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DEMOCRACY
CITIZENSHIP
&
UTOPIA

Submitted for the Degree of Ph.D. in the
Department of Philosophy, Faculty of Arts, University of Glasgow

by

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DEMOCRACY, CITIZENSHIP & UTOPIA

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DEMOCRACY, CITIZENSHIP & UTOPIA

SUMMARY

In this work I attempt to explore and correct a misconception of democracy. Standard accounts of democracy, I argue in Chapter One, adopt a functional/normative approach and focus upon either the institutional mechanisms for the fair and peaceful resolution of conflicts, or upon the moral opportunities of citizenship which the Liberal Democratic State provides, or upon the intrinsic benefits of political participation. The adoption of these perspectives leads to an account of democracy in which the citizen is seen as the holder of nominal political power. That this obstructs our understanding of democracy can be seen by asking what would be required in order to further democratise political agency, independently of extending democratic practice into non-expressly political life-spheres. The answer to this question requires a conception of the citizen as exercising effective political power; and only from this point can we construct the institutions within which such power is to be exercised. This is referred to as a 'bottom-up' perspective of democracy.

The problem of democracy which confronts us is thus conceptual. The task is that of elaborating a concept of democracy which is centred on the citizen as the holder and exerciser of effective political power; ie. one grounded on a 'rich' conception of citizenship.

The argument of the thesis develops as follows. In Chapter Two I consider whether the justification of government is to be sought for solely in its good consequences or whether political participation is a necessary element. Here, I develop J S Mill's argument by considering the rule of a benevolent despot which would obviate the need for a protective function in political participation. The argument forms the ground for a critique of the instrumentalist view of political participation.

In Chapter Three I begin the reconceptualisation of democracy by constructing non-functional models of democracy; models which are ordered according to the effective and formal power held by the individual citizen

and which take the minimum expression of political power to be 'anterior popular consent'. The three models generated are termed Minimal, Medial and Maximal Democracies. The construction of these models restricts its focus to a central theme of democratic theory: the legislative process. This refusal to address the problem of the democratisation of executive, administrative and judicial powers both aids clarity and serves to emphasise the enormity of the project of democratisation. The models presuppose no given socio-economic context.

Chapter Four seeks to clarify some of the sources of confusion in the conceptualisation of medial and maximal democracy by examining three non-minimal models: Robert Paul Wolff's model of an 'Instant Direct Democracy'; Jean-Jacques Rousseau's theory of the sovereignty of the general will; and the democratic practice of classical Athens. Both Wolff and Rousseau, it is argued, present medial and not maximal models of democracy. Our understanding of democracy, I argue, is underpinned by a conception of the responsible exercise of power.

In Chapter Five I construct the reflective model of medial democracy: that of democracy as popular assent. The project here is essentially Rawlsian: of using the model to examine and refine our intuitions regarding democracy, thereby achieving a 'reflective equilibrium'. The model assumes an elective legislature which generates, discusses and revises, and approves or rejects legislative proposals; but that the ultimate power of enactment rests with the citizenry: popular assent must be secured before such proposals can become law. The reflective model envisages concentrating this power of assent in randomly chosen sub-sets of the citizen-body. This provides an opportunity for all citizens to exercise effective political power, but not conjointly. This places in a position of therapeutic trust those citizens chosen to confer or withhold assent for any given legislative proposal. The reflective model is thus analogous to the familiar practice of jury service. The question of whether all citizens should be invited to exercise effective political power is thus brought into sharp relief; and the tensions between the twin demands of democratic equality and democratic utility are explored.

Chapter Six pursues that question through the attempt to sketch the characteristics of a rich conception of citizenship. The approach adopted is to ask what would have to be the case for citizenship to be considered a

worthwhile activity. Mill's theory of lower and higher pleasures is adapted for this purpose. Neither the rich conception of citizenship, nor the consideration of political judgment which follows, conclusively resolves the tension between the demands of democratic equality and democratic utility.

The attempt to elaborate a bottom-up theory of democracy, grounded on a conception of the citizen as the holder and exerciser of effective political power, represents a radical challenge to the pluralist conception of the Liberal Democratic State. That challenge, however, need not be external to liberalism. In Chapter Seven I argue that the eunomic strain of utopian thought, as represented by Thomas More's *Utopia*, offers a competing liberal conception of the State. This chapter thus examines some central issues in and critiques of utopian thought. The analysis of the *Utopia* is set within the context of More's life and leads to the identification of the 'utopian project' as the attempt to stimulate the desire for political reform by extending the bounds of plausibility with respect to political possibilities. The chapter concludes with the attempt to defend utopianism against both its liberal pluralist and its Marxian critics and argues that there is a need for a utopian element within Marxian socialism.

CHAPTER ONETHE PROBLEM OF DEMOCRACY

In order to gain some initial purchase on the dimensions of the problem of democracy, let us consider the following hypothetical extension to the fictional career of Dr. John Watson:

For some years after the death of Sherlock Holmes, his old colleague John Watson joined with Inspectors Lestrade, Gregson and Hopkins in making an annual pilgrimage to the scenes of their mentor's celebrated exercises in deductive enquiry: one year to Dartmoor, where the hound had struck terror into the heart of a Baskerville; on to Tredannick Wollas, where devilish things had been afoot; and back to King's Pyland and Holmes' discovery of the missing Silver Blaze. Another year they toured Sussex, once home to the mysteries of Vampires, Lion's Manes and Black Peter. Other years and they would content themselves with staying in London where virtually every street brought back memories of Holmes' adventures.

Being fair-minded men, they had agreed to share the costs by opening a joint bank account, each paying in a monthly minimum; though Watson, now quite wealthy from publishing Holmes' memoirs, regularly contributed more. They would meet in April to decide the itinerary for that summer, the plan seeming to emerge by osmosis: ideas would be thrown out, discussed and, without heated argument or dissent, a consensus would be formed.'

Could there have been a more perfect example of democracy in action? Voluntary, with an identifiable aim common to all; financed by all on the basis of minimum contributions (with additional payments from those in a position to make them); the full participation of all in the generation,

discussion and final agreement of their holiday plans; and a firm basis of equality and trust among friends.

But it was too good to be true:

One year, at their April meeting, Watson arrived late and found the three Inspectors decidedly on edge. 'We have a proposal' Lestrade began. 'Don't take it badly' Hopkins interrupted. 'Its the one place we haven't been' Gregson said. 'We know the travelling won't be easy for you' Lestrade sympathised, 'but ...'

Deep inside, Watson had always known it would come to this. They wanted to visit the Reichenbach Falls, scene of the fatal struggle between Holmes and Moriarty. But he wouldn't go. True enough, his old war wound made travelling difficult; but it wasn't that. He simply couldn't bear to see the accursed place again. Even though it had been Moriarty and not Holmes who had plunged to his death, the memories were still too vivid, still too sour. If he had his way, no-one would ever go there again.

Yet, it was quite understandable that the other three should want to go there. But to do so instead of taking their summer break with him! And the cost, the money - his money! He'd paid more into the account than the others. Why, he'd been subsidising their holidays these last few years.

'You must believe us, John' Lestrade said, 'we really do want you to come with us. It wouldn't be the same without you. No matter how painful the memories will be, we want you to come. Furthermore, we think it would help you to overcome the nightmare of that dark episode; and with us at your side you would have nothing to fear. Besides, think of the story it would enable you to write!'

What was Watson to do? Being simple fellows, Lestrade, Gregson, Hopkins and Watson had made no provision for such disputes. There were no accepted procedures to be followed, no common agreement as to whether there was a power of veto, or whether a majority decision was to prevail.

Watson, then, has a series of options before him, which we can broadly characterise as follows:

- (a) to withdraw (in dismay or disgust) from the association and, if possible retrieve his balance of the contributions to the joint account;
- (b) to insist that his preferences and (narrowly construed) interests are not prejudiced by exercising a veto (in this case, refusing to authorise the expenditure from the common fund, thereby effectively preventing the other three from making the trip);
- (c) to continue the debate with his companions until such time as a new consensus emerges, one embracing his point of view: that he had no wish to go, that they should uphold the traditions of their 'club' and holiday together, and that, being so much younger, they could go once he was dead;
- (d) to insist that since he and Lestrade are the senior members of the 'club', they should each put their point of view to Hopkins and Gregson and ask them to vote on it;
- (e) to accept, without little further consideration, the majority decision, yet maintain a dissenting voice by staying at home.
- (f) to accept (or at least, be prepared to put to the test) Lestrade's argument that it would be in his best interests to make the trip, thereby enabling him to lay the ghost of the Reichenbach Falls;
- (g) though unconvinced by Lestrade's claim, to appreciate that his (Watson's) contributions were essential to the three Inspectors realising their common desire; and furthermore, that his presence on the journey would be integral to the realisation of that desire;
- (h) to identify his interests more broadly by giving priority to the values of the 'club' above his own, personal preferences; in particular, the desire not to introduce an element of dissent, and to share the desires and activities of his friends;

Given these options, what was Watson to do?

