adopt the role which society assigns him:

> I can discover what is right, in other words, by finding out the particular role established for me by the whole complex of social righteousness. And I am free, when, having discovered this role, I perform it in a conscientious and thorough manner. I shall, of course, be required to fill many roles, but they are all subsumed in the end under the state, which as we have seen, is the rational organizing principle seeking to be embodied in the over-all organization of society.[1]

This democratic idealism leads naturally to liberalism, with many of these same ideas found in Guild Socialism. Thus both the Idealists and the Guild Socialists see an ideal society with functional representation as its base, coming about through democratic evolutionary means.

Guild Socialists

Grounding their philosophy in Gierke, Maitland and Figgis, the Guild Socialists present theories of corporation

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[1]Bradley quoted from Sibley, Ideologies, p. 456.

which are basically anti-state in nature. Socialists believe that man is an economic animal first, then a political one. Only those natural primary institutions of life (always viewed as economic units) that are regulative to themselves are valid. Political democracy can not exist before economic democracy, for democracy must be more than merely a political system, it must be a thorough way of life.[1]

The state, theoretically, is regarded as an artifical body which should not interfere in the mutual regulation between family, trade union, church, etc. Many economic units exist in society, each being formed when men come together for a common purpose. The ultimate authority rests with these functional bodies and not in any one center of authority. The groups formed permit the individual to express himself, and his personality, in a form of positive freedom, while a type of natural harmony exists between institutions. The attempt is to return in part to the medieval guilds with a craft emphasis while acknowledging modern industrial conditions.[2] The means of production will be

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[1]However, a distinction must be made between the Guild Socialists and the Fabians as represented by Shaw, the Webbs and others who believe in a natural evolution to a socialist society and the Marxian scientific socialist whose movement is revolutionary.

[2]See George D. H. Cole, Guild Socialism (London: L. Parsons, 1920).

controlled by the community of workers. Thus with the workers controlling industry in a society where property rights are protected only on a functional basis,[1] not on mere acquisition of title, men govern themselves--not merely choose their governors. The key, once again, is functionalism.

Representation, then, is on the basis of a person's function, i.e., a part of his personality so that "Man should have as many distinctly and separately exercised votes as he has distinct social purposes or interests."[2] Representation as interests or purpose in an organization will harmonize naturally into one of four spheres: 1) consumers; 2) producers; 3) citizens; and 4) common economic life. These have a "common will." Thus Guild Socialism weds the syndicalist concept of special producers' interests with the general or public interest. Although individual theorists vary their ideas on the matter, generally speaking, the state would unify and coordinate all functional bodies. It would have powers, although most power would be delegated to the smaller units. The state, then, is still representative of the community, but the latter is defined as functional interests. Individuals are more than a mere aggregation of separate units, but rather such unique entities that their will

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[1] A social service is provided in the use of property.

[2] George D. H. Cole, Self-Government in Industry (London: G. Bell & Sons, Ltd., 1922), pp. 33-34.

can not be represented by the will of an elected representative.[1]

Modern Catholic Thought

The Guild Socialists are a more equalitarian group than the more conservative Catholic thinkers such as Maurras, DeGaulle and Salazar. Here there is a strong strain of traditional conservatism mixed with nationalism. Nationalism, particularly its virulent form, "integral nationalism" (Maurras)[2] appeals to nonrational sentiments as a way to overcome the frustrations of individualism. It is highly charged with emotion in its appeal to a past glory or future magnification of the society and the state. The individual need have no identity of his own--thus no frustrations--so long as he is a part of a greater whole. Such a view opposes any international unification, but rather stresses an ethnocentric appeal to one's ancestors and ancestral society. Thus the state is valid, and not an artificial creation. It performs functions that neither individuals nor the family can perform.[3] This is a part of the plan of the

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[1]The nearest approximation to guildism in practice was under Fascism.

[2]Michael Curtis, Three Against the Third Republic: Sorel, Barres and Maurras (Princeton: Princeton University Press, 1959).

[3]Thus the king is to balance power to secure a harmonious, viable, structured social life.

Universe as ordained by God and expressed in Thomist thought. In the whole plan, man is a paradox. He is at once an atomistic individual connected with and a part of God; while at the same time, society is organic and the society is a part of the overall plan.

The social-corporate theory of these Catholic thinkers calls for functional representation of life forces rather than for individual representation. Maurras suggests the traditional authority of the monarchy, preferring a hierarchical elite. The worthiness of monarchical government is in its "disinterested foresight," which includes within the king's interest, the public interest. Thus solidarity exists, an emphasis also found in Charles DeGaulle's thought.[1] DeGaulle argues for social solidarity to perpetuate society, which will surely die unless properly ordered. Only an elite, which alone is capable of political consciousness, can govern because individualism, as exemplified in the French political party system, leads to chaos and anarchy. Political parties represent different narrow interests. In their attempts to assume an equality based on interest representation, their divisive and petty bickering merely disrupts society. This is evident in the days of the Fourth Republic. It is thus

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[1]This may be found in most of his writings, including the autobiographical The Complete War Memoirs of Charles DeGaulle (New York: Simon and Schuster, 1967).

necessary to raise the leader above the partisan interest of government by parties, with the inception of the Fifth Republic. The danger lies in listening to the voices of incompetency as expressed through elections, for often elections and order are antithetical.

Salazar[1] also believes in an elite, but an elite devoted to the corporate well-being of the state, largely in the economic area. Thus he accepts economic councils of workers and employers as a part of the advisory structure of the state. His corporatism, then, is one of the association rather than one of the state.

Salazar views liberalism and its adjunct individualism as based on materialistic attitudes which are destructive of the family as the base of society.[2] Portugal must rekindle the flame of corporate spirit and find representative institutions in the national corporate economy. This is to eliminate the competition and consequent hate of liberalism through the coordination of workers and employers in every area of production. This functional representation would provide for the needs of society, lessening the abject poverty of the less privileged economic classes. However, in fact, Salazar's political organization is oligarchy,

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[1]Dr. Antonion de Oliveira Salazar, Doctrine and Action: Internal and Foreign Policy of the New Portugal 1928-1939, trans. Robert Edgar Broughton (London: Faber and Faber Limited, n.d.).

[2]By emphasizing the social good, Maurras, DeGaulle and Salazar lead to socialism by inegalitarianism and disbelief in materialism.

with a dictator ruling by decree. It is then a system predicated on a corporate base but under single man rule, for what is perceived to be the best interests of the masses of the people.

Walther Rathenau

The social philosophy of Walther Rathenau also envisages a new order without the rich. Regarding the trends toward massive industrialization with pessimism, Rathenau believes industrialization has led to sterility of the economic system under high capitalism and thus is a danger to European culture. General welfare could, he feels, be improved through an efficient economic organization, planned and carried out through common action. The distribution of well-being and the overcoming of poverty is a matter for social legislation to consider. This could be brought about by a massive redistribution through taxation and reform until the only private property held is in the form of consumer goods. To this end, industry must be governed by guilds, which would be representative of all groups of producers and consumers. The social conscience would thus be enhanced, with an increase in the feeling of responsibility among the volk and a new spirit in labor. By instilling in labor this new spirit, a social solidarity could be achieved--

a feeling of accomplishment and a sense of responsibility for the general good. This sense and spirit would compensate for the egoistic feelings of the individual. By this policy of "social fulfillment," a more ideal society based on corporate representation would result, although without the rich segment of society. It has been said that his state would be one of "sorrowful monotony with no cultural productivity or intrinsic value."[1]

Fascism

A practical attempt to structure a political system on a basis of corporations and functional entities is found in Fascism. Fascism is a non-rational anti-ideology form that defies identification as a philosophy. In fact, the theory in general is not important. For example, the Italian concept under Mussolini is really more of a justification of what "is" than any "ought." According to the "doctrine," the individual is not a social atom, a particular individual. Nothing human or spiritual exists outside the state, which alone guarantees the survival of man by expressing the real will of the individual. Thus man can attain his true nature only when his life is organized

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[1] Emil Lederer, "Walther Rathenau," Encyclopaedia of Social Sciences, VII (New York: The Macmillan Co., 1937), 112-113.

in the state, which is seen not as a legal entity (hence no concern for law) but rather as a nation and fatherland binding individuals and generations into a tradition and a mission.[1] Therefore no association or institution exists outside the state, which may at its discretion go so far as to destroy the family and church. The nation acts:

> . . .in such a manner as to realize its own personality in the form of the State beyond which there is no collective will, no common personality of the people. And it must act seriously, sacrificing the individual to the collective whole, and welcoming martyrdom, which in every case is but the sacrifice of the individual to the universal, the lavishing of our own self to the idea for which we toil.[2]

There is then the appeal to the emotions of the individual to give up individual aspirations to become heroic individuals dedicated to the advancement of the nation and its glorification. This glorification, of course, is achieved through war--a means to solidify the state and express man's highest personality. This Machiavellian outlook of the will and consciousness to act for a mission is found in the leaders who hold the spirit of the state, its personality, and who alone know the true public spirit. Such leaders are not

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[1] Benito Mussolini, "The Doctrine of Fascism," in Carl Cohen (ed.), Communism, Fascism, and Democracy (2nd ed.: New York: Random House, 1972), pp. 328-339 at 331-332.

[2] Giovanni Gentile, The Reform of Education, trans. Dino Bigongiari (New York: Harcourt, Brace, 1922), p. 13.

those of intellect, for Fascism distrusts anything grounded on abstractness, but rather emphasizes an elite corps of party leaders. The Fascist corporative state is then a political institution meant to operate like a huge business corporation rather than as a function of society. In the economic sphere, a system of economic representation in the state developed, with federations and confederations of employers and employees in a legislative body.[1] However, in reality the party dictated all of the governmental activities to the end that the capitalists managed to continue their control of the economic structure. Practical failures should not override the fact that as a philosophy of frustration, Fascism highlights the disorder of the economic realm and the alienation of man in community, which are still thorny problems.

National Socialism

The National Socialism of Hitler was also based on the appeal to the irrational nature in man. As an ideology to gain power, it too rejects reason and exhalts emotionalism while emphasizing a folkish doctrine of the family and agrarian life. Still, all is coordinated by the representative of

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[1]See Federico, A History of Italian Fascism, trans. Muriel Grindred (London: Weidenfelt & Nicholson, 1963). Also Frederich Watkins, The Age of Ideology, 1750 to the Present (Englewood Cliffs, N.J.: Prentice Hall, Inc., 1964), pp. 93-94.

the volk--the state with the best "interpreter" of the folkish spirit, the leader.

The German movement did not even offer the pretext of representative bodies, as the Italians had. Instead, through the use of the great or "big lie," the leadership sought to convince the masses that the party knew best what was needed and could thus represent the functions of life in this manner. The idealistic statism of Hitler's Germany glorified the"master race"with a virulent nationalism based on racialism. Here is found a theory of the state which is at once idealistic, in its aspiration for glory, yet realistic in its attitude that any end justifies the means used to attain it. The state is an organic being with a life of its own with individuals existing merely to bring glory to the state. Hitler stated this view in a New York Times interview in 1933 when he said: "The underlying idea is to do away with egoism and to lead people into the sacred collective egoism which is the nation."[1] For it is as a part of the volk that an individual's life is given meaning and purpose. This entity (the state) provided the standard against which all else is measured. Within this state were the masses, the ruling elite and the Leader. The masses shed their blood for

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[1]Interview of 10 July 1933 from the New York Times, cited in Alan Bullock, Hitler: A Study in Tyranny (New York: Bantam Books, 1961), pp. 349-350.

the further glorification of the state, while the racially pure elite send them forth to more battles. The Leader is both genius and hero of the charismatic form. The end result is the sublimation of all interests under a political dictatorship. In essence, then, the ideology was almost entirely an invention to gain power. Still on the economic side, business was not purely private. It was controlled by the state and party, planned for the community, and in this instance to conduct war.