*

Roughly speaking, these options correspond to competing conceptions of the democratic state. Ignoring for the moment the first of Watson's options, the second (that of exercising the power of veto) captures the spirit of (though it doesn't perfectly correspond to) the first model of democracy

proposed by Macpherson, in his *The Life and Times of Liberal Democracy*.² Macpherson's project is to outline the historical development of democratic thought and practice in the liberal state; and to reveal the underlying assumptions as to class structure implicit in that historical development. Whilst broadly sympathetic to this project I shall not follow the details of Macpherson's Marxian analysis.

The first model is drawn from the theories of James Mill and Jeremy Bentham, which Macpherson terms 'protective democracy'. In brief, the argument for this model is both anti-paternalistic and anti-despotic: the individual alone is in the position to determine his own preferences and thus must be given the opportunity to express those preferences and to prevent (so far as is possible) the potentially injurious intrusion of others into his sphere of interests. This protection is secured principally by means of an equal and universal suffrage.³

Watson's next two options ((c) and (d)) represent a development of this and are captured by Macpherson's model of 'equilibrium democracy'. In point of fact, Macpherson has collapsed both forms into this one model. Watson's passionate insistence on his own preference typifies the pluralist model of democracy proposed by Dahl.⁴ According to Dahl, a pluralist democracy is sensitive to the intensity of personal preferences, as (typically) manifested by pressure and interest groups. Thus, the formal equality of the protective democracy is not actually abandoned though in effect it becomes modified to allow this expression of passionate concern. Watson's option (d) (to polarise the issue as between himself and Lestrade) exhibits some of the features of what has come to be known as 'democratic elitism': democratic structures are analysed (and Schumpeter is the classic exponent of this view⁵) in terms of self-perpetuating elites who compete against each other for the voter's allegiance at the ballot box. As Macpherson points out, this is a highly market- or consumer-orientated perspective: political parties, policies and candidates are presented (by the leaders) as goods to be purchased by the consumer (voted for by the elector) according to which set of 'goods' best match his or her preferences.

As should be clear, all three of these options represent a certain approach to Watson's problem: that of maximising the benefit or minimising the harm to Watson's immediate interests (although in this case, the emphasis is on the minimising of harm). Indeed, option (a) (that of

quitting) might properly be seen as the limiting case of this protective function. These options also tend to regard interests and preferences as having the status of givens, requiring little or no reflective examination: the individual has an unobstructed access to them, comprehending them clearly and without ambiguity. They are thus taken as legitimate; the only question being that of whose views are to prevail. Option (e), that of majoritarianism, is the most familiar method of sorting between competing claims; and with (b), the exercise of a veto, mostly fully corresponds to the model of protective democracy.

Furthermore, these models focus on strategies for the resolution of conflicting demands. This is the principal concern which occupies Singer in his *Democracy and Disobedience*. To be sure, Singer's precise focus is that of demonstrating the legitimacy of democratic means of dispute-resolution (as opposed to, say, the resort to violence) and the consequent generation of obligations. His argument is that, in the first place:

... one ought to accept a decision-procedure which represent[s] a fair compromise between competing claims to power. 'Accept' here involves both participating in and abiding by the results of the decision-procedure. Secondly ... that participation in a decision-procedure, when others are participating in good faith, creates a *prima facie* obligation to accept the results of the procedure.⁶

I shall not in this work pursue the subject of the generation of political obligations. Rather, it is the question of power which will be central. In this context, Singer's remarks are significant. For, the competition for power applies to the situation prior to the adoption of the fair-compromise procedure; and since this procedure is legitimate, according to Singer, only if it succeeds in establishing an equalisation of power, ie. effectively nullifying the power held by any given 'club' member *qua* individual. That is, the power held by any given individual is merely nominal: it is neither more nor less than that of any other individual and thus is power, strictly speaking, in name only.

Singer's treatment of democracy as a fair-compromise procedure is acute, though not unproblematic. It is acute in so much as it epitomises that tradition of democratic thought which takes as its primary concern the (peaceful and fair) resolution of conflicts; the answer to which has been

the equalisation of political status and the conferring on each of a nominal political power. It is problematic on three counts. First, it provides no firm basis for determining which of the strategies (options (a) to (e) for Watson) represents the fairest compromise. Any one of the options might have been adopted by the four friends in advance of the dispute, with no obvious prior grounds for saying which one would have been the fairest. The exercise of a veto might give us greater cause for hesitation; yet, given that Watson's position was significantly different from that of the others (he was older, less fit, had a particularly strong reason for not visiting the Reichenbach Falls) we might still want to sanction its use. The veto would seem to be the most appropriate protective device given significant differences. Against that, its openness to abuse (thereby thwarting the desires of others for no good cause) also gives us pause. Even though Watson's position may be genuinely and significantly different from the other three, there is no guarantee that he will exercise his veto responsibly, with good cause, and not, say, out of sheer bloody-mindedness.

This brings me to the second problem area generated by Singer's account and thus by the over-arching model of protective democracy which his model represents. It implies a 'thin' conception of democracy and of citizenship. Its narrow concern with the resolution of conflict, by a fair-compromise procedure which (as far as is possible) protects equally the interests of all the 'club's' members, suggests the conclusion that this is all there is to democracy: it is simply the (fairest) means to a given end, that of dispute resolution. Its focus is thus on the institutions which have been or which might yet be developed to achieve this particular aim. As such, the subject of the individual citizen becomes, on this institutional approach, an increasingly remote concern. Such theories of democracy are top-down in their perspective. The starting point is that of asking how government can best be organised to produce the most fair, though also the most effective, compromise procedure between the competing and agglomerated interests of the citizen body.

There is, then, something of a paradox at the heart of the protective model of democracy. Whilst it claims to be principally concerned with protecting the interests of the individual, its focus becomes almost exclusively institutional. Its top-down perspective fails to capture Watson's remaining three options in our story.

The possibility that democracy might be regarded as a means to enabling some to satisfy their needs and desires is not easily compassed by the protective model; though there are no clear *a priori* grounds for rejecting this move. Indeed, if democracy has as its central concern the preferences and interests of 'club' members, then it must encompass options (e) and (f). For, it is not that Watson sacrifices his preference (here, not to revisit the Reichenbach Falls) but that he reformulates his preference in the context of what others think. In (f) he is prepared to accept that, in the long run, it may be in his interests to make the trip, given the context of mutual aid and support. Similarly, in (g) his presence on the journey enables Lestrade, Gregson and Hopkins to fully satisfy their desire (for Watson to point out what happened where, and so on).

On a broader palette, we have here the germ of welfarism in the context of the Idealist tradition of citizenship. This begins to relocate the focus of democracy, away from the institutional mechanisms and towards the citizen-citizen interface, ie. its perspective is horizontal rather than vertical. As Vincent and Plant comment of this tradition of 'social democracy':

The Idealists ... saw the role of the state not merely as a set of instrumentalities for securing material welfare but as the focus of a sense of community and citizenship, an institution in which a good common to all classes and recognisable by all interest groups could be articulated.⁷

There is thus an explicitly moral dimension to welfarist or social democracy which escapes the protective model. It takes neither interests nor desires as brute, to be determined by the individual in (non-reflective) isolation from his fellow-citizens, but as contextualised by and a factor of the differing (though not necessarily competing) desires and interests of others.

Both options (f) and (g) posit the reformulation of Watson's preference in the light of the quite specific arguments put forward by the three Inspectors (within the context of mutual aid and support). That is, there was no pre-commitment on Watson's part to accepting the arguments of his friends. However, it might have been that there was, if not a pre-commitment exactly, then a presumption that Watson would abide by his friends' wishes. The commitment would be to the over-arching concept of the

'club' as non-identical to any given member or set of members, nor to any given decision or set of decisions, but to the values and traditions of the 'club' as embodied in specific individuals and decisions. This situation is represented by option (h). The perspective here is not easy to identify. It seems to be neither horizontal nor vertical. A generous interpretation would be that its perspective is dialectical: a continuous interplay between the individual, the over-arching body and the constitutive members (and back). A less generous interpretation might hold that there simply is no focus. What seems clear is that the relations between fellow citizens are not direct but are mediated by the institutions of the over-arching body. This expressly moral form of political commitment represents a conservative view of democracy in which disputes are not so much resolved as dissolved by the individual identifying his interests and values with those of the over-arching body. This, I shall argue in Chapter Four, represents Rousseau's theory of the general will.

There is a further difference between these last three options and the ones which preceded them (and this forms the third objection to accounts such as Singer's). The institutional focus endorses an instrumentalist conception of democracy (as no more than a device, a means to a given end) and of political participation (which is justified solely in terms of its success in the protection and prosecution of one's interests). Opposed to this instrumentalism is an intrinsicalist conception of the value of democracy: that the act of political participation is itself to be valued independently of any subsequent success or failure. This position will be clarified by consideration of a further model.

Options (f), (g) and (h) are similar to, but ultimately significantly different from, a further model: in Macpherson's terms, 'developmental democracy'.² This too is not easily compassed by the protective model. Here the focus is on the intrinsic benefits to the individual of political participation. For Singer, political participation is important, but only in so far as it generates a specific set of obligations. Shouldering the burdens of duty implied by those obligations may indeed form part of the context in which these benefits accrue; yet their precise nature is not easily spelled out (though some attempt at this will be made in Chapters Two and Six). The *locus classicus* of this account is to be found in John Stuart Mill's *Considerations on Representative Government*. In brief, by

participating in the decision-making procedure the individual is encouraged to broaden the scope of one's concerns, to evaluate one's own interests against those of others and thus to develop the 'moral, intellectual and active' aspects of one's character.⁹ The great benefits to be gained from taking part in the political process are, on this view, independent of the specific outcome of any particular participatory act (though the value of participation which never succeeds may be questionable). It is not that one merges one's identity and values with those of the 'club' or re-examines one's preferences in the context of the preferences of others. Simply, the climate of participation is conducive to character development. Here the perspective seems to be unwaveringly fixed on the individual. Since I shall be much concerned throughout this work with the insights and inadequacies of this model of democracy, I shall not dwell further on it here.

We have, then, a range of democratic options subsumable under three broad categories: protective, welfarist and developmental. The latter two have a strong moral element to them; the first is political in the everyday sense of that word (which is to say, 'political' according to the liberal pluralist conception of 'politics'). The first takes institutions as its focus and thus has a top-down perspective; the second focuses on the relations (mediated or immediate) between citizens and has a horizontal perspective; and the perspective of the third is simply that of the individual citizen.

There is one last consideration I wish to introduce here; one which elaborates and incorporates themes from the protective and the developmental conceptions of democracy and which calls for a bottom-up perspective. In order to introduce this, I shall develop the story somewhat:

Over the years, their summer pilgrimages became well known. At first, it was just a few friends who joined them; but steadily the pressure from distant relatives, even more distant friends, and complete strangers grew - to the point whereby they set up their own company: *Sherlock Holmes Tours Ltd.*

Being fair-minded men, they set up a system whereby members of the 'club' (one took out a life membership on joining) were offered a choice of tours for the year ahead, at a range of prices; the majority preference determining

which one was selected for that summer. And so it happened that the subject of a trip to the Reichenbach Falls came up again. The last time this was suggested (before the company was established) Watson had held to his position and Inspectors Lestrade, Gregson and Hopkins had backed down. (They had settled for a tour of East Anglia instead.) This time, the Inspectors insisted that it be offered to their members as one of the choices for that year. It would, they were sure, command popular support. They were not wrong.

The options so far canvassed can, I think, be applied to this new situation without distortion. However, in this newly expanded 'club' the centre of focus shifts from the four founding members to the new members. It would not stretch plausibility too far to see *Sherlock Holmes Tours Ltd.* as loosely equivalent to a parliamentary democracy. And the question I wish to ask of both parliamentary democracy and of *Sherlock Holmes Tours Ltd.* is this: What power does the ordinary 'club' member have as an individual?

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The categories under which the various democratic options have been subsumed have this much in common: they seek to describe the source of value ascribed to democracy in functional terms. Thus democracy is thought to be a good thing (on the models so far proposed) because:

- (i) it enables individuals to protect and advance (as far as is possible) their interests and preferences without resort to conflict and by means of the adoption of a fair-decision procedure; or
- (ii) it creates the context for a range of moral relations; or
- (iii) it best facilitates the full development of the individual's character; or
- (iv) it (possibly but not probably) combines all three.

My dissatisfaction with this functional/normative approach is this. Both (i) and (iii) (though perhaps not (ii)) require the exercise of political power. But as I argued above, the protective model of democracy devolves only nominal power on the individual citizen. Thus, the question to be confronted is that of how the ordinary member of *Sherlock Holmes Tours Ltd.* might be

brought to enjoy the same range of powers (in proposing, discussing, and planning in detail the holiday options) which Watson and his friends originally shared between them. The selection of one only from among a range of pre-determined options represents the exercise of nominal power. By failing to adequately address the central problem of democratic theory, the effective political power held and exercised by the individual citizen, the functional/normative accounts muddy the waters of democratic thought; such that our thinking about what might constitute a more democratic society (a 'direct' or 'participatory' democracy) tends to assume the same top-down perspective, modified by the horizontal one of citizenship. Let me put this another way.

Suppose we were to assume that democracy is a good thing and that, like all good things, we wanted more of it. How would we set about the further democratisation of society?

To begin with, we might try to ensure that the scope of citizenship was as extensive as possible; and to satisfy ourselves that the institutional mechanisms did not systematically discriminate against any particular class, group or set of individuals. Then we might want to introduce democratic practice into non-expressly political institutions such as the work-place, the school and such voluntary associations as we might join. These are worthy tasks; and there is much work still to be done if such spheres are to be democratised. Yet, generally speaking, such projects fail to move beyond the existing model of democratic practice. That is, they do not address the question of how such practice can be made more democratic. And the sole answer to that is: by giving individuals more power.

I suggested above that Singer's over-arching model of democracy as a fair compromise decision-procedure gave no clear grounds for Watson to exercise choice between the competing options. If we apply this to the extended version of the story, and ask which decision-procedure should be adopted, then I suggest that the situation is the same: there are no clear grounds for choice. We are now in the position to understand why this is. All the models (with the exception of the problematic individual veto) are variants of the same power status, that of nominal power.

The problem, then, in contemporary thought about democracy is that it is vitiated by the assumption of an institutional, top-down, perspective in which the power of the individual citizen qua citizen is nominal. Attempts

to remedy this by proposing some form of 'direct' or 'participatory' democracy (such as that proposed by Robert Paul Wolff, which I discuss in Chapter Four) fail to escape the problem. It is not enough simply to remove the institutional structures associated with the Liberal Democratic State and which mediate potentially conflictual demands, and thereby assume that this disperses more power to the citizenry and thus further democratises the political domain. This approach remains entrenched in the institutional, top-down perspective; ie. it assumes that the problem is one of the institutional structure of the State. Similarly, the Idealist tradition of citizenship, with its horizontal perspective focusing on the citizen-citizen relation, whilst creating a moral role for the citizen, assumes the existing power relation between the citizen and the State.

A new bottom-up perspective is thus required; one which takes as its focus the political power of the individual citizen and asks how this can be significantly increased, and only then enquires as to what institutional structures would be necessary to embody this increase in political power. Furthermore, the adoption of a bottom-up perspective provides the basis for the examination of the conditions necessary for the responsible exercise of political power. It is a central claim of this thesis that this conception, of the responsible exercise of political power by the individual citizen, is basic to our understanding of democracy.

Although it is a deeply held belief of mine that democracy is indeed a good thing, and that the further democratisation of society is to be desired, the delineation of models of democracy according to the power status of the individual citizen (thereby eschewing the functional approach) remains neutral with respect to normative assumptions. The question of why we might want to augment the power status of the individual citizen to one of effective political power is considered in the following chapter.

The need for such a bottom-up perspective of democracy, a conception of the citizen as the holder and exerciser of effective political power, is illustrated by the following argument presented by John Dunn:

[I]t is ... instructive to note the increasing expression of doubt as to whether in fact the maintenance of capitalism itself is compatible with even the degree of democracy which we at present enjoy in Great Britain ... We may also be quite certain that we cannot all in fact rule our own

societies, let alone somehow *rule* collectively the world as a whole. But the extent to which governments can in fact be rendered responsible to those over whom they rule is still a very obscure question and one which urgently demands reflection.¹⁰

Dunn argues for the need for a developed conception of political prudence among the citizenry (of the western world) if we are to overcome the threats of nuclear disaster, resource depletion, pollution etc.. However, implicit in Dunn's argument is the assumption that the would-be agent (the ordinary citizen) already enjoys effective political power; power sufficient to make significant action a possibility. For it is only when such power is held that the question of how best to use it, ie. of prudence, becomes vital.

The attempt to analyse the conditions for the exercise of effective political power, prudence and judgment has not seen the equal of Mill's *Considerations* and that work, and Mill's social and ethical theory in general, will form the basis for this thesis. Mill, I shall argue, was broadly right in his characterisation of these conditions; but his theory was fatally flawed as a result of his belief that universal adult suffrage would confer sufficient, ie. effective, political power on the individual citizen.

The problem of democracy which confronts us is thus conceptual. The task is that of elaborating a concept of democracy which is centred on the citizen as the holder and exerciser of effective political power; ie. one grounded on a 'rich' conception of citizenship.¹¹

The argument of the thesis develops as follows. In Chapter Two I argue against the instrumentalist view of democracy by adapting Mill's example of rule by a benevolent despot.

In Chapter Three I construct non-functional models of democracy; models which are ordered according to the effective and formal power held by the individual citizen and which take the minimum expression of political power to be 'anterior popular consent'. The three models generated are termed Minimal, Medial and Maximal Democracies. These models presuppose no given socio-economic context.