Marxian Socialism

A further expression of man's frustrations against the theory and practice of individualism and the search for community is found in Marxian Socialism.[1] The corporate state, here, is a phase in the development toward a higher order known as higher communism, at which time there will be a truly corporate society based on life functions much as the ancient Greeks had. That is, without the encumberances of private property, each will contribute to the best of his ability and then share from the fruits of the common labor. There will be no need at this higher stage for any type of individual representation; but all will represent all to all.

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[1]Marxian Socialism is predicated upon the distinction between a ruling class and a proletariat mass.

There is, however, in the lower stages of communism the need to establish some sort of representation of the social needs. The first of these social needs will be represented by the party, which is to be the "vanguard of the proletariat." The main function will be to increase the class consciousness of the masses so that they will understand just how exploited they are and will desire the overthrow of the capitalist bosses. Once this consciousness attains the proper perspective, Marx hypothesized that there would be a spontaneous uprising of workers all over the world and the classless society would be achieved.[1] However, the theory was much better than the practice, and further development in the social theory of communism brought into being the idea of an elite, dedicated group of professional revolutionaries who would represent the workers and carry out --or at least precipitate--the revolution.[2] This dedicated party membership, in the theory of Lenin, would serve the workers and help them attain what they might not attain by themselves. The Communist Party, as it developed, did manage to bring about a revolution; but thus far it has not brought about the utopian era of higher communism. After the revolution there remained too many vestiges of individualism for the corporate state to become a reality immediately.

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[1]See Geroge D. H. Cole, The Meaning of Marxism (London: V. Gollancz, 1950).

[2]V. I. Lenin, What is to be Done (New York: International Publsihers, 1929).

As a result, it has been necessary for the party to maintain rigid control of the state coercive apparatus in order to direct the activities of the society as it sees fit. The Stalin era in the Soviet Union was conducted, therefore, much as the Fascist and Nazi experiences. The cult of the individual leader grew and prospered while the corporate society followed whatever lead the leader wished. All were repressive regimes representing the will of the leadership elite rather than the supposed life functions of the society. However, in an attempt to make government legitimate, the Soviet Union has worked out a "representative" system which (again supposedly) represents the needs of the society. The Supreme Soviet consists of two chambers, with representation based on population in the House of Soviets and on political subdivisions in the House of Unions.[1] The suffrage for both houses is "equal, direct and secret."[2] Suffrage is universal, with anyone over the age of eighteen permitted to cast a vote. The terms of office for members of both houses are the same and their power is constitutionally established as being equal. The Supreme Soviet meets twice annually for periods of about two weeks each time--during which the will of the party is heard. Representation is

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[1]Article 34, U. S. S. R., Constitution (1937).

[2]Richard Gripp, Patterns of Soviet Politics (Homewood, Illinois: Dorsey, 1967), p. 200.

then to the people, not from the people. This sytem does little for the corporate representation that the Marxist theory promises. Part of the problem of corporate theory was Karl Marx's substituting the materialistic concept of class for Hegel's idealism. Thus the theory of corporatism has been largely associated with the "isms" of Marx, Engles, Lenin, Stalin, Hitler and Mussolini. This smearing of the concept of corporatism requires extensive effort to purify the concept. One recent theorist attempting to do this is the American psychologist, B. F. Skinner.

B. F. Skinner

Skinner sees man as a product of his environment and society. This society can become a better society only through the "better" development of individuals who are a part of it and it a part of them. But environment includes not only the physical dimensions in the traditional sense, but the actions of other individuals or groups as well. Man thus is a social creature, as his environment includes, must include, others of his kind.[1] Skinner, however, believes that through the use of scientific methods, the whole of society can be made much better than it is. "We are all

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[1]B. F. Skinner, Cumulative Record (New York: Appleton-Century Crofts, 2nd Ed. Rev., 1961), p. 36.05.

controlled by the world in which we live, and part of that world has been and will be constructed by men."[1] Governmental, religious, economic, educational and theraputic institutions all use "an identifiable set of techniques for the control of human behavior."[2] Modern technology will permit a better world to be built by any group of people enjoying economic self-sufficiency. This will be a non-competitive, absolute egalitarian society where individuals will devote their efforts to improvement and live a compatible social life without fear or hatred. No one will gain at the expense of another, and all will contribute to the general well-being. Man is capable of this through the proper engineering. This process will condition man's nature so that he no longer fears that he must be good or he will be punished; but rather will want to be good strictly because he wants to be. Government then will not be based on force, but will be based on the needs of society through a system representing the life functions of the group. This cooperative society, Skinner believes, will be more successful than other forms of society because the former is conscious and deliberate. Governing, then, will consist of experimentation, with no need for representatives to make

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[1] Ibid., pp. 10-11.

[2] Ibid., p. 13.

decisions and then spend their time convincing others that they are correct. An ongoing process will provide the answers and resolutions to any problems which arise. By a careful cultural design (not a constitutional one), Skinner would control the inclination to behave--the motives, desires and wishes, rather than the final behavior of the people.[1] A society based on doing what the collective wants to do rather than what it is forced to do is a long step forward from existing systems. Of course, the development of the desire to do what is good for society, rather than for individuals, is an ideal state. This, however, has been the goal of many philosophers--individual and corporate.

Thus we have seen that the theories of the social-corporatists and the institutional developments thereof are varied. There has, however, been a longstanding corporate tradition and fact. In terms of representation, the question remains as to whether we can have a system of representation at all in politics, and too, how a system of representation under the corporate notion can exist. Today there is a system of corporatism in operation, but a confused one. The emergence of corporatism as a theory

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[1]B. F. Skinner, Walden Two (New York: Macmillan Co., 1962), p. 262. The result of the practical implementation of the theory may be found in Kathleen Kinkade, A Walden Two Experiment: The First Five Years of Twin Oaks Community (New York: Marrow, 1972).

and system and the necessary solutions in terms of certain values such as humanism, egalitarianism and "the good life" remains for contemporary theorists.

CHAPTER IX

AN "IDEAL" REPRESENTATION MODEL

Introduction

To present an ideal model which any actual state as such should adopt as a system of representation would be presumptuous at best, since it would not be in accord with socio-economic reality and the rest of the state structure. However, after pointing out the fallacies of present representation theory and systems, then delineating shortcomings of representative practice, some attention should be devoted to a "model" speculative solution. Such an admittedly "ideal" model need not purport to be a "be-all, end-all" of the problems presently described. It may instead be offered as a suggestion of what might, if completely implemented through a restructuring of economic-social life and the rest of the state structures, be more effective of that which ought to be than is evident in any existing representative systems.

One such ideal system has been at least intimated by an American philosopher, Elijah Jordan. Jordan presented only a fragment of a representative system which could, if developed and used on a basis of alteration of the subjective-interest systems of socio-economic life, be considered properly "representative." In his own view this would be more compatible with the realities of the

true nature of man and his relation to life.

Jordan's political thought also has been selected because he is a relatively, if not the most, recent social corporate theorist. However, more important, his is perhaps the only philosophy of political corporeity which considers the totality of social concepts and conditions and the corporate personality of human beings. A humanist, his also is the most democratic theory as to Ends and is not inequalitarian as to these Ends, as are the German Idealists, the Fascists and Communists.[1] Still Jordan is somewhat an elitist as to means, with little use for the present means of democracy. Yet he has no use for the exercise of violence, psychological or physical, and opposes it everywhere in his writings. This is true even though his system depends finally upon a redefinition of property as a public tool which should be treated in terms of human use rather than in terms of ownership (by anyone or group).

To present Jordan's complete philosophy would better illustrate the model to be considered; but the writings of this scholar are too extensive for full consideration at this point. In addition to the quantity of work which he produced and which would have to be considered, Jordan's

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[1]Although at times Jordan is like certain German philosophers of the 1930's who seemed to be living in a cloud.

writings likewise tend to be extremely elaborate, complex and in abstruse philosophic language. Still Jordan has been considered by a widening circle of scholars as an extremely important philosopher. Thus Huntington Cairns says that along with Maine, Jordan is a leading theorist of the structural principles of law in society.[1] If, however, some points made below in breadth arouse the curiosity of the reader, note should be made of the listings in the bibliography of this work. Among the more useful works in regard to government and politics are Jordan's[2] early works, Forms of Individuality and Theories of Legislation as well as The Good Life, plus his articles on individuality, the structure of society, and the definition of property. The closing chapters of The Good Life contain in brief a rather lucid summation of much of what Jordan was thinking about man and society, although "politics" is not discussed as extensively as do the other above works. A good analyses

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[1]Huntington Cairns, Legal Philosophy from Plato to Hegel (Baltimore: The Johns Hopkins Press, 1949), p. 331. Also Isabel Stearns, "The Platonism in Jordan's Metaphysics," Review of Metaphysics, XVI (March, 1963), p. 513. Ms. Stearns considers Jordan "one of the great American philosophers."

[2]Jordan was born in 1875 and educated at Okland City College (Indiana), Indiana University, Cornell University, and the University of Chicago. He first taught public school in Indiana for a number of years, then at Cornell University, and for thirty-one years at Butler University (Indianapolis, Indiana) as well as some summer teaching at the University of Chicago. Jordan was honored by the American Philosophical Association by having a special session devoted to his work in 1940 and served as President of the Western Division of that association. Professor Jordan died in 1953 at the age of 78.

of Jordan's works may be found also in the misnamed book on Corporate Society and Education by Barnett and Otis,[1] and the doctoral dissertation of Carl Max Milam.[2] "The Scientist and the Philosopher: The Utopian Writings of Burrus F. Skinner and Elijah Jordan," by Sandra Wurth,[3] an M.A. thesis, is also worthy of consideration. A number of publications in recent years have also contained articles on Jordan's thought, including John Paul Duncan, "The Normative Importance of the Concept of Interest,"[4] and Michael Weinstein's article in The Western Political Quarterly.[5]

Although it is not possible here to describe Jordan's philosophical system as a whole, in detail, it is necessary to re-emphasize that his theory of representation does depend upon the whole system. No attempt should be

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[1]Geroge Barnett and Jack Otis, Corporate Society and Education: The Philosophy of Elijah Jordan (Ann Arbor: The University of Michigan Press, 1961). Forward is by Max Fisch.

[2]Carl M. Milam, "Purpose and Politics in the Corporate Philosophy of Elijah Jordan," unpublished Ph.D. dissertation, Department of Government, University of Oklahoma, 1962.

[3]Sandra J. Wurth, "The Scientist and the Philosopher: The Utopian Writings of Burrhus F. Skinner and Elijah Jordan," unpublished M.A. thesis, Department of Government, University of Oklahoma, 1967.