Chapter Four seeks to clarify some of the sources of confusion in the conceptualisation of medial and maximal democracy by examining three non-minimal models: Robert Paul Wolff's model of an 'Instant Direct Democracy'; Jean-Jacques Rousseau's theory of the sovereignty of the general will; and the democratic practice of classical Athens. Both Wolff and Rousseau, it is argued, present medial and not maximal models of democracy.

In Chapter Five I construct the reflective model of medial democracy: that of democracy as popular assent. The model seeks to utilise aspects of modern communications technology, though it is not dependent on this. It assumes an elective legislature, with the ultimate power of enactment on legislative proposals resting with the citizenry. The reflective model envisages concentrating this power of assent in randomly chosen sub-sets of the citizen-body. All citizens may thus exercise effective political power, but not conjointly. The tension between the twin demands of democratic equality and democratic utility is explored by considering whether all citizens would be invited to exercise this power.

Chapter Six pursues that tension through the attempt to sketch the characteristics of a rich conception of citizenship. I ask what would have to be the case for citizenship to be considered a worthwhile activity. Mill's theory of higher and lower pleasures is adapted for this purpose. Neither the rich conception of citizenship, nor the consideration of political judgment which follows, conclusively resolves the tension between the demands of democratic equality and democratic utility.

The attempt to elaborate a bottom-up theory of democracy, grounded on a conception of the citizen as the holder and exerciser of effective political power, represents a radical challenge to the liberal pluralist conception of democracy. In Chapter Seven I argue that the eunomic strain of utopian thought, as represented by Thomas More's *Utopia*, also offers a competing, though yet liberal, conception of the State. This chapter thus examines some central issues in and critiques of utopian thought. The analysis of the *Utopia* is set within the context of More's life and identifies the 'utopian project' as the attempt to stimulate the desire for political reform by extending the bounds of plausibility with respect to political possibilities. The chapter concludes with the attempt to defend utopianism against both its liberal pluralist and its Marxian critics and argues that there is a need for a utopian element within Marxian socialism.

CHAPTER TWOTHE CHALLENGE OF THE BENEVOLENT DESPOT

I have already explained why our understanding of democracy is in need of refinement and re-evaluation. I wish to begin my contribution to this process from a less than usual starting point: by considering the theoretical problems raised by the Benevolent Despot. I shall focus in this chapter on Mill's formulation of the problem and return at a later point to discuss Rousseau's variant, his theory of the Ideal Legislator. Although it is legislation rather than general executive powers which is the central concern of my argument there is much to gain at this stage by discussing the wider problem. The concept of the Benevolent Despot/Ideal Legislator owes much to the role Plato assigns to the philosopher kings in *The Republic*; but I shall discuss this work only briefly at the end of this chapter, most of the salient points being covered in the treatment of Mill and, later, Rousseau.

The problem of the Benevolent Despot posits the rule of an all-powerful (in temporal terms) sovereign who is genuinely concerned to rule in the best interests of her people; and who, with some initial plausibility, can claim success in this concern. (In my version, the despot is a woman only because I find this more plausible than that it should be a man; which is not to say that I grant the idea itself very much plausibility.) I assume it to be of no material consequence, at this point in the argument, whether we focus for our example on the rule of one person (the despot) or of few (a council of elders, philosopher kings, whatever). What counts is that the sovereign power be highly restricted. For the simplicity of the argument I take it to be one person rule.

It is worth noting that Mill's concern with the problem has a particular force, in as much as he saw, with some justification, the East India Company (into which he had followed his father as a London-based administrator) as exercising the function of benevolent despotism in its more general Indian affairs.' (And, of course, this was a highly popular

justification of The Empire.) Thus we can expect a greater urgency and sensitivity to his theorising on the subject, though we should be wary of the possibility of some partiality. However, it is ultimately with the more general problem that we are concerned. At its deepest, it can be expressed no more succinctly than as here by Joel Feinberg: 'Which in the last analysis is the more important: to have the goods most worth having or to be the sort of person most worth being?'² Although I shall only rarely return to this explicit formulation, this thesis is largely directed to the argument that, at least politically, we can have the goods most worth having *only* by being the sort of persons most worth being.

Whilst there may be much that could be said against such a regime as that of a benevolent despot, I shall concentrate on a specific set of objections and do so by example to focus on these. The type of objection I am concerned with questions whether the immediate consequences of good government (in terms of fairness, the protection of interests, general prosperity, and so on) is a sufficient justification of such a form of government, or whether, given the good consequences, there is still something left out of the account - and if so, what? In part, this is directed to the free-rider problem in relation to politics: given existing good consequences, is there any further reason why I should concern myself with political affairs (let alone actually participate in any way)? It also addresses the question of the rationale for political change. Given (generally) good consequences of any system of government (whether it exhibits democratic features or not) is there any further reason to become more democratic?

Certainly Mill thought that benevolent despotism was the appropriate foil to highlight the specific and more intrinsic virtues of democracy, though his argument needs some examination. But as one of the few proponents of democracy to take the problem seriously (at least, as a theoretical challenge) his account demands attention. Prior to that I shall briefly discuss those aspects of the problem with which I am not here concerned.

There are prudential arguments against the actual adoption of a benevolent despotism, each of which is forceful and which together are nigh conclusive. The first is the implausibility of finding a single ruler who proves immune to the corrupting influence of absolute power. Even where

such rule has a proven record of benevolence, past history furnishes no guarantee as to future conduct. Were we prepared to embrace the risk of future conduct proving less than benevolent the problem of succession would yet remain: how would the power vacuum resulting from the despot's death/retirement be filled? We couldn't rely on finding *another* suitable candidate for the post. And beyond all this, there is the argument from social complexity (which will re-emerge in a later chapter): that the benevolence of one person, albeit an absolute ruler, is insufficient to guarantee a benevolent regime in a modern complex society. It would, as Mill points out³, require a superhuman individual to master the information necessary for efficient executive and legislative action, to supervise both the administration and its personnel, and to be responsive to the people's needs and desires. (One answer to these objections might be found in the resort to bureaucratic despotism, in which the problems of succession and individual corruption are deemed to be under control. Mill acknowledges this response and his criticisms of it for inducing an endemic condition of passivity in the people will be considered later.)

These arguments, to greater or lesser extents, can be directed against all forms of personalised or absolute rule (eg. the Hobbesian sovereign). The question remains as to whether there are more specific objections to a *benevolent* despotism. Suppose we could find Mill's superhuman despot, and could overcome (or agree to embrace the risks involved in) the other problems, then should we, ought we to, accept such a regime?

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Mill advances what he clearly believed to be conclusive arguments against benevolent despotism. I shall explore these by way of the following story.

Once upon a time there was a small country ruled by a great and good queen whose name was Margaret. Now, Margaret was no ordinary queen. First of all, she was so kind and loving that everyone trusted her and considered her to be their friend. So she was known by all the people of this country as, simply, Auntie Maggie. But Auntie Maggie was a despot. She had overthrown a particularly nasty tyrant to gain power; and she was going to hold on to it! She made

all the laws and took all the big decisions in her realm; she personally appointed all those who had to implement the laws, as well as those who took the lesser decisions; and she was commander-in-chief of the armed forces.

The trouble for the initial doubters was that she was really good at her job! Everyone had to admit that her laws were always just; that they never showed a hint of bias towards herself or other sections of the community; and that her appointees were always the best of all possible persons. Arts, crafts and sciences flourished; and the realm prospered. Of course, there were disputes, but again, everyone agreed that, Solomon-like, she resolved them wisely. She even encouraged the formation of a parliament of elected representatives to debate and draw up laws for her to accept or reject (or revise) - but always her decision was final and seen to be right.

One further thing we should know about Auntie Maggie - she was a martian; and as everyone knows, martians have a fixed life-span on earth of exactly five hundred years. No martian can die of natural causes or be murdered within that time. Their powers of regeneration and recuperation are simply too great.

On the whole Auntie Maggie enjoyed her job, though she often found it tiring. But one worm of doubt nagged away at her and often kept her awake at night: Were her people happy and would they, in some way, have been better off without her?

At heart this is the problem which Mill presents (though indirectly) in Chapter 3 of his *Considerations on Representative Government*. As will be appreciated, the sources of the more obvious objections to the benevolent despot have been, if not eliminated, at least marginalised. Our martian friends are known to be exceptions to Acton's dictum⁴ about the corrupting influence of power; there is no immediate problem about the succession to power (assume Auntie Maggie has another four hundred years to go); and perhaps, as the utopists of old believed, there is a close relationship

between a just political system and social peace and happiness. (So we don't need to worry unduly here about political dissent, suppression, etc.)

For the sake of argument let us pursue this fantasy (thereby casting aside any worries about the psychological implausibility of tales such as this) and grant that life in Auntie Maggie's world would be the inverse of the Hobbesian State of Nature. Her doubt remains to be assuaged: would her people (would we) be happy? Further, ought they, ought we, to accept such a State - irrespective of the happiness involved?

We might well believe that they/we would be happy and would be right in accepting it. If one views the role of the political domain as simply that of determining and ranking needs, achieving a satisfactory allocation of resources and mediating conflicts, thereby leaving one free to pursue one's own devices and desires, then Auntie Maggie's State must seem ideal. On the other hand, we might think there is something dubious about claims to happiness under such conditions. Humans, we well know, have a remarkable capacity to experience happiness in almost any given situation. It's called making the best of a bad job. The image of the happy slave, whilst a dangerous one to employ lightly, is not beyond belief. But happiness under such conditions is constrained to the point where its value is in question. So perhaps we should say, 'the contented slave', following Mill's distinction between higher and lower pleasures; between the possibility of real happiness (though it be attended by great discontent) and mere contentment. Happiness, according to Mill, is the privilege of the free person; contentment the lot of the slave.

Mill's argument requires some examination here. The criterion against which any government is to be judged, he argues, is not simply its success in maintaining social peace (or, in the rhetoric of his times: Order) through the justice of its laws and its wise administration, but in its ability to promote Progress. Mill rejects any sharp dichotomy between Order and Progress. The conditions which satisfy the former are those which are necessary to the latter. Furthermore, some progress is necessary to maintain order - a position of fixity, of no change, is impossible to sustain given the ever-present forces of retrogression. The metaphor is one of constant struggle to maintain what has already been achieved. Mill explicitly refers to the classical belief that the 'natural tendency of men and their works'⁵ is one of decay. This organicism, especially when applied

to political culture, seems alien to Mill; but he gives a plausible justification for his view. It is an irreducible fact of our existence that 'new inconveniences and dangers continually grow up'⁶ to disturb the calm of our labours. Initiative, enterprise and imagination are required to cope with these new demands. But where the primary focus has become one of maintaining the *status quo* these responses are likely to be lacking. It is only, Mill implies, where the culture at large and the political structure in particular embrace and encourage change that the present gains can thus be secured against future uncertainties. But it is not change *simpliciter* that is required, but change in the sense of improvement, ie. progress.

Mill cashes out his conception of progress in a particular way. If Order involves the preservation of those goods (socially considered even if privately held) already achieved then Progress is the increase of those goods. Which goods? Mill, as I understand him, gives three, maybe four answers to what constitutes Progress. In the first instance it is simply the increase in those items already valued by society as the rewards of their industry, ie. the general prosperity. But this is a somewhat superficial answer. (Mill terms these the 'secondary objects' of progress, which, obsessively pursued, represent a 'misdirection of energy.'⁷) The deeper conception of Progress is the improvement in the qualities of the people at large. Mill frequently uses Bentham's formula of qualities 'moral, intellectual and 'active'⁸; but apart from being not a little vague, this formula slides over the moral force of Mill's criterion of good government: that it should promote (lead to progress in the development of) the cardinal virtues, viz. 'industry, integrity, justice, and prudence.'⁹ And it is the development of these virtues which is not only the pre-requisite for the maintainance of social peace but is also 'the most conducive to improvement.'¹⁰ In as much as these virtues are the property of individuals then this can be seen as a matter of personal salvation, to be carried through independently of governmental arrangements. But to the extent that any society may embrace and encourage these virtues, giving them prominence within the social values, this then becomes a cultural matter.

I shall call these, respectively, economic and cultural progress (the latter subsuming individual progress). Thus economic progress is ultimately only of value if it promotes (or, at least, facilitates) cultural progress (and thus, generally, improvement in the qualities of individuals). But

what unites them as Progress is the implicit conformity to the given value system, and it is this which provides the link with order. Progress, we repeat, is seen here by Mill as development, expansion, more of the same, if you will. These forms of progress are thus limited by the existing value system of the particular society. (There may be particular interpretations of the cardinal virtues, or differing emphases given among them.) To go beyond these values is to initiate change rather than progress in the economic and cultural sense. But Mill also recognises a form of progress which transcends the given social limitations, and I shall call this political progress. Of course there can be political development within a given society, and to that extent it constitutes political progress. But the more interesting sense is that which encompasses radical change from one political system to another, from one particular set of values to another. If such changes are to be seen as progressive then they too must conform to a set of values, one which is more general than that of particular societies.

Mill implicitly holds to a familiar theory of the pattern of human development in terms of 'stages of civilisation'¹, one that sees human progress as passing through the stages of savagery, barbarianism, semi-civilisation (ie, encompassing slavery), to constitutionally free states and ultimately, he implies², to communism. (Though, it must be stressed, he does not see this progress as inevitable. Quite the reverse, Mill is concerned with how we can ensure continued progress.) For Mill, the connecting value, of which each of these political stages represents an increase, is not so much freedom, I suggest, as moral worth.

If this interpretation of Mill is correct then it seems to bring us into conflict with not only his utilitarianism but also his rejection of benevolent despotism as the perfect form of government. It is not, we recall, the institutional arrangements and the immediate consequences which form the whole of Mill's criterion of good government (though they form a part of it), but its effect on the character of the population at large, however indirect this may prove to be. It is not inconceivable (as the story of Auntie Maggie above is intended to suggest) that there may be economic and cultural progress under a benevolent despotism. But without *political progress* (which is excluded in Auntie Maggie's queendom) such

progress must be severely truncated. Why should this be? There are, I suggest, four arguments; only two of which Mill spells out.

Mill's main argument relates to what he sees as the essential 'passivity' of the people under a benevolent despotism. However much they exercise control of their day-to-day lives, in the last instance control is exercised for them, they become habituated to having their affairs managed for them. This would, perhaps, be okay if it stopped there; but implicit in Mill's criticism is the belief that it would not stop there. For exclusion from the political process implies an abandonment of the function of questioning and critical judgment. And abandoning this function in one area of life (the political) leads (though not perhaps inexorably) to abandoning it in other areas. It is passivity in this sense rather than one of mere indolence which Mill inveighs against. The argument, then, holds that the political structure may have a fairly direct effect on the general character of the people, a benevolent despotism inducing a state of endemic passivity. This argument can be developed: that the form of the political structure acts as a model for decision taking and value judgment throughout society. That is, it legitimates the permeation of the same structure into other areas than the political. I do not want to raise the question of the direction of reflection: whether the political structure reflects the social structure or vice versa? The causal origin of the reflection does not matter here; the ostensive legitimation of passive acceptance of the decisions of others does matter.

The second argument returns to an aspect of the first: that benevolent despotism suppresses the development of the citizen's virtuous character by denying them channels of significant participation, ie. participation in not only discussion but also in decision-taking. Mill features strongly as one of the great propagandists of participation and I shall not at this point cover the full breadth of his arguments. Briefly, he views participation as educative, both in the general sense and in the narrower sense of moral education. By serving on juries, holding offices in local government, campaigning in elections, and even the simple act of voting, Mill argues, the individual is encouraged to entertain perspectives other than his own. Participation is thus generally educative in a two-fold sense. Beyond a minimal level, it introduces the individual to elements of the workings of the political system, thus providing a key to a more general understanding

of that system; and even at a minimal level, participation provides some encouragement to a broadening of one's knowledge. But it is not just the machinery of government that one discovers more about, but also people themselves - in the sense of seeing the world from their particular perspectives. However, Mill reserves greater emphasis for the other, moral, dimension:

Still more salutary is the moral part of the instruction afforded by the participation, if even rarely, in public functions. He is called upon, while so engaged, to weigh interests not his own; to be guided, in case of conflicting claims, by another rule than his private partialities; to apply, at every turn, principles and maxims which have for their reason of existence the common good.¹³

Where such opportunities for participation do not exist 'scarcely any sense is entertained that private persons, in no eminent social situation, owe any duties to society, except to obey the laws and submit to the government. Every thought or feeling, either of interest or of duty, is absorbed in the individual and in the family.' However, by participating the individual 'is made to feel himself one of the public, and whatever is for their benefit to be for his benefit.'¹⁴

Mill is in danger here of arguing in a circle. He has already claimed that the appropriate form of government for any given society depends on the qualities (intellectual, moral and active) to be found in that society. The people, Mill says, 'must be willing and able to do what [the government] requires of them to enable it to fulfil its purposes.'¹⁵ (Mill here is referring to the system of government, and not any particular holders of political power.) If the members of that society would generally be incapable of, say, performing the duties of jury service conscientiously but instead proved open to bribery or readily reached their verdicts without fully considering the evidence before them, then it would be worse than pointless to operate a jury system. More crucially to Mill's argument, it negates the role he gives to participation as an improver of the general qualities of the populus. It seems that Mill's argument reduces to this: given the presence of good qualities, participation enhances, and, perhaps, improves on those existing qualities. But where the good qualities are absent in the first place, participation is powerless to inspire them.