[4]Duncan, "Interest," as previously cited.

[5]Michael A. Weinstein, "A Critique of Contemporary Democratic Theories," The Western Political Quarterly, XXIV (1971), pp. 41-44. Also Andrew Peck, "The Social Philosophy of Elijah Jordan," Tulane Studies in Philosophy (New Orleans: Tulane University Press, 1962), pp. 87-95.

made to "see the theory" as standing by itself. For to do so would interject the biases of our present structure of political, social and economic life, which do not apply. Thus some understanding of his system as a whole is necessary, however brief and sketchy.

Put then as briefly as possible, in defining basic social and political concepts, Jordan is generally to be classified as in the objectivist-idealist tradition with Plato, Kant, Hegel and Bosanquet, but interestingly with another foot in modern positivism and realism. For example, Jordan is insistent that we can not directly effect change in social life by altering simply the "ideas" or "states of mind of individuals."

> Human order will neither be gained by our "consent" to nor by our "respect" for law, by our patriotic enthusiasm, or by our mutual helpfulness and sharing, by our neighborliness or community or civil "spirit," or by any state of our inner experience; not by democracy and the vote and by expressing our will; not by our wishes or ideals.[1]

Thus, Jordan's philosophy may be termed:

> Hegelianism without the dialectic and without optimism and the differences between this and every other "organic whole" metaphysics will be found to be significant as the resemblances. In the end it must be judged by its own merits, not on those of its antecedents, and there are no helpful labels.[2]

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[1]Elijah Jordan, Business Be Damned (New York: Henry Schuman, 1952), p. 236. Hereinafter referred to as Jordan, Business.

[2]Max Fisch in "Preface" to Elijah Jordan, Metaphysics: An Unfinished Essay (Evanston, Illinois: Principia Press of Illinois, 1956), p. xiv. Hereinafter referred to as Jordan, Metaphysics.

Jordan is trying then metaphysically to unite Idealism and modern Realism and Positivism. He did this not only through the concept and institution of corporate personality (the natural human person) but the idea of the corporeity of all life (nature and culture and life institutions in law and practice), life seen as a quality rather than as a quantity. As a secular political philosopher, Jordan argued that man was a total synthesis of all life as a unity or whole and with order running through him as through it.[1] He did, however, appear to be an Idealist in attributing to man a conscious intelligence and the ability to "think," which physical nature and institutions lack. These are the effective ground and agencies of life. Yet Jordan relied, as indicated, on positivism, as reflected in such philosophers as Comte, in his insistence on the latter ideas. Thus he may be compared with Dewey, believing that problems contain within their structures possible solutions which men may dicker into being and with Comte, that societal problems contain societal solutions (of course, Dewey made the latter point also).

Some of his most fundamental concepts, then, are as follows:

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[1]But Jordan admits there is a flaw in the universe, a gap running through the nature of things, which sets the stage for man facing problems and moving from what is to what ought to be.

Corporeity

This term,[1] though not entirely unique, has as seen in Chapter VIII, undergone a variety of interpretations with varying degrees of emphasis. In Jordan's case, he applied it first to the concept of the human person. Thus again, as indicated earlier in this work, he argued that man has over the centuries drifted from an unconscious feeling of harmony (both practically and philosophically) with nature,[2] to that of alienation, separatism, reductionism, also part subjectivism. Gradually in the West over the centuries, man through his increasingly false view of self has become motivated not only by a sense of subjective self-interest practically in thoughts of individual security, but now conceives himself as compartmentalized. He has not only lost his one-time sense of oneness with nature but has divided himself into parts[3] (the idea of contemporary sociologists). This has had an adverse effect in the area of political representation in that through this change man has

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[1]Some may say this as redefinitions of certain common assumptions of customary political thought. As Jordan forewarns: ". . .the fundamental issues. . .are not simple and [they] can hardly be expressed in the pleasing rhetoric of the "social" theorist and the sophistic philosopher." See Jordan, Legislation, p. 7.

[2]Many analyses of political thought have been written beginning with this premise, including those of George Sabine, Ernest Barker and Fustel de Coulanges. Although their initial observations are alike, Jordan does not reach the same conclusions, i.e., approving subjectivism.

[3]See Chapter III of this study.

not only developed a subjective and divided rather than an objective and integrated attitude toward life around him,[1] but assumes this view as a basis of society and politics.[2] As a result, instead of being motivated by a recognition of our human natural physical needs and public necessities, we are driven by the concepts of subjective private interests.[3] Such a departure has caused so-called representative institutions presently in existence to be fraudulent because they do not represent human ends but inhuman parts.[4] The institutions now termed "representative" simply are not, in any but a segmented materialistic-subjective divisive interest sense, which means they ultimately are not <u>really</u> representative of anything real. Such subjective-interest orientation has in turn caused the sense of personality to be shaped by "blind" social-institutional movement in the denial of our relation to individualism as to life as a whole. Thus a definition of personality subjectively divisive and abstruse has been arrived at, but in pretenses self-interested rather than real, whole, and publicly

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[1]Confusion arises when <u>individual</u> characteristics are used to attempt explanations of incorporated bodies. For one thing, individual characteristics are highly subjective and limited, and thus are inadequate when considering things of an objective, corporate nature. See Chapter VI above in the discussion of empirically-oriented political scientists using individual responses as a base from which to project to an entire population universe.

[2]See Duncan, "Interest," and Krislov, "Interest."

[3]<u>Ibid</u>.

[4]Note discussion on Ends earlier, Chapter VII.

oriented (what he called directed toward Ends). The practical result is potential suicide of civilization, as now known, as we destroy ourselves in subjective conflict with the objective. The need of seeing life and personality as corporate is thus the key to much of what Jordan claims, and seems to define his philosophy of man, institutions, life, and of course, politics.

The long history of the development of our view of self is one peculiarly grounded in misdirection in philosophy and capitalistic industrialism. It has concluded with the "evil" search of the religionist, the atomism of laissez faire in competitive endeavors, private definitions of property and "groupiness" of all kinds, ethnocentrism, nationalism and so on. The center of it is the false notion that the Universe is "I," the world revolves around a "me," all the selfishness of "I am" (as a simple individual), Master of my fate, and Captain of my Soul--every warm body and soul is separate from every other warm body and soul and from life. Even modern social scientists, Jordan argues, for the sake of finding the core of their disciplines to study, have contributed to this notion and worsened it, for they have divided man into a number of subcategories on a subjective basis.[1] In each case, for their own purposes, they reduce man to the

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[1]Jordan, Forms, pp. 94-110.

simplest element, they say for study, but then treat their definitions as "reality" that is. In so doing, what they have influenced us to accept are simplistic abstract definitions of man as the grounds of practical life--treating the abstraction as a reality. However, Jordan thinks the movement began with the influence of religion when in classical times man first became aware of the failure of the city-state.

> Nature has lost her dependableness, the state no longer protects with guarantees, the gods have been pushed aside by fact, and destiny which was once joyful now appears to threaten; the tie which held men tethered to his end snaps, and he is left with no recourse; there is no longer harmony between himself and nature.[1]

It was at this point that religion reduced the now sense of "self" to a "Soul" in need of "salvation."

> It is then in this situation that he 'falls'--gives vent to the most pathetic and mistaken wail which his history records: What must I do to be saved?[2]

In any case, the religionists certainly claimed that the basic definition of personality is an immortal soul, defined as a "distinctness" or self-contained unity unique to each individual and which must be saved. The self is identified with the soul, an inner essence. This mass of vaguely defined notions--the isolated soul--also evil, could

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[1] Ibid., p. 94.

[2] Ibid.

be redeemed only by unifying with God (also defined as a "Separate Being"). This definition continued until modern social science took over on a basis of different socio-political circumstances. As industrialization and capitalism grew, people like Adam Smith began to define man as an economic man, as did Karl Marx par excellance. This economic definition viewed economic qualities as the sole "interest" in life. The "individual" then is superseded by an isolable group of "wants" and the material, and those activities determined by wants.[1]

Then came the psychologists, who rushed in to define man as a bundle of wants, instincts, or drives (expressed through tropism reflexes) and habits. Theorists like Freud believed that all phenomenon ultimately ground itself in a subjective state, a personality of consciousness. This form of individual is the "man in a can" variety of existentialism. It hinges on characteristics of consciousness where the individual is identified as consciousness expands.

The sociologists, in turn, reduced man to a personality which plays one or several roles. The role played at any given time is determined by the variables of the individual's environment.

When they think about the question at all, many tend to see themselves as "individuals" in each of these "categories."

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[1] Ibid., pp. 94-110.

The forms separate from the other "form" and make of this form of "themselves" the "center" of the universe--apart from their real selves and each other's nature. Thus the forms do not relate oneself to others or to life as a whole (or vice versa) for when a society is considered a collectivity of simplistically defined individuals neither the individual nor society can be whole or have a unity. On these grounds, Jordan criticizes each view.

1) Religious: the error in the religious view is that it reduces man to where each is a soul and like every other--apart from the real world (otherworldly), thus putting off real problems forever. Man then is separated from nature, other individuals and God. Society is not considered as a whole, i.e., as characterized by a unity or wholeness, for early Christianity ignored the end of establishing the Kingdom of God and sought instead to save souls. Thus there was:

> On the one hand. . .the human individual, lost, strayed from the fold, fallen away from God, meek, lowly, as nothing in the sight of the Lord, a mere abstract nothing requiring the grace and the infinite power to God to give him a real status. On the other hand was the corresponding abstraction, big, blank, far separated from human contact, unapproachable, unspeakable, the abstract absolute nothing of "negative theology."[1]

Again, parts do not make a whole, for the latter pre-exists

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[1] Elijah Jordan, "The Definition of Individuality," Philosophical Review, XXX (1921), p. 570.

as an original fact. This false theory thus brings about only disorder, requiring the use of force (termed "law"), then more disorder--because the religious ignored reality.

2) Economic: can not be the ground for any human organization as it ignores the "rest" of man and his environment and thus the wholeness of human nature. Therefore there can not be a rational order in life due to the notion of property as private. The economic man is merely a "methodological device set up by a defined purpose to render the process of description more simple and easy. . . .But it is not a human being."[1]

3) Psychological: the isolation of a particular from its relationship to the whole destroys the possibility of establishing order. Subjectivity can not be universalized.[2] Individuals may be affected by feelings, but even a child affected by sympathy can not be fed by it. Jordan sees the use of this basis for a political system as a means to keep people within a stratified society via intelligence tests.

4) Sociological: role playing influenced by variables of society and perceptions of the role to be played at any given time. These are determined by the individual's personal background and the demands made of him by his environment--

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[1] Ibid., p. 108.

[2] Ibid., pp. 14-15.

"I am my experiences"--not self in reality, but rather a composition of mental states. Even the law is merely a bundle of rights and duties unrelated to life, for there is no private right; right is universal and personal or it is interest, which is not right. These states of mind or individual self-awareness can not serve as a principle of order. They are too fleeting and changing, and these thoughts tend to ground on any object. An individual is never inseparable so we should not consider him by an atomistic analysis, but rather as a total individual--and this would be of a corporate nature.

Still man is considered as "religious man," "economic man," "psychological man," and "sociological man." Others might also look upon man as the "power man" as do the political scientists, "legal man" as the lawyers see him, "conscious and unconsious man," "sexual man" and any number of other subdivisions, each ostensibly to aid in studying a specific aspect of human personality. But for an understanding of real man, all of these subdivisions are wrong because they are too simplistic. Real man is a composite of all of these elements, blurred, merged together into the entity Jordan calls corporate--men intertwined with each other and with physical nature (internal and external). Thus real man, the whole man, creates institutions as the effective aspects of his personality. These institutions

themselves become corporate because life is corporate man.

In any case, Jordan argues, man is not the simple single compartment found or defined by the religionist or social scientist. Man is a corporate person and it is this person who must be represented because he is life as corporate. Representation can never be grounded on the individual as defined in religion or usual social science definitions thereof, for such expresses itself in interest, which is subjective, divisive, ephemeral, and negative. Such a person is an abstraction, not an expression of the whole in concrete. But the concrete gets represented as interest, then, which is ethnical, selfish and results in strife and competition, besides being fleeting. Jordan's philosophy then insists that representation in human affairs only can come when the basis is considered as corporate personality:

> The real person of morality is therefore the corporate person, the man enthroned within the system of his institutions. These institutions furnish means, conditions, and ends for his acts; they furnish him with his motives and purposes; and since a man's morality is the man, they furnish to him the very substance of his being. They are his body; in them he is incorporate.[1]

This corporate personality, however, includes both objects and their relations, the organizations of fact or forms of individuality which constitute the whole of life.[2]

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[1]Jordan, Life, p. 363.

[2]Man is part of three forms of personality, each progressively higher; the natural person, the corporate institution, and the state.

Personality on the one hand is the tie that binds man to nature. It is relationship with nature (Jordan's emphasis is always on the whole).[1] But a man is also the synthesis of all cultural institutions as well as a tie with physical nature. A whole pre-exists as an original fact.[2] The real mind, therefore, is objective, the mind of the whole,[3] and the sole basis for representation in human affairs. The corporate individuality is what man really is. It is the man acting through nature and his institutions and not by himself as an atom.[4] A failure results in representation when the relation to institutions and nature is not understood. Yet, Jordan argues, contemporary systems are thus far all oriented to the subjective defined person or the fluctuating oligarchies (large or small and "blind") of such persons. This involves control of the government and other institutions, blind and inhuman vehicles, rather than directed to human needs (the "ought") of those who are controlled by the system. Acting through his institutions, man

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[1]Jordan, Life, p. 37.

[2]The idea is not novel, note Marsilius and earlier, the Stoics.

[3]Jordan, Legislation, p. 180.

[4]The individual, to repeat, is the totality of himself as individual, his physical environment, and all the other corporate and collective institutions of which he is a part, living, thinking and acting.

can solve this problem. Current concerns with ecological problems, for example, recognize this fact. That which an individual believes is his to do with as he will, such as his private property, yet ignoring consequences for the whole, has become repugnant to more and more persons. Political and social activity is coming more to be considered the realm of the corporate individual, with corporate or collective action, rather than the single individual, considered necessary for success.[1] To assure unpolluted air, renewed forests, etc. for posterity, there must be a representation of the human being considered more broadly than in the recent past.

In order to explain the crux of the necessary changes in the concept of the person and the political process, Jordan fastens more of an emphasis upon the concept of the "Will" in its relations to the so-called psycho-physical human person. But also he emphasizes the particulars through which men act. He believes that, if the notion is straightened out, we will see the direction a proper representation in political life must go--as well as legislative-administrative-judicial action itself. Here he begins by emphasizing "will" as a system of fact, which includes a propulsive tendency in life (recalling, Jordan is a philosopher). "Will" he

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[1]Jordan, Legislation, pp. 191-192.

sees also as the tendency to put to order both the so-called human person and the institutional person. The will of the human person in his capacity to think, to envision, to foresee, to visualize what ought to be and on a very large and broad basis--to see Ends that are meant for all human beings, this is what Jordan meant.

But will is also the chief characteristic of the institutional person. He writes:

> The real will, then, the will that is genuinely effective in getting things done, in realizing ends, is the effective power which these cultural agencies acquire from their own spontaneity and the wont and habit of men. But we must think of this wont and habit as themselves objectified and conserved in the forms of material and social objects, objects of real property. As property objects they become the ground of institutions, and as institutions they implement and condition the expression of will in all its forms. It is then these corporate property objects to which we must look not only for the fulfilment of individual aims but also for the maintenance of the interpersonal relations upon which the solidarity of culture depends. These corporate property objects are the substance of every personal or interpersonal relation. They are the effective wills, . . .It is the corporate will that is the basis of our hopes for the continuance of a significant form of interpersonal life.[1]

Corporate will as institutional will is its effectiveness as an agency of life. However, as such, and without human direction, it is blind ("interested"--like the business corporation, all it can conceive is to make money and produce

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[1]Jordan, Life, pp. 144-145.

a thing; like the nation-state, all it can conceive is to increase territory, military power and "glory") and is unable to see human Ends. Yet it alone can act effectively. In contrast, the individual human will alone (as noted above) can see Ends rather than just interests, but it can not act or do, it is relatively ineffective or limited in scope in affecting life.[1] "The Corporate Will-act is therefore productive of content, where the human will-act is merely constitutive of form."[2] This presents the complex problem of the human being who is part of the corporate will (to be represented there) and yet possesses the human will (and the human alone can see Ends). In addition, when the human will seeks to act in life, then it tends toward interest. Frustrated, it moves toward the subjective and comes to rest in negativism, or tries to get hold of life for its limited goal and to use an institution for its purposes.

Only when the human will realizes it must act through institutions as the effective agencies of life, and that these are meant for wide numbers of "all," can the human will "escape" "interest." The "institution" then escapes more blind movement to reproduce and increase its inhuman self,

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[1]Jordan, Forms, pp. 401-427.

[2]Ibid., p. 55.

or to be used by the few "interested" for themselves.

However, Jordan adds also that an individual by himself does not even really have a "mind" to represent--possessing instead only consciousness, except as it culminates in interest.

In still more specific terms, Jordan states that the one major characteristic which differentiates the general from the individual will is the degree of individuality involved.[1] This general will is a capacity which corresponds to an organization of fact within the individual. But this internal organization of fact must be continuous with the organization of fact outside the individual, to be realized in more than "mediation"--but rather the practical life.

> The corporate will as a personality is the individuated will, not the individualized will. It is the will which as the order inherent in a state of fact effectuates itself through growth effort into objective existence.[2]

Above all, however, the whole is what must be seen as the culmination of human and institutional will. Political order then should include the scientific and the factual aspects of life combined with the problem of values. Jordan considers values implicit in the totality of life. However,

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[1] Ibid., p. 86.

[2] Ibid., pp. 260-261.

he is not an old-fashioned natural law man, i.e., God's in His heaven and all's right with the world--if we just "obey" Him. Nor is he a Stoic who will use "reason" to find the "reason" in the state of fact. Rather he insists there is a flaw running through the nature of all things. Life is a constant problem at best. However, such a flaw sets the stage for mankind to try to find out what ought to be, as opposed to what is. The need is to go beyond what immediately appears to be in someone's "interest" and seek what ought to be for man qua man as provided in all of nature. Only through reference to and reflection on the whole can there be any hope for improving human relations. Thus the problem is what is to be represented in a political system, and how? Jordan views the totality of human beings as the crux of the matter, although he admits we must work through territorial governmental organizations. But it is the institutions, the total environment, the necessities of all the people, the whole of life, the animate and inanimate body of things, which must be represented.[1] Such factors as the state, the population, the government, the institutions, and the level of sovereignty are only indicators which may be applied to that

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[1] The public=the state, i.e., the ends of society along with their instruments. See Jordan, Legislation, pp. 305-307. Also see Chapter VII of this study for further commentary on Ends.

concept of "the people." All individuals--real, artificial, "individual" and corporate--comprise the community.[1] Thus it is evident that most of the problems involved with representation theory more basically involve the philosophical issues of man's changed attitude toward personality and the alienation of man from nature--his "culture"--as subjectivism developed and a false view of man and his relation to nature and culture has developed.

This theory of corporeity is not, however, only a theory or criticism of the subjectivism of modern life (and therefore unrelated to "ism" theories); it is a redefinition of personality as the ground of life--a possibly restructured political life. Here Jordan is almost a complete anti-individualist theorist who desires the development of a "new state" (and of course representation system) to replace that which to him is not working:

> What is required at present then, for the practical aspects of life, is a dependable principle of higher objectivity, one which will enable us to think life in terms that will neither involve as principle subjective and individualist presuppositions, nor the merely formal logical objectivist conceptions of a previous age.[2]

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[1]Henry Magid, "Jeremy Bentham and James Mill" in Strauss and Cropsey, History, p. 625. Note that the interest of some must coincide with the interests of some others, thus providing a rationale for having representatives who represent "the people."

[2]Jordan, Forms, p. 6.

This means first that the prevailing subjectivity and the resting of life on individual states of mind should be replaced. The fact, according to Jordan:

> . . .is that the element or unit of social life is society; the objective totality of objective interrelationships (they are not all personal) which is at once content and environment for the individual life. The ultimate fact is objective mind. It is from the outward aspects of life through the objective complication of ordered purposes, and not from the inwardness and distracted separateness of abstract uniqueness, that our insight into the reality of the order of life is to come.[1]

This will certainly mean abolishing the notion of natural, individual class imperatives as seen by "natural law." It is necessary, then, to "base all our distinctions of values upon other considerations then e.g., . . .the nature of, or the differences between, individual men or classes of men, or than abstract universal norms."[2]

Next, as we have seen, Jordan argues that men can think creatively and imaginatively to solve problems. If they think then in terms of Ends, the answers to their questions (problems) will emerge. More specifically, what is required is a system of politics which will provide for the thought processes to ally the facts as related to human life and social problems and continuously attempt to create the public awareness. To Jordan this "philosophical"

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[1] Ibid., p. 66.

[2] Ibid., p. 6.

process is directly related to the political-legislative policy-making process. In fact, ideally it is the legislative process.

However, Jordan also believes that only institutions can act effectively relative to social life. Yet institutions are blind and can only act to renew or perpetuate themselves and their immediate interests. They can not think creatively or relate by themselves to the whole. They thus tend to become tools of subjectively oriented individuals who are not acting on a basis of "seeing life whole" and in a true philosophical legislative process, but move like stars out of their cosmos, and by colliding with each other affect man adversely.

The problem then is to create a political legislative process in which "thinking" human beings are by the nature of the process caused to see life whole. Values will be pondered and speculation on what Ends ought to be served occur; and which institutions can accomplish this--so they will not act on their own "blindly" or on a basis of the "interests" of individuals who try to control them. A truly public legislative representative process is required.[1]

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[1]Equally important, although governments claim to be the guardian of the public purpose, their functions tend to identify with distinctly private purpose, which are in contrast with public purpose and then take on the limited and negative character of private purpose. Jordan, Forms, p. 33. Present manifestations include ITT, the U.S.-U.S.S.R. "grain deal," etc.