However, Mill's argument is not circular, but it does fail to make explicit a crucial step: that participation will generally have the effect he describes only where the would-be participants actually desire it. Of course, it may happen that a reluctant individual finds that participation engages his interest in an unexpected way; or that the keen participator becomes alienated. But Mill is surely right in seeing it as a cultural matter (specifically: a matter of political culture). Where the culture embraces participation, then we may generally rely on even reluctant participators to perform well their public functions. Given one proviso. That this is the case within the background context of progress (with respect to participation). This follows from Mill's organic thesis that a static condition is impossible: the body-politic is in a state of either advance or decline. (A less extreme statement of this would be that a static state would be unstable; perhaps not actually in decline, but forever on the brink of it.) And this, I suggest, is a crucial aspect of progress: that it reveals the continuance of the original motivating desire. Given, then, that the desire for political participation is present and is culturally valued, then we may expect that participation to bring the sort of results that Mill posits. In fact, the situation is not quite so straightforward; but I will make further comments on the effects of participation when I discuss citizenship. The point to be stressed from this discussion is that participation, in the absence of the relevant desire throughout the culture, is not obviously attended by the sort of intrinsic benefits that he suggests. The problem remains that of generating the desire.

The third argument concerns the question of interests. Generally, we would expect this to take the familiar form of a prudential argument to the effect that the only reliable means of protecting and advancing one's self-interest is that of participation in the decision-making process. But I want to put this argument to one side, along with the others excluded by the Auntie Maggie story; for there is a more substantial question to be addressed: that of the identification of self-interest. I shall only sketch the argument here; it will be considered in some detail when I discuss citizenship. In the first instance, one's interests consist in the capacity, and the facilitating of that capacity, to pursue and to satisfy one's desires. Beyond the structural pre-conditions which facilitate the exercise

of one's capacities (life, liberty, health, property, and so on) there remain the specific desires. We may reasonably expect that for the vast majority of persons, the total set of their desires will contain incompatibilities: that the realisation of some desires will exclude the realisation of others in the set. This is no more than a harsh fact of life. We have to choose between our desires, eliminating the motivating force if not the residual presence of some as we attempt to realise others. But what counts here is the condition under which this process of choice between competing desires is carried out. In so far as those choices are made for us (whether by parents, the 'economic system', or the Benevolent Despot) then it is only in a weak sense that we can say that it is our desires which are being realised. True (we assume) the original desire was held (as one amongst many) prior to the 'choice', and thus was not, as such, imposed upon us. But for any given individual we could put together several subsets of compatible desires, drawn from the pool of all desires held by that person, and any of these subsets would constitute that person's interests. And this would be to impose upon them, not the original desires, but that specific set of desires which is taken to constitute their interests. That it is to say, it would not form their self-interest as we would understand it. Self-interest would no longer be a matter of personal definition, but one of someone else's definition.

The force of this argument, then, is to question whether a Benevolent Despot can properly claim to rule in both the general interests of society and of the self-interests of the individuals comprising that society. Auntie Maggie may indeed claim that her rule facilitates the realisation of subsets of desires already held by her subjects, individually and collectively. But we can only accept that claim if the subsets of desires realised perfectly coincide with those which would have been chosen in her absence. If we concede that another Benevolent Despot (say, Uncle Jim) would have realised (facilitated the realisation of) a different collection of subsets (with equally beneficial consequences) then her claim is immediately undercut. But this still leaves us in the domain of imposed conceptions of self-interest (and thus not properly self-interest at all). So, what is required to convert any given subset of desires an individual may hold into what I think we should now call a personalised self-interest?

I think we should see the process of personalisation of self-interest as being something like this. Rarely do we attempt to fully rationalise our desires; by which I mean that few if any of us ever expressly sort our desires into compatible subsets and then choose from among them the one which we wish to attempt to realise. Of course, there are moments of crucial choice (Do I marry, or do I take the vow of celibacy and enter the priesthood?), but such moments are, mercifully, rare. And although in so choosing we may seriously constrain our hitherto open field of choice (if I become a priest I cannot take on the role of parent), we do not usually use such occasions to sort out the rest of our desires. Instead, we carry with us our set of desires, trying to realise a bit of one here, a bit of another there; frequently taking this inchoate mass of desires to our death-beds - unless we have had to make specific choices between other competing subsets. And it is this selection of some and elimination of others, forged in the cauldron of unavoidable choice, which indelibly stamps them as ours - and thus the attempt to realise them as being unmistakably in our personalised self-interest.

I am not saying that we cannot be mistaken, in some sense, in our identification of our interests; that is, in the identification of those desires which we ought to attempt to satisfy. There may be arguments from rationality, prudence, and morality which need to be taken into account. But ultimately that process from argument through persuasion to change of choice among desires and thus reformulation of interest remains a personal project. There are two points to be stressed from all of this. In the first place, what constitutes our personalised self-interest remains open and evolving (in so far as we are forever generating new desires) until closed by death. Secondly, that it is only in the agony of decision that strong definitions of interest occur; that in the absence of anything or anyone counting on our choice our field of desires remains unaffected. Speculation in idle moments need not be totally idle, but is nonetheless lacking in weight when nothing is at stake.

As should be clear from the above discussion, I am rejecting any facile conception of rational self-interest. Rational self-interest is claimed to be the specific subset of desires which it would be to the individual's advantage (or to the advantage of all individuals) to attempt to satisfy. The point is not whether our despot can be seen to rule in accordance with

a set of hypothetical interests which the members of the political community might hold if they shared some common perception of rationality, but whether her rule coincides with the interests they actually hold.

To return to the problem of Auntie Maggie's queendom. If our argument above holds then her subjects can have no political aspect to their personalised self-interest (such as it may be), given that they have no intention of exercising political power. The corollary of this is that they are unable to form a critical assessment of the benefits of her government. Their judgments, that is their political judgments (judgments with regard to other aspects of their lives may remain unaffected), are fundamentally flawed as a result of being detached from any serious possibility of practical consequences. They simply have to take it on trust that Auntie Maggie's rule is the best possible for them, in their interest, and so on. This requires some further elaboration.

Consider the desire for peace. We may take the pacifist as holding an extreme form of this desire; namely, not only to abstain from participating in violent action but also the refusal to initiate such action, independently of the circumstances in which he may find himself. A less extreme form of the desire would be the refusal to initiate violence whatever the circumstances, though accepting the possibility of responding to violent action. For most of us, however, the action that our desire for peace demands would depend on the particular circumstances. That is, for most of us our desire for peace is conditional. The form in which the desire can best be realised will depend on the situation we find ourselves in and on the desires of others. Our pacifist, on the other hand, holds an unconditional or categorical desire. Few of us hold many (and perhaps not any) desires of this categorical form. Most of our desires, and thus our self-interests, are conditional on how we find the world at any given moment. Although I dislike the analogy, it seems to me we can best express the difference between categorical and conditional desires/interests in terms of costs. A categorical desire is non-negotiable, there is no cost which is too high to pay in order to realise (or to maintain the attempt to realise) that desire (up to and including, presumably, the 'cost' of death). The extent to which we try to realise conditional desires, however, does depend upon the costs to be incurred in any given situation. Where the object of the conditional desire is essentially public (say, a state-

controlled system of education) then the weighting to be given to that desire (ie. the lengths to which we are prepared to go to realise it) depends on the desires, and the strengths of those desires, of others. But the strength of any given desire, the degree of its conditionality, is not something that is given in advance, independently of context, but is revealed in relation to the particular situation. It is in the process of negotiation with others that the degree of conditionality of any given desire or subset of desires is revealed to us. Without participation in this 'bargaining process', or without experience of such relevant participation, one cannot properly form a critical assessment not only of one's personalised self-interest but also of more general decisions which one might take to affect one's self-interest.

These arguments from interests are not conclusive; there is still a gap to be bridged. The person who feels no need to identify and personalise their self-interest, who has no wish to pass critical judgment on matters in any way political, and who sees no intrinsic virtue in participation will find himself unpersuaded. There is one last over-arching argument which can be offered here in the attempt to persuade the determined abstentionist.

This last argument against the idea of the Benevolent Despot returns to the problem of passivity. We have already commented on the essential passivity of the people in their position as subjects of Auntie Maggie. Divorced from the power to effect change, even such 'political' activities as they may undertake (eg. the 'parliament of advisers', personal critical judgment) suffer a serious flaw in their nature. Stripped of that possibility of action, judgment loses its tone of responsibility. No weight is attached to the need to achieve a correct judgment. Indeed, the idea of 'correct judgment' seems alien here. At best, any judgment will be an aesthetic/contemplative exercise. At worst, it takes a corrupted, debased form. It is not, then, simply the absence of power which is the problem in Auntie Maggie's queendom. Rather it is that the abdication of power (into the sole hands of the despot) implies the abdication of responsibility.

And it is the absence of responsibility that forms the underlying ground for Mill's principle criticism of a benevolent despotism: that such an endemic passivity of character is morally indefensible. Mill doesn't spell out the argument, though he alludes to it when he points to the attitudinal differences between the expressions "il faut de la patience" and

"what a shame."¹⁶ The former expresses no more than a resigned response to events in the world. The latter expresses a judgment, albeit at a somewhat rudimentary level. The passivity which Mill decries is that which abdicates the responsibility for judgment within the political domain.

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The concepts of judgment and responsibility will exercise us throughout this work; and more will be said later on the subject. But passivity has a specific connotation for Mill, and the term carries an implicit condemnatory tone in his vocabulary. For Mill, passivity is antithetical to happiness, though not to contentment. Action is the stuff of happiness. Contentment (the passively pleasurable acceptance of the world as given) is but a pale shadow of the happiness that action can bring.

But Mill's conception of happiness is far more subtle than the image of desire-satisfaction suggests. It is the setting of goals and the striving to achieve them that is the vital ingredient of happiness; that is, is the source of greatest pleasure. The prime value, then, is on the individual's realisation of himself as an autonomous agent, setting his own goals and striving to bring them about. There is something irreducibly romantic and heroic about this conception of human happiness. The emphasis on autonomous agency indicates that Mill is far from fully embracing eudaimonism. It is not the fact of the good life which is important, but the creation of, or at least the attempt to create, it. In his Autobiography Mill relates the tale of his mental crisis. Having entered a state of *ennui* in which he was 'unsusceptible to enjoyment or pleasurable excitement', the following thought occurred to him:

Suppose that all your objects in life were realised; that all the changes in institutions and opinions which you are looking forward to, could be completely effected at this very instant: would this be a great joy and happiness to you?" And an irrepressible self-consciousness distinctly answered "No!" At this my heart sank within me: the whole foundation on which my life was constructed fell down. All my happiness was to have been found in the continual pursuit of this end. The end had ceased to charm, and how

could there ever again be any interest in the means? I seemed to have nothing left to live for.¹⁷

Mill found, eventually, his salvation in the cultivation of his sentiments, initially through the poetry of Coleridge and then of Wordsworth. But this remained for him a matter of *self-cultivation*. It is still a project of agency, but of a far more subtle kind than that of the pursuance of 'worldly' goals. There is something of the quest about it; the voyage of (self-) discovery; of reflection upon the inescapable tragedy of one's human condition in which the vast majority of one's goals (and those of others) are doomed to failure. But the greatest pleasure is to be found in the striving, the expression of autonomus agency, within the context of this knowledge. All of which requires, and enhances, a 'sense of dignity' and a 'nobleness of character.'¹⁸ Thus his famous comment that it is 'better to be Socrates dissatisfied than a fool satisfied'.¹⁹ But reflection and thought have their limitations; for ultimately, 'The test of real and vigorous thinking, the thinking which ascertains truths instead of dreaming dreams, is successful application to practice'.²⁰

I do not wish hereto be drawn deeper into the controversies of Mill's utilitarianism. What is clear is that his conception of human flourishing, well-being, happiness, centres on a subtle understanding of what it is to be a human agent. And just as, as we saw above, a society which abandons its attempts at progress and settles for a placid contentment has begun (or is in imminent danger of beginning) its decline, so too with individuals. So to be content with Auntie Maggie's regime is, for Mill, to give up the struggle (to be fully human) and thus to abandon all hope of true happiness. Further, since Mill argues that happiness (in his understanding of it) is the sole universally desired ultimate end, and thus the ground of morality, there is an implicit moral critique in the idea of contentment: not only can we not be happy in Auntie Maggie's queendom, but we (morally) ought not to accept it.

Whether or not one accepts the above argument will depend, to a large extent, on one's understanding and opinion of Mill's moral theory. I will not argue more strongly for my interpretation of Mill here since the critique from the absence of responsibility is, I think, the stronger moral argument to be advanced against the benevolent despot.

At this point we need only note the following conclusion from the tale of Auntie Maggie. If it is the opportunity to exercise judgment about and responsibility over our lives which is crucial then a limited dissemination of power will not serve. Nothing less than a full democracy, in which we are all equally responsible for and equally judges of our lives, will satisfy these conditions.

That political rule should be in the hands of the knowing, the wise, the good, is at the heart of Benevolent Despot/Ideal Legislator theory; and is presented in perhaps its purest form in Plato's *Republic*.²¹ I shall not rehearse Plato's arguments in any detail; but will focus on one aspect deriving from them.

Plato argues that the Just State he has described will only come about if philosophers become rulers. Only those who aspire to true knowledge will ever be able to penetrate the veil of appearances to comprehend the the unchanging reality which lies behind our phenomenal experience. Unfortunately, the capacity to gain these lofty peaks of insight is not given to us all. And for those blessed with this capacity, rigorous training, discipline and dedication is required for success. It would be absurd, as Plato's metaphor of the ship indicates²², to entrust political power to those with neither the knowledge nor the skill to exercise it.

Mill's objections to benevolent despotism are directed against these Platonic notions. We recall that Mill argues that the true measure of the virtue of the state is not to be found in the justice of its laws, the wisdom of its administration, etc, but in its promotion of the virtues (intellectual, active and moral) of the individual members of the state. The rule of the good and wise may, in certain circumstances, promote this development but eventually it must prove an obstruction to further progress, as we saw above. Mill seems to envisage a threshold point below which self-development, in any strong sense, is not possible. Paternalism may be justified if it facilitates progress to this point but no further.

Mill's egalitarianism has its limits. We may all (or almost all) have the capacity for self-direction; the question is: to what extent have we developed it? Mill argues that in order to qualify for the suffrage, one

must be able to demonstrate some minimal level of self-development. Thus, there is a distinction between the *dis*-qualification of some and the not failure to qualify of others. The illiterate and innumerate fail to qualify on the grounds that they do not have the basic knowledge/competence to exercise political power, at however rudimentary a level. So too, those in receipt of 'parish relief' show themselves incapable of the first object of self-direction (to provide for oneself and family). Criminals and undischarged bankrupts, however, are disqualified on the grounds of their improper conduct irrespective of their initial qualification.²³

We have become accustomed to the idea of disqualification from the suffrage, but reject the notion of qualification. This suggests that, if there is a problem about fitness to vote, it is certainly not an urgent one. However, it becomes urgent if we consider extending the power of the individual in political decision-making, eg. by moving towards a direct democracy. What would be the criteria we would apply for granting a full-blown citizenship? What level of knowledge, skill in its application, and virtue would we demand? If we were to take seriously the project of (political) self-rule then should there be an obligatory and formal training in the exercise of political power? This thought seems a little odd, given that we don't demand any formal training or qualification from our elected politicians; though we do demand them from appointed administrators.

There are a series of questions, then, which Plato's theory opens. What are the appropriate qualities required of those who are to exercise political power (in whatever form)? What is the role of 'expert' knowledge: of advice only or as a direct function of decision-taking? How broadly can political skills be developed within the political community? These questions will be addressed in the discussion on citizenship in Chapter Six. But I want to sketch here an argument which will be developed in that later chapter.

It concerns whether or not political rulership is a fit subject for study and training for the would-be practitioner as we deem the subject matter of the professions to be for their practitioners. Clearly there is no problem about it being a proper subject for study from a detached, critical perspective for the non-practitioner. And, at least in contemporary electoral systems, there is a considerable degree of informal training and development of skills (in effect, an apprenticeship) involved in the

progress from the initial selection as a candidate, campaigning, election to Parliament, the back-benches, junior government positions, and so on. But should we accept this 'amateurism'?

I think we should. Williams, in his 'Politics and Moral Character' comments that 'The conception of the good which ... inherits from Plato invites the question of how the good could do anything at all'.²⁴ Williams is right, though he does not pursue this point. Plato's philosopher kings are not creative agents on the political stage. Nor are they (creative) interpreters of the moral law, but are its administrators. Their acts as rulers are fully determined by their moral knowledge, they have no degrees of freedom. Whether or not Plato's Republic is the founding work of what was to become the utopian tradition is not crucial here; but this it seems to share with that tradition: beyond the initial creative act by the utopist political creativity disappears from the picture. And this is precisely because, at least in the political utopia (there may be other species of the genus), the state is built upon the virtue of justice: it is the Just State and as such passes beyond the bounds of history.

Yet the argument continues (and will be addressed at length in Chapter Seven) as to whether the utopia is in any strong sense a *political* state, since the political decisions have been incorporated in the structure of the state; whereas the sense of 'politics' with which we are familiar and about which we are concerned is precisely that in which decisions are under-determined and require creative agency on the part of the decision-takers. And as Mill argues, agency is something which, beyond a threshold point, one can only learn and develop for oneself. Though of course, one can be trained in skills which enhance and direct one's agency.

This brings us to the opposing tradition of political traineeship to that of Plato, the *Speculum* or Handbook of Princes, of which Machiavelli's *The Prince*²⁵ is both the best known example of the tradition and at the same time revolutionises that tradition. Put simply, virtue (*virtu*) is seen as the success in achieving one's goals; and for *homo politicus* the goal is to gain and/or retain (political) power. Albeit that the pursuit of power may be a proper goal, even within democratic politics, as Williams suggests²⁶ there is something disconcerting about insisting on the formal training of would-be politicians in the means of gaining and retaining

power. They get more than enough of this, we might think, in their competitive participation in the process as it stands.