However, at this point Jordan is particularly concerned with the institution of property as a ground for such a process. Property, he argues, is the material ground and stuff of human life and institutions of corporate personality. It can not be considered as private, i.e., belonging to any "individual," or groups, even a "nation" or "state." Rather, property must be treated simply as public, for common human use, not "owned" in the modern subjective sense by either individuals, economic corporations, or the "state." That is, the use of property is not to be restricted by either individuals or groups or governments, but ought to be available for human use seen as a whole and "totally" as possible. He would in effect throw out ownership as the ground of property and substitute human use for all instead. Here the question, of course, arises as to how this may be done. That is, how can Ends be created which will attain the corporate or embodied will, which will make laws on a basis of best controlling the "realities of cultural or public life," in terms of the needs of human life as such? That is --the problem of politics and of representation is to fit together thinking men and acting institutions on a basis of corporeity with all men and nature.

Jordan argues for a system of representation which represents not people individually, or even in groups, but the human life conditions and needs as such. It must be

a system which will represent the corporate personality. This corporate personality includes man the thinking-being-idealist-imaginer, the consumer, and a complex of human institutions and of physical nature, the tool for doing--an effective agent of life--putting it all together. People will then have good lives--even if by the process of "indirection."

It is thus on the basis of seeing life as a whole, natural by ordered fact and organization, that any "real" representative could exist and visualize, administer, and ajudicate the establishment and operation of the Public Ends which are the necessities of man qua man and of society.[1] In his system, man as thinker may come to terms with life as ordered fact and cause this life in turn to come to terms with mankind, by envisioning the principles of harmony partially existing in life, but partially non-existent, and institutionalizing them. Meanwhile, "evil" is considered as serious socially when existing in institutions because they are being treated as private tools of subjectively oriented individuals in action. Evil is irrelevant when simply in the mind of the human being. It may also be relevant socially where institutions are allowed to move

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[1]Politics, of course to Jordan, is the system of public principles and institutions by which corporate man may be represented.

blindly without any human direction, crushing human life--as when bureaucratic structures appear to exist for their own interests rather than to act in service for human purposes and Ends. Such institutions, he argues, in fact at times run into each other, competing so that nothing constructive arises from their activities. This is true as he argues:

> Law is declaratory as purpose is embodied in fact. It is therefore the act of interpretation through which the corporate consciousness adopts and appropriates its purpose as imagined end to sensed facts given as means. It is the object of life to embody itself in those means; it is the object of law to tell how it is best to be done, to lay down the principles by which the embodiment of life in fact is to be accomplished.[1]

According to Jordan, the task of government is obviously to subdue interests which use institutions for their own purposes. Government further has the task of institutionalizing "Ends." Although to do this, however, government must first find Ends. These are implicit in life, the needs of clean air, water, pure food, a proper balance of population growth and some beauty in the lives of men as such.

The Legislature

Considering the above brief description of "life,"

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[1]Jordan, Forms, p. 325.

and the nature of the state, Jordan then attempts to suggest (and only to suggest) a "structure of government," which will fit the corporate theory of personality and life. In doing this he falls back on "old-fashioned" terms--such as legislative, administrative, and adjudicative as branches and function, but gives them new meaning to fit the above philosophy.

Logically he begins with the legislature and the legislative system. Here he says that "the most elementary general function of the legislative body is to talk." This talk is intended to be more than mere chit-chat; it is talk[1] which leads to the public Ends. It is by necessity a kind of Kantian speculative activity, for this type of intellectual process is initially necessary in order to see--foresee--objective public needs and goals as humanistic Ends. The reason for justifying the legislative process as a speculative process is explained by him most clearly as follows:

> . . .the very real distinction between reflection whose world is given as object and finished, and speculation whose world is given as objective and is to be accomplished in and through adventure and experimentation within the life of action. It is true that the legislative thought turns back upon itself in history, and back upon the dead past of nature in science for the abstract forms of its materials; but it takes these as entirely without concreteness or meaning, the mere abstract

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[1]T. V. Smith used this idea, but added pluralism. It should be noted that only a brief description of "life" has been given and therefore Jordan's metaphysics had to be omitted.

> stuff upon which an act may be presupposed. It is therefore a mistake for the legislator to find examples in history for principle in historic terms for the facts of life for which the law is being made have never happened; they lie within the penumbrous nebula of the future, and it is legislative function to invest for them, through experimentation under pure logical conditions which we have called speculation. A law which will give them order when and if they occur, and whether they do occur, the law which was made for other facts in another time and under other conditions has no reference to them. In the same way it is fallacy for the jurist to go back to the forms of the past enactments in search for the meanings which law must have and embody whose purpose is to order present or impending facts, since the facts presented or about to present themselves, while they resemble previous facts in quality, must have elements or order themselves as given, or as promised in the individuations which life is making as to the direction in which its future course is to lie.[1]

Jordan further argues that "the efforts of legislation and law reform not only have failed in most particulars in recent years, but it seems clear that from the nature of the methods employed little else but failure and confusion can be expected,"[2] on the basis of our present philosophy and system. This indictment reflects his attitude in regard to the law-making bodies as presently constituted. He thinks them not worthy of the name, for they do not understand even what the role of law is, which to him is essentially the determination of what is just.[3] One major over-

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[1]Jordan, Legislation, p. 199.

[2]Jordan, Forms, p. 123.

[3]Ibid., p. 130-132.

riding problem in existing legislative bodies is the matter of responsibility to those who do the selecting. He has no use for political parties. Party discipline, such as found in Great Britain, Jordan considers especially detrimental to following legislation (its activity) to the desired ends. The reason is that these systems result in limitations on thought and its expression, which obviously prevents proper legislation. Thus, in all "democratic" elections and in authoritarian "state-rigged elections," he argues that the legislator is forced to say and do certain things, or to refrain from saying or doing things, in order to get elected and to act accordingly once chosen. In contrast, the legislative body Jordan proposes is specifically to be selected and organized to avoid any hindrance to the freedom of all members to discuss their ideas without concern for punishment or reprisal. There would be no responsibility to an electorate or to a party for the ideas expressed, or what ultimately should emerge through the speculative process.

In contrast with existing systems it must be clearly argued that the realist or realistic bases of representation will be Public Ends[1] and not private interests. Public Ends are, as we have seen, supposedly based on the actual facts

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[1]Jordan, Legislation, p. 367.

of personality and the total inter-relatedness of all men with each other and the physical environment. Political officials representing Ends (like clean air, water, safety) would more clearly represent people in society. Thus it is not only for the end result of attaining the higher corporate order that the legislator exists. Rather, the action of the legislator is contemplated for the benefit of the whole.

In order to carry on such a legislative process basically speculative in nature, a body must be composed of those who are thoroughly versed in their own culture and who will be able freely to foresee "rules" which will most advance the culture and also the direction that the culture should take on a basis of the sum of life conditions. The legislators are to be well-educated, then, in the thinking or philosophical process.[1]

Such a body requires men of intelligence, similar in a sense to the philosopher rulers of Plato of The Republic. They would be, in many ways, like the "Blue Ribbon" fact-finding committees that are established in our present society or the Royal Commissions in England. As to where these

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[1] Ibid., pp. 383-406; Jordan, Life, Chapter 26; and Elijah Jordan, The Aesthetic Object: An Introduction to the Philosophy of Value (Bloomington, Indiana: The Principia Press, 1937), p. 213. Hereinafter referred to as Jordan, Object.

men come from, Jordan's answer is somewhat vague. However:

> Ideally, the legislative body would be composed of the peculiarly fit individuals from all lines of endeavor, and especially those who combine expertness in some specific line with "philosophic" capacity. But this would make the body peculiarly unworkable, since the elements of co-ordination among the various experts would be difficult to make binding. But here once more appears the importance of internal organs which should effect just this co-ordination in such a way that the principle of internal unity would become rules of procedure for the body in its legislative acts. In other words, the fact that the legislative body is itself the prime instance of incorporate order or embodied mind would furnish to the organ its elementary suggestion of procedure and lay out for it the lines along which its own organization would be extended to incorporate the entire structure of practical life in an effective agency.
>
> It may be remarked, however, that the matter of qualifications of the legislator are best exemplified in the success of the learned society, and if the legislative body could be made to approach a synthesis of all learned societies, each engaged with the practical aspects of its peculiar problem, we should have the public will made effective through appropriate implementation in actual life. If objection were made to this as a body of mere theorists, the reply is that the determination of the judgments of the law is a function of the man who knows. This is necessary in order that the universal moral element may be represented in every practical act. Likewise the question as to how the membership should be selected would already be answered by saying that the chance that any given individual should become a legislator lies like the entry into the temples of science, in the lap of the gods.[1]

Thus under Jordan's system it is evident that the average man, as average men presently are--will not fill such a

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[1]Jordan, Legislation, p. 365.

representative assembly. Indeed, Lord Bryce once argued that "great" men in America do not rise to the top of the political world because they are too controversial,[1] that is, men of ideas are not in keeping with the accepted norms of society.[2] Thus in the process of rising to the top of the political order, such persons have engendered animosities. Man of ideas often are nonconformists and conformity stultifies these men because they think "differently." Still for Jordan, such controversy or non-conformity is essential as the basic qualification of the legislator! The key here is that the speculative process requires persons who can see beyond the existing status of the society. However, ability to think logically is also a requirement. If one is merely controversial, or nonconformist, but does not have ability to think logically, he would not be considered qualified for such a legislature.

The legislator is thus the logical individual whose "ultimate obligation. . .is the obligation to know."[3] The legislator then is presumably to be a "learned man" able to both think and express thoughts. These are not influenced

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[1]Bryce, Commonwealth, Chapter 8.

[2]Some reference could be made to George McGovern and the ideas he espoused in 1972 and George Wallace and his ideas of 1968. The indications are that both were just too far from the "center" for the American electorate.

[3]Jordan, Legislation, p. 377.

by considerations of private interests but in a basis of facts ordered in Ends or Values for all, not bound to traditional, pre-existing conditions. The legislators would not be traditional technicians nor lawyers and probably not even social scientists, who only collect data and analyze. Jordan's ideal legislator rather is one whose political capacity:

> . . .consists in his being able to understand the ideal aspects of order and his political obligation is fulfilled in the process of devoting his thought to that order, that is his obligation in political terms, is his obligation to think.[1]

This has been argued in more practical political terms by North Carolina State Representative Hartwell Campbell:

> Very seldom do we have time for any contemplation, to think through the issues we have to vote on. I think [the legislature] should be a deliberative body. We need time to think.[2]

The legislator then is regarded as a fact-value finder rather than as a representor or representative of private interests and desires.[3] Since Jordan notes that "the object of legislation is ends not men,"[4] the legislator

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[1] Ibid., p. 379.

[2] The statement was in re the North Carolina General Assembly's final approval of annual sessions rather than the traditional biennial sessions. The News and Observer, Raleigh, N. C. (April 7, 1973), p.1.

[3] Fact-finding will determine the public values or ends, with no reliance upon historical fact. The point is worth reiteration. See Jordan, Legislation, p. 199.

[4] Ibid., p. 338.

may be described as one of the many instruments which the public life will use in the pursuit of these ends. However, even though the legislator is to be a learned man, with highly developed cognitive powers, presumably he will grow and increase in knowledge and ability. This will allow further speculation as he discusses with others of a similar style.[1] He will thus make use of information obtained from "all" the people in the give and take of speculative, logical discussion. This would be highly advanced from the role of the present-day legislator who has interpreted his function in terms of following precedents to support particular interests.