And this forms the thrust of the argument: that participation in the decision-making process is the sole appropriate form of training for decision-takers. There may indeed be background requirements (of knowledge, general good character) that makes one person more fit to exercise power than another; but these remain secondary to the prime requirement of competence (or skill) in decision taking. A fuller account of political decision taking is deferred until Chapter Six.

But there is a deeper argument; one which is more difficult to cash out. It questions whether politics is a *vocation* in the sense in which we admit the priesthood, medical practice, and possibly law, to be callings.²⁷ (And this, after all, is the Platonic theory of rulership.) The question is at a deeper level than in the above discussion. I want to ask what is involved in making politics the central project of one's life, not just as a field of study or interested concern, but as a practitioner. That is the individual perspective. The broader social perspective questions the extent to which politics should be an obsessive concern within the community.

I want to canvass two lines of reply. The first questions the extent to which political activity (ie. beyond heated discussions over pints of beer) is or may be a source of pleasure. For the occasional participant pleasure may be the last thing that the trip to the polling booth suggests, except, perhaps, for the pleasure in the feeling of duty done. But for the 'professional' politician duty is unlikely to serve as the prime motivator except in very exceptional cases. That we can expect pleasure to feature somewhere in the motivational picture is not in itself a problem; given that it is largely contingent on political agency, ie. is the form of pleasure attendant on any expression of agency. But where politics is allowed to form the central life-project then the connection with pleasure is likely to be more intimate: that it becomes (or is seen as) the main source of pleasure. I am not to be construed here as committing myself to any given psychological theory. I will accept (though with some difficulty) that there is no necessary connection, that some may make of politics a central life-project without it becoming their main source of pleasure; but I think such cases both rare and unlikely. The refusal to recognise politics as a vocation is not itself to remove the pleasure dimension, but it does

serve, I suggest, to question the proper relation between the exercise of political power and the pleasure to be gained therefrom. But if the gaining of pleasure does become a dominant part of political activity then the activity itself becomes not only debased but also corrupted. The focus of desire is no longer the content of political issues, for which one's agency is required that they be realised, but agency itself, irrespective of content. Power becomes desired for its own sake and not for what can be achieved through its use. This is the debasement. The correlative step is when it is the demonstration of power which is desired; and the resulting manufacture of subsidiary goals simply as a vehicle for that demonstration.

There is a danger that this argument can be overplayed, leading one to adopt an unacceptably puritanical scepticism towards the political domain. The thrust of the argument is not that the motives of all politicians should be regarded as immediately suspect, only that there is something to be said for valuing a certain 'amateurism' in our approach to the holding of political power.

This leads me on to the second line of reply. The exercise of political power should be regarded as a *reluctant* activity. That is it should be seen as both a burden and a duty. I shall discuss Mill's argument that the exercise of power cannot be a matter of right but may be a duty in Chapter Five. Suffice it here to say that Mill is correct in this. But even duties may be performed with (for others) an uncomfortable zeal. The foregoing discussion has referred more to the holders of high office. Now I am concerned with the level of politicisation of the citizenry. The old fears of 'mob rule' will surface again when I come to discuss models of medial and maximal democracy and to propose the reflective model. These fears are proper, but do not constitute a sufficient objection to seeking a more politicised and participatory citizenry. What they suggest is that participation should have attendant 'costs'. A fine balance (though hopefully one which is not in principle unachievable) is required here between the cost of participation and the (reluctant) readiness to participate.

CHAPTER THREEMINIMAL, MEDIAL AND MAXIMAL DEMOCRACY

But what is democracy? In this chapter I want to attempt to give some content to the concept of 'democracy', without begging too many questions. In particular I wish to avoid begging the question as to whether or not democracy is a 'good thing' and that therefore more democracy must be an even 'better thing'. The intuition that democracy is a good to be pursued formed the background to the arguments advanced against the benevolent despot in the previous chapter. However, those arguments concentrated more on the value to be accorded to political participation, and were by no means conclusive. The relation of participation to democracy remains open.

As far as is possible, then, the value of democracy is not assumed in this chapter. The limitation on this possibility needs to be made plain, given the common understanding of the term: that we (mostly) do value democracy, do desire to live in a democratic society, and wish to believe that the society within which we live is indeed democratic. (The ethnocentricity of the 'we' is obvious and not problematic here.) Breaking free from these constraints is far from easy and this attempt may not prove altogether successful. Nor is there any guarantee that it will embrace all those features we tend to associate with 'democracy'. The hope is that, at the very least, it will help to sharpen the debate as to what constitutes 'democracy'.

Nor is there here a prior assumption as to the functions or purposes of democracy. This absence demands a brief explanation. The function that a particular social structure (whether a formal institution or an informal custom) serves might not be transparent to the participants in that structure; nor, if the structure has a history extending over several generations, will there necessarily be common agreement as to its intended purposes. Indeed, we can expect that a structure which survives will be multi-functional and succeed in satisfying different interpretations as to its purpose. Furthermore, we might expect that such a structure in a society

undergoing change (in a common sense meaning of that term) will undergo transformations in its functions and the purposes it is perceived as fulfilling. Thus, to attempt to define an operative concept in terms of the functions and/or purposes it serves is to trap it within a particular historical context.

The requirement, then, is for a formal (ie. structural) model which leaves open both our evaluation of democracy and also the functions or purposes which any given application of the model may serve. However, there is a further and more severe problem: that of disentangling the concept of democracy from other and commonly associated concepts, such as those of justice, equality and rights (the list is by no means exhaustive). The intention here is to sketch skeletal models of minimal, medial and maximal democracies, fleshing out the models with associated concepts where necessary.

I shall begin by introducing a primitive intuition about democracy; one which I shall not do much at this point either to explain or to justify. From this primitive intuition the construction of the models begins. This intuition is that the paradigmatic form of democratic rule is rule by law; law which is, in some pertinent sense, popularly derived. In the maximal case of democracy this derivation would be immediate, each law being proposed, discussed and approved at large within the political community, with little or no institutionalised division of labour in the legislative process; that is, the process of legislation would be homogeneous and continuous. On the other hand, the minimal sense we can give to the notion of the popular derivation of law is that, whereas the legislative process in general takes place either outside the political community, or within a reserved section of it, some form of popular consent in advance of the laws's enactment is required as part of the legislative process. This stipulation of anterior popular consent is a necessary and not a contingent condition of democratic rule. For, if it were contingent then any form of government which won a high degree of general confidence in its administration (for instance, through the perceived efficacy and justice of its laws) would qualify for the title of democracy. Thus, a despot, at first loathed by her subjects and her decrees scorned, might eventually earn popular respect for her legislative perspicacity. We might want to say of

such a regime that it was (had become) 'popular'; but it would be offensive to our intuitions to describe it as democratic.

The models, then, will represent the formal characterisation of democratic possibilities with respect to legislation. This is not to say that I do not regard democratic penetration into the fields of executive and administrative action as unimportant. Quite the reverse. The democratisation of executive action in particular I would regard as the most urgent and daunting challenge confronting the democratic theorist of today. However the schema I shall present will, I hope, help to stress the enormity of the problem. By focusing on the process of legislation alone, we gain a clearer vision of how much more we might seek to do. And by restricting our attention the schema is kept to a manageable degree of complexity. Furthermore, law and the process of legislation has long been at the heart of democratic theory.

Also at the heart of democratic theory is the idea of consent: 'The 'consent of the governed' is frequently presented by political scientists and political theorists as a central, if not the major, distinguishing feature of liberal democracy.' The centrality of this idea of consent is to be explained by its role as a legitimating device for government (specifically: for liberal democracies) and that it is taken as generating a set of political obligations on the consenter's part. This double function, of generating legitimation and obligation, has been central to the history of 'social contract' theories. Nonetheless, the question of the nature of such obligations and their generation remains far from clear, as Pateman admirably demonstrates; but this is a line I shall not pursue in any detail. Instead, I shall simply sketch an argument to the effect that consent is the minimal formal expression of (political) power representing anterior popular consent; and that it signifies the alienation of some part but not all of the consenter's (political) power.

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Generally we consent to others doing things to or for us, or to the actions of others in situations which involve us. Thus we give our consent to doctors in advance of an operation, to solicitors to act on our behalf, and to our children to leave home. Consent is given in advance. Sometimes our

consent relates to our own actions: with a gun held to my head I consent to hand over the key to the safe. Although I would prefer to go to Paris rather than Blackpool for this year's holiday, the family's preference is clear and so I consent: Blackpool it will be. So the circumstances in which consent is given, the conditions of consent (whether coerced, pressurised, under the force of 'necessity' or with an unlimited freedom) are crucial in specifying the initial degree of power available to us. This emphasis on consent as the expression of power diverges from (but is not unrelated to) the liberal conception of consent as the expression of will; though it requires a stronger characterisation of the conditions of consent than does the conception grounded on will. The expression of power takes us out of the realm of desire