Jordan had little acceptance of the principles of "democracy" as advocated by many others. Instead he believed it to be an utter and complete failure because of its false assumptions. The major criticism he levies against "democracy" is the role played by the "people." He believes it would be difficult to explain the failure of democracy, at least to the extent that it would be understood. Further, he says there is a:

> . . .very prevalent tendency for democracy to produce and perpetuate just the evils it is supposed above all social systems to prevent and cure.[2]

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[1] Ibid., pp. 314-315.

[2] Ibid., pp. 316.

The "people's" role is thus played down in Jordan's philosophy. He does, however, look for a replacement for the "people's will," and he finds it in the so-called learned societies. For the most part, Jordan would draw his legislators from the world of academe,[1] who although well-trained in theoretical matters would often encounter difficulties when confronted with the practical world. Here is a major weakness in his thought, for the contemporary intellectual is often so wrapped up in his little speciality that he loses contact with the world of reality. One need only attend a panel session at the American Political Science Association annual meetings to find experts who "know better" than anyone else what the world needs. Here the petty controversies which rage between the so-called experts, or the constant back-patting of the "friendlies," are sufficient to turn one from intellectual pursuits. However, a few hours "mucking" in the mud or tinkering in the shop clarifies the brain for additional efforts of intellectual endeavors. The leading lights of the various learned societies, then, are individuals who are fallible just as the "people" against whom Jordan levied his severe criticisms.[2] The type of individuals he admired are all, by virtue of their specific interest, presently narrow in their outlook, have extremely

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[1] A further "problem" here is Jordan's reliance on "chance" to select the legislators.

[2] Jordan, Legislation, pp. 314ff.

technical specialities, and as far as seeing the "whole of life," would be dismal failures.

Jordan is also concerned that the representatives be generalists, which those he has "annointed" are not. However, he would have the modern mass education system changed in order to accomplish this, for currently one is encouraged or required to become increasingly narrow or specialized in his field. The ranks of academe presently could hardly supply those necessary for the ideal representative system, at least as it is is now constituted. Academics believe that other humans in the present culture are partially motivated by what Marx saw as the driving force of life--economics; and partially driven by Freud's perception of sex as the life force. Man does not live by bread alone, nor is he made of wood. Jordan's system, however, would rectify this. Yet Jordan does ignore the question of how one removes the weaknesses of the traditional Western religion and psychology under the present system that is found in man qua man.

Also, other political theorists, such as Marx, assume that the new order can be constructed to some extent on a basis of traditional values. Jordan, however, has a different view of the universe, of man, of society, of property and of politics and the state. He visualizes a changed view of man in a different property order, similar in part

to that advocated by the British and Guild Socialists. His system requires a large amount of "reason" as a basis of the state, just as the Natural Law theories of the Stoics and St. Thomas, but without the derivation of morality from a religious sense. In some respects the ideas of Godwin, George, Morris and Veblen seem to have crept into his writings. At other times when considering the ideal society of the state, one is reminded of Kant and Hegel or ideas similar to those of Bosanquet.

A more serious question of Jordan's "model" is whether men would ever be satisfied with representation regardless of the degree of adequacy or more equalitarian fulfillment. Even in a non-subjective system it may be that men generally would like to act directly as rulers. Of course, this is problematical and in even our system most men feel quite satisfied to have representatives rather than having to be continuously deciding matters directly.

According to Jordan, the first stage of the legislative process which these representatives engage in as reflecting their peculiar character and selection will be to ascertain the facts needed for resolution of human problems. This means establishing public values or Ends. Such Ends in his theory are supposed to become objectively clear to the legislator. They are not "petrified" values as "natural

laws," for they are to be in fact tested later in the actual world to see if they are public ends in practice, or to be modified because of unforeseen facts and circumstances.

In this part of the legislative process, Jordan's "representative" is to continually contemplate the whole as well as the particular social problems which we face, to show his capability in projecting beyond our immediate limited experiences. In this manner he will perceive the generally necessary direction "all" the facts indicate we need to go, and thus achieve the needs of the higher order.

Actually, Jordan says the problem of legislation has little to do with the passing of particular laws, or the formulation of specific statutes in the positive law sense of today. Rather the legislative process is to provide:

> . . .for the theory of practice, the process of constituting the cultural public body as a system of realized values; and it is a continuous and eternal act and an adventure in pure speculative theory, because the public body manifests cultural life, or grows.[1]

Jordan here desires that the legislature pursue an on-going process where law is constantly being re-evaluated to keep it in harmony with the needs of society. It is obvious that this is presently being done--but at the administrative level rather than by the legislature. This is

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[1] Ibid., p. xi.

illustrated when the U. S. Environmental Protection Agency Chairman suggests curtailing use of the automobile in the congested central city areas, and requiring more usage and development of mass transit systems. These suggestions are in addition to the Congressional act requiring additional anti-pollution devices for automobiles.

This idea is further illustrated in administrative actions in the field of federal Urban Renewal programs "necessary for 'good living'" in the central city. This latter, however, has not worked well, for as Theodore Lowi suggests, "urban renewal" often works out to be "Negro removal."[1] However, in principle these, it is obvious, are examples of suggestions which originate not in specific legislation but in "power granting" legislation to administrative agencies by the Congress.

Jordan adds that the practice of continuous expansion amounts to law. Practical theory presupposes, and is in turn affected by, the necessary growth or expansion of law through constant reevaluation. This is the ultimate practical problem facing the representatives who legislate to see not what is evident in practice but to envision answers to problems in current practice. To simply "follow"

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[1]Theodore Lowi, The End of Liberalism (New York: W. W. Norton & Co., Inc., 1969), pp. 250ff.

the "interests" as present representatives do is to resort to magic and self-delusion, with no relation of any kind between political dogma and pronouncements on the one hand and the needed instruments and processes of government on the other.[1]

Put another way, the especial task of Jordan's legislator-representative is to use the speculative method, including oral discussion among the legislators about what the present facts mean in terms of problems and "possible" solutions. This is what he means by saying they should determine the objective-fact-value-"good" to clarify as much as possible the direction of the entire society, rather than to act in behalf of particular interests who care little for the whole, nor even see it.

However, he notes that the acts of the legislature are then purely speculative ideals:

> ... .and from the point of view of ordinary politics have no power or efficacy toward getting themselves put into execution. But if it were true that they have no executive power, there would be no possibility of any idea ever having any influence upon the course of events, since they are of the nature of all ideas. And if no ideas are allowed to have executive influence upon the course of events, there will be no more occasion or reason for the existence of legislative activity than for the existence of any other form of speculative activity.[2]

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[1]Jordan, Legislation, p. 218.

[2]Ibid.,p. 366.

The speculatively derived ideals, then, do have "practical" meaning because they are determined by observing the present society, but they must await "effective practice" in the hands of administrators.

In the activity of the new system of representation in the legislature, there would be a more clearly ennunciated division between that which is private and that which is public and what public function should be.

The emerging concern for ecological protection, as noted above, reflects a beginning of a consciousness of what is being described here as the philosophical basis of a new style of representation. Those concerned with the environment want there to be clean air to breathe, pure water to drink and healthful food to eat, in addition to maintaining a certain "beauty" of our surroundings to be observed and enjoyed by all. Present governmental systems claim to protect and advance these objects, as with the Clean Air and Water Acts. However, deferential treatment of industries and indifference and present thoughtless habits of individuals and groups who continue to foul water and air, contaminate food, and despoil the countryside, provide ample contradictions to the claims made. Contradictions of this sort, which are favorable to some or indifferent to others, would exemplify to Jordan the fact that interest still dominates and that representatives both legislate and

administrate. Still this is representation of interests rather than the life of the whole and its problems. Only when we have representation which will create law reflecting the relatedness of our lives and thus our real Ends--such as pure water, air, food, etc., for all, even at the expense of privacy and individual interest exemplified in carelessness and momentary selfishness, will a sensible state system exist.

However, it should still be noted that Jordan would accomplish Ends through a kind of democratic "parliamentary" process (not in the European sense necessarily). This process, however, would be different, he thinks, from the present in that the necessary ends of society come of course through discussion rather than debate. In Jordan's thinking, debate and discussion are much different.[1] Debate is negative. It is the adversary proceeding in which individuals or groups take sides on particular questions, then try to win for their position, regardless of truth. Discussion, however, implies that all avenues of approach are considered with no attempt to "prove" a point, either intentionally or otherwise, on the thoughts presented--a true search for both facts and values. At such time as all thoughts have been thus presented, the resulting idea presumably would be easily

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[1]Jordan, Legislation, p. 345.

accepted by at least most of those who have participated in the discussion--a kind of consensus. This process, Jordan argues, would lead then to reduction in the private natures, since it would achieve an effective synthesis of those life functions which are perceived to be public in nature. He thought that this process could particularly work well at present because:

> The essential functions of public or social life are now incorporated within the social 'organism' with a degree of adequacy to human purpose and ends never known in the history of man.[1]

To Jordan, then, the process of political life as expressed by properly chosen representatives through legislation is, ideally, the active effort directed toward the development and perpetuation of a condition which will permit the fulfillment of social life.

> . . .legislation in the strict sense then is the intellectual process incorporate in cultural institutions within [the elite or aristocratic legislature]. , .as it brings itself to the fullness of ideas.[2]

Again, all that one can expect out of life in the way of culture, "is to be expected of the corporate will legislating ends into the form of law."[3] It is seen as the unity of life, the one sure way of reaching the ends desired by

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[1] Ibid., p. 375.

[2] Ibid., p. 345.

[3] Ibid., p. 264.

the total society, i.e., representation through the corporate society:

> It is then the function of legislation, as the rationalized activity of the public or the corporate will made effective in institution and directed by thought, to devise means through which the capacities and abilities proper to man as an individual and those appropriate to institution may be combined and their effectiveness centered upon the solution of the major problems of life.[1]

To repeat, then, the speculative idealization determines in what form the law will eventually cast itself, thus giving it lasting relevance, meeting the life needs of the society.

In contemporary legislative bodies, enforcement and modification of laws once promulgated are considered to be the responsibility of the "administrative" and "judicial" agencies of government. However, in present systems the amount of time that legislatures spend in overseeing administration is tremendous. This time, under Jordan's system, would be greatly reduced by removing administrative duties from the legislature and in fact placing on the administrators, as well as the judges, the responsibility of assisting the legislature (more than now) in keeping legislation current to the needs of society.

Under his theory, the administrators as law-makers would be appointed for what they should be--"impartial"

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[1] Ibid., p. 264.

experts in some part of the life system. They certainly would not be what we have come to realize they are in the United States, representatives of the "interests" for whom they are supposed to make rules. Rather, as impartial experts, the administrators would be in day-to-day contact with the persons governed by the laws they administer. But these experts would not be "bound" to the laws, but to "objective" and "totally public" administration of them. Thus they would be able to see and understand how well a particular law for the Public End worked. Through the day-to-day process of applying the law the need for the modification of the law would also be evident. Thus the administrators would assist in the legislating process throughout the more practical level.[1] They would, then, try to apply the values found by the legislature through the speculative process and apply them to factual situations if this is possible. If the administrator notes that some value does not meet with the facts of reality, the legislature would be so informed, along with any suggestions which could make the value conform to the needs of society. Also, the administrators (as now) would have authority to modify the "law" of the legislature.

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[1]This is all "old hat" now to students of Public Administration, except most of them accept interest representation.

The body of representatives then includes not only the legislators with the capacity to speculate (or guess out the possible value answers), but the administrators who in a sense are experimentors in lawmaking as well as law administrators. The legislators are the generalists who represent problems and the broad direction of solutions, while the administrators have the expertise and technical capacities to put the values into effect. The administrators have the capacity to toy with the specific problems to get answers or suggestions for future answers. Since the administrative stage will thus require technical expertise on the part of those charged with administering programs--this "representation" should be based accordingly.

Administrative agencies, under Jordan's system, would require no executive heads, for when rightly principled and so organized they are able to function by themselves at the local level.[1] Thus Jordan forty years ago defended what is now called extensive administrative law-making as the implementation of values suggested by the legislature, as well as the suggestion of value reorientation by the administrators to the legislature (feedback). Some of the strongest arguments in favor of administrative law-making are in his book, Theory of Legislation.

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[1]Jordan had a liking for the commission form of city government.

However, his arguments were all based on his total system of philosophy and theory of the state. Thus his argument for the inclusion of administrative law-making also called for a change from the then and even now concepts of selection of administrators.

Thus Jordan believes that if an agency such as the Post Office were organized and established on right principles--in this case a public concern--a socialistic monopoly providing mail service at minimum cost--it would still work well in spite of its misuse by private interests. The Post Office, however, became staffed with incompetents directed by political appointees, and is "used" by private interests for their own purposes. This is particularly true when one observes the subsidy paid by the taxpayers to business interests, driving the quality of mail service down and the cost of "friendly mail" higher than ever. The use of bulk mail rates for advertising, and salesmanship, has imposed upon the service a burden which must be partially offset through higher rates on other classes of mail used by non-organized interests--the individual. In effect, private interest exercises control. We have tended then more and more at the national, state, and even local level to follow Jordan's argument in re administration. The chief "botching" of this job has been due to the continual representation

of "interests" and control by them. Even then it is interesting to note how the administration will in a job often clash with the interests on a basis of their "objective" of a public character.[1] However, through proper principles of organization and higher minded individuals administering the agency, it could lift itself from under the burden.

The administrator whom Jordan would have running the Post Office would be devoted ideally to the public purpose as objectively defined. It is he who might be able to perceive facts not readily apparent to the legislator on just how to deliver the mail. The constant changes in technology make such an administration imperative. Change would be first apparent to the administrator who has a day-to-day contact with life as he is closest to the processes of government. He then would be responsible for making the changes needed on a basis of the public purpose under the legislature's direction. In effect, the administrative machinery would thus complement the legislature--not conflict with it. "The elementary practical principle to be kept in mind is that basic to all life, i.e., the administrative principle

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[1]A more pressing example is the Federal Power Commission, whose five member board includes four former close associates of oil interests in the United States, yet the Commission itself is charged with the protection of "the public interest." Another example is to be found in President Nixon's recent appointee as Chairman of the Federal Crop Insurance Program. In the past, the individual has been a vigorous opponent of the program he now heads.

and its method of experimentation."[1]

The judges also, as the administrators, should function to note imperfections in the administration of values and suggest to the legislature problems for further speculation. They in effect would point out fallacies and weaknesses in values as seen by the legislature, and in the adjustment of values to the facts and vice versa.

> The discovery and rough-hewing of the things or objects which can be made into objectives depend upon the experimental or administrative act of life where mistakes can be made and corrected; the determining the mutual fitness of these objects and objectives for a coherent and harmonious system of conditions of life as the presupposition upon which the maintenance of values depends, is the finisher of law, or the judicial process.[2]

The judges then are to be the reflective men--and thus to have the capacity to review and see how the job of governing (defined as meeting and solving human problems) has been done--or to see just "where we are at" in terms of the objective of the legislatures.

> But the test as to whether these conditions of practicability are completely fulfilled in objective form in public life, is the function of the last or final stage of the legislative process. This is the juridical process, the judicial act, whose function is that of harmonizing maxim with principle in a law which is calculated to substain both the practical life as corporate in political institution, and the practical life as moral freedom in the individual.[3]

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[1] Ibid., p. 438.

[2] Ibid.

[3] Ibid., pp. 439-440.

In instances where something is not moving smoothly, or there are disputes about whether life is "like that," the judges may be the ones to find it.

They would not try cases between subjective persons in adversary proceedings as is the tradition; but would attempt to ascertain what has gone wrong with a law that a problem has come before them. Judges would in this respect play a somewhat traditional rule in the ideal representative system, i.e., to determine whether initial conceptions of public ends had been followed,[1] as under the American constitutional law system. They would not, however, base their decisions wholly on "facts of evidence." Instead, they would provide "justice with mercy." They would consider the morality of the Ends as well as the facts, and examine the case in view of the entire life system rather than the narrow construction of making a decision in the atomistic sense based strictly on a narrow "legal point" or precedent and historical example.[2] Thus, "the decision or judgment of the court is a legislative function in pretty much the same sense that passing a statute is a legislative function, and the law-making process is the same in each."[3]

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[1] Ibid., pp. 440-444.

[2] Ibid., pp. 445-448.

[3] Ibid., p. 449.

The role of the judiciary then is a very difficult one, as assigned by Jordan. He sees great difficulty in finding the right persons to be judges for he believes that they must be more experienced and more objective than almost any other person serving in the over-all legislative process.

> . . .the problem is of the utmost difficulty, since it involves the reduction to exactness and precision of elements of raw and living experience, and experiences are notoriously recalcitrant of the niceties of scientific form. And as a consequence the competent judicial mind is placed in the class with the poet and the prophet and the savant; and of these the task of the judicial mind requires the highest degree of perceptive inerracy combined with the most refined delicacy of affective penetration.[1]

The great judge, then, will have to have knowledge of "all the practical factors of experience that are involved in the case as presented."[2] For,

> The judiciary as law-maker is then just the impersonation of the complex of social or public agencies and processes within which "justiciable" issues arise; it is the instrument through which the public order makes up its mind with respect to its particular and local formulations in fact, just as the legislator is the instrument through which the public order constitutes itself in the ultimate order represented by policy.[3]

It is also well to note that the laws and rules that would result are clear and would not so much require force or

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[1] Ibid., p. 456.

[2] Ibid., p. 457.

[3] Ibid., p. 459.

violence for execution as the fact that they are "right," "fit life," and were determined objectively.[1] It is the conflict-interest system that requires that our present laws be "enforced" by the club and the fine and the jail.

These three elements, then, the speculative, the administrative, and the judicial, all constitute a part of the ideal system of politics and are then the basis of representation as proposed by Professor Jordan. This he believes to be a proper and sensible system of a representative government--the representation of life, of the corporate whole. All would be representatives working together as a basis of the concept of the social-corporate society to ascertain the facts, then dream out and administer them. All would be devoted to learning and applying that which they have learned toward the development of a better life.

Jordan's ideal system seems just that--too "idealistic," too vague. Yet he is a contemporary social thinker, who has anticipated many of the developments that have recently occurred in government here and abroad (save for the

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[1]Further, although he does not say so, the judges would not necessarily be lawyers or law-trained but might well be a social philosopher and a social scientist or a "poet." Even under our U. S. Constitution, members of the Supreme Court need not be lawyers or even members of the Bar. In fact, Justice Hugo Black was not much of a lawyer.

abolition of the interest system). In fact, his system in many respects anticipated by about forty years some of the works done by recent "systems theorists." Jordan was a philosopher and did not think in the language of an Almond, a Dahl, or an Easton. Yet the typology of Almond and Coleman, for example, could easily be adapted to fit the Jordan model. There are the inputs into the system, the assimilation, the digestion of facts delivered, and then the outputs, or values. There is a flow from the plurality of those involved in the ideal legislative system. It requires the interaction of all parts to work properly. The systems theorists talk of how the various elements of political society flow into the system, how they are reinforced, discarded, flow out to reinforce the structural aspects of that society, and then become inputs (feedbacks) once again. This, with a change of language, also becomes the Hegelian, the Aristotelian or the Marxian dialectic, depending upon which "god" one chooses. Of course, Jordan is speaking of the objective life needs, as was Aristotle, while other theorists such as Almond and Coleman are concerned with "interest" aggregation, "interest" articulation, and so on. But however correct or incorrect, Jordan's suggested system and his criticisms of present society and government are interesting. His suggested theory of representation, not of interest and privacy, but of the whole, is

a challenging model which may serve as a critical base on which to consider our own, at times, sorry efforts and system.

CHAPTER X

SUMMARY

This study was undertaken with the idea that somewhere there was a broad body of representation theory which might be brought together to explain the how, what, when, where and why of present representative systems. It was soon evident that the ideas are varied and the actual practices depart from the theory. Too, what theory of representation is available has often developed to buttress a socio-political-economic system developing at the same time. The theory behind the how, what, when, where and why of present representative systems became of less importance. Thus, the writer became concerned with making a study of the philosophy of the representative system as such.[1] This became logically a critical process, for it also became apparent that what theory exists on representation is a justification for democracy, defined in often fallacious ways from practice and that such theory is not very critical of itself or the practice. This research then became not mainly descriptive but critical both in terms of internal logic of present theory and practice, but of external logic in that the theory does not relate to practical reality. To

[1] By not critically analyzing any particular device for representation, the analysis was bound to be inconclusive. However, any representative system has serious shortcomings, primarily resulting from basic assumptions of the human mind and personality, and these have been indicated.

accomplish this end, then, it was necessary to survey the development of the concept of "representation," and the concept of the "state," which is necessarily associated with the former concept, as well as the representative institutions which developed concomitantly.[1] It was apparent that representation theory has long been with us and is in a constant state of flux. Still, representation in theory and practice seems always a continuing problem in some way. Thus this survey was essential to establish the ground upon which to base further critical analysis.

The evolution of Western political life has presented us with a wealth of writings in political theory, and thus a rather extensive review of selected portions of the theoretical writings was necessary to establish further the debt owed to previous generations.[2] The historical-descriptive development of the concept and institutions of representation was limited to three analytical threads found in philosophical writings and institutional development: 1) how rulers acquire their power; 2) what these rulers "represent" and 3) what constitutes the environment for representation. These themes are followed from the first instances of reflection about a "state" (though not called such) by

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[1]See Chapter I above.

[2]See Chapter II above.

the Ancient Hebrews to those seventeenth and eighteenth century "later" thinkers who so influenced our contemporary political system.

Modern representation, then, owes much to the development of earlier concepts of representation and its developing institutions. These early concepts are at least partially responsible for the way present systems operate in a socio-economic and political world which is much different than when the concept of representation, as such, originated. The understanding of these earlier concepts has guided numerous present political theorists in their studies of man, his personality, institutions, and political life. However, whether cognizant of the fact or not, many of these theorists' ideas and conclusions merely present a rationale of existing political systems.

This rationale for existing political systems was considered from a historical-critical-philosophical perspective.[1] Here the basis for an appraisal of present representative theory and institutions in an intellectual-theoretical history, i.e., the philosophical evolution of individuality, was discussed. Much more is involved in representation than merely establishing relationships between governed and governor, and was so indicated.

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[1]See Chapter III above.

There is supposedly a positive aspect, of course, in the fact of an historical growth and development of the concept and institutions of representation which has led to the western-individualist-democratic view. It is argued by some that earlier theory grew into the "natural rights of man," the belief in man's "rational ability" to think and reason and thus to compromise conflicting "interests" through a representative who would somehow bring the conflict to a harmonious conclusion. This idea forms the key to the thought of many modern Western thinkers.[1] This basic justification of contemporary theory and practice, of course, is grounded on a theory which makes psychological phenomenon the basis of representation--self-evident natural rights or the pleasure-pain attitudes of utilitarianism.[2]

It is, however, difficult to understand how the mind of a representative--itself broken into a series of psychological-physiological processes--could possibly represent the parts of another mind, also broken into many different parts. The impossibility of the mind of one being able to represent the parts of the minds of another or "thousands" is obvious. This theory is a fraud--worst of all, no one "really" believes it, even while paying lip service to it.

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[1]Locke, Bentham, Mill and others can be included here. See above pages 81 ff., pp. 154-171; Chapters VI and VII.

[2]See Chapter IV above.

The mind has certain sensations, either of pleasure or pain; but what appears painful to one may not affect another in the same way. Our knowledge of subliminal effects indicates a mind that is certainly not always conscious of what it thinks or feels in regard to "rational" democracy.

In one sense though the individualist is correct, but his own definitions of psychological phenomena would seem to demonstrate that one mind is unable to represent another in the knowledge acquired within itself, through the various stimuli. Yet the individualist either discounts or ignores this as being merely "mental subjects" in the representation of bodies, which in itself is about as inconsistent as representation of "souls." However, the arguments in favor of representation plow forward and the mind is casually considered only as an integral part of man for purposes of individualistic representation theory.

Worse confusion arises when a man is considered more than a mere psycho-biological creature, more than reflex and sensation. Rather, it is argued, these "inward ideas" at times provide a myth to define the belief about the nature of man upon which men act and representation occurs. Individualist mental notions are said to have obtained more "objective" status in a myth--but a myth in which men act in practice, and which forms the basis for practical representation, i.e., "interest group" representation. Men do

not act or think in such simplistic, one to one forms. Rather, they live out their lives and personalities in a highly complex functional-objective manner, in which there can be no such simplistic representation from a satisfactory standpoint. Man is not of this character!

No aspect of representation is so thorny as that which is confronted when trying to reconcile the theoretical foundations[1] with the practical implementation. It has not been the purpose here to give detailed consideration to functioning "representative systems." Instead examination of theoretical views has been emphasized. The fact that psychological phenomena are at the base of the individualistic theories is largely the source of problems encountered in so-called democratic representative systems. These phenomena stem from their irrational, emotional origins. They are fleeting and unstable by nature, and thus can not be represented in terms of the continuing social needs of man--what might be called the Ends of Man. They are here today and gone tomorrow, and vary from person to person because of the unique structure of the human mind. One mind representing another is then impossible, let alone one mind representing a number of minds.[2] Confronted with this impossible

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[1]See Chapters I through IV above.

[2]This results too in divisiveness--a system of competition--and "interest" or class representation, with no real balance ever achieved.

situation, practioneers in government have settled for what could be attained practically in a variety of "representational forms." For practical purposes, then, there has been a general insistence on a representative "form" of government; to the extent that it be called "representative;" for the ideal of a representative body has never become a practical working representative body.

It can here be seen that the present applications of representation are imperfect realizations of democracy. An elite few replace the many, in which it is obvious that the few then hold more political power than the many. Further, in these applications the few--the representatives--select from their midst an even smaller "elite" which possess more political power. Thus these holders of political power can not represent the needs of the many as has been indicated above.[1]

In a larger measure, then, our "debt" to the early growth of the idea and institutions of representation is basically negative in showing us our failures. For as modern life emerged and modern states began to appear on the basis of a changed socio-economic life, many real social problems arose that interest or state of mind representation could not solve. These problems have in large

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[1]See pages 120 ff. above.

part remained unanswered since their inception. Among the varied problems of government,[1] and their proferred answers, are those questioning where governmental authority "ought" to reside, whether with the numerical majority, a ruling class (be it economic or aristocratic), or in a racial or political party elite. And further, upon what basis should a representative function--on the basis of those responsible for the position of responsibility, or on a higher plane through the concept of a "general interest?" How these theoretical[2] and practical problems[3] arose, the failures to solve them, how ensuing weaknesses grew, and some of the devices established to arrive at possible answers were noted.

Throughout the study were indications of how problems appeared, including man's changed subjective attitude toward personality and the alienation of man from nature as the same attitude developed. Too, the very nature of developing social-technological life forced man to become less and less subjective in fact, and to become the corporate

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[1]Some of these problems have grown out of traditional devices of representation--in "pure" democracies, republics, or authoritarian systems.

[2]See Chapter IV above.

[3]See Chapter V above.

person and life--and to be represented accordingly. At the same time, under the subjective notion, the same man became reduced to simple elements (such as the economic, ethical, and religious man) which could not be represented practically. The result is a basically unmanageable democracy--a schizophrenic condition of representation in theory and practice. These false "definitions" of man, of life, and of politics all resulted in subjective-interest representation--all of which makes it impossible practically for any "representative" to represent anyone of such a character, or groups of such persons.

At this point the failures to establish an idealized representative system continued to be considered by analyzing a selection of recent empirical studies of political behavior.[1] The actual data of these studies, devoted to the individual personality and his attitudes, presented additional evidence that neither existing institutions nor previous ones provide the maximum need-satisfaction in the area of representation. Rather, the data shows how impossible the present representative system is. That is, the empiricalists prove the present weakness of both the theory and practice of representation as presently developed. The studies do demonstrate, however, that efforts are being

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[1]See Chapter VI above.

made not only to further the body of knowledge on representation but to indicate the progress toward a broader understanding of the social-political being. Still, it was quickly seen that the reasons for representative systems, as explained by the governing bodies, and the apologists for all existing systems, constitute little more than just that--reasons or rationale for what exists, imperfect though it may be.[1] Thus our "representation" theory does not even work pragmatically--let alone fit the logic of the theory.

The solution, if such there be, lies in a system of theory and practice which is in tune and compatible with the facts of personality and contemporary human life--with the practical being true to the theoretical and the theoretical being in harmony with the practical. The obvious sensible basis of representation or a representative will be one growing out of the concept of purpose and/or Ends, rather than individual subjective interests--thus solving the practical and theoretical problems described. These Ends, it has been argued, are already implicit in the life we live today, based upon the actual facts of personality and of our total environment, including the fact that legislation and administration in politics have to do with

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[1]See Chapter VII above.

the public life, the life of the society in relation to nature. This implies relatedness, objectivity, endedness, rather than privacy and individual interest. Ends, then, are concepts that represent man as he is, the whole man, man bound and man objective and with a purpose. Public life can not operate in terms of interest as private life can. To bring order out of disorder, a system based on Ends has in part been outlined by various social-corporate theorists, which were discussed in Chapter VIII. However, whether Fascist or Catholic, these theorists still ground their theories on our present interest-conflict system, even though they claim not to do so--and thus result in anti-democratic Ends as well as Means. There is thus no call for any change in the traditional value system, for most assume we could work a political system on what we now have.

However, the late Elijah Jordan's model of representation, which though not democratic in the usual sense as to means, seeks to be so as to ends.[1] Jordan's theory obviously is not perfect, but does present an alternative to present theory while requiring a different view of the universe, man, property and society than that presently existing. Still, it does not call for violence or repressed intelligence in its implementation or operation. Jordan suggests

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[1]See Chapter IX above.

a political system in which representation would be meaningful and practical publicly, yet also logical to the whole of the life of man. Jordan's legislative-political representatives are ideally fact-value finders (of public values) through the interplay of scientific and speculative methods, not merely involved in the practical doing process of compromise seen today. The general directions the facts determine, i.e., the Public End, would be laid out by the legislators, who "represent" human problems and are from the councils of learned societies which have the knowledge to solve the problems. These representatives are scientist-philosophers of life as a whole (generalists) and merely represent problems and the broad direction of solution. In turn the administrators would provide technical expertise to dicker or experiment the values into being, even by adjusting and modifying the values as the facts change. The judiciary then reflects on the previous stages and declares the results valid or invalid, i.e., they see how well the preceeding efforts have been worked out, providing feedback to the legislators.

Jordan thus not only provides a much needed ideal model of representation theory, but presents a criticism of the contemporary means of democracy and interest representation with its diverse failures. In his criticism of our contemporary socio-economic-political scene, Jordan is

devestating and virtually unchallenageable. However, his ideal model is itself not immune from criticism. Perhaps the greatest problem involved is the economic base of it. Here there is the necessity first to "publicize" property. This would not be acceptable to many, regardless of the end result, and probably could not be accomplished without violent revolution. Practically, it would then be argued by most that Jordan provides no plan for abolishing interest or private property as the ground of social life. His model would just not fit our present society without fundamental philosophical change taking place. Yet, again, however, in comparison to other social or individualistic theorists, Jordan tends to be most democratic as to Ends, a position which could be acceptable to the "have-nots" under existing representative systems, and calls for the use of intelligence rather than violence which we are coming more and more to accept.

Still, all the theorists and theories noted present almost insoluable problems. Yet practically we seem to be independently arriving at and agreeing with some of Jordan's philosophical concepts. Thus the entire ecological movement works for the "whole" and even current legislatures have been known to bring forth real public ends rather than mere compromises of private interest. Perhaps, then, we are left with no ideal practical way for men to represent Ends.

Assuming the improbability of returning to the small village way of life and a functioning direct democracy, a representative system must be employed. Too, the present "nature" of man would not permit the destruction of the technological order, and its affluent way of life, in favor of a personal experience in government. Of course, satisfaction with life is a desirable factor. The more serious question, then, is whether man will ever be satisfied with representation, regardless of degree or adequacy. That is, even in a non-subjective system, it may be that men generally would like to act directly in the capacity of ruler. Still this is problematical, and even in the United States' system one is never quite satisfied to have representatives "decide" rather than doing so directly and personally. Representation thus can not solve all of our problems. But daily we see the results of an "assumed" representative system--how people react overtly and mentally once compromise of "interests" is made. There is still the overriding question of whether "representation theory" or "representation," as we now know it and as considered above, gets us anyplace. Unfortunately, from this study it can be seen that the answer seems to be no--for solving the theoretical problems of representation still leaves us with the reality that practically it has not worked out.[1]

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[1]See Chapters IV, V, and VI above.

Although this study has consolidated many of the writings available on representation, in the final analysis to solve our "problem" it is necessary to "throw out and isolate"--and in the present political sphere this is impossible at most, highly improbable at least. In spite of the inconclusive nature of representation theory and the resultant lack of conclusion here, a positive value is evident. For it is only through continuing analyses, criticisms, and critiques of the ideas and practices of representation theory that progress may be made toward a comprehensive coherent body of data and theory. Perhaps, in terms of traditional values such as efficiency and equality, no truly representative system can be constructed. Perhaps too Rousseau is right and only direct or participatory democracies functioning through small, non-technical societies can provide true representation. In the meantime, however, political theorists must address the problems of the real world along with the theory of representation if indeed there is ever to be a semblance of order brought from the chaos of existing political representation schemes.

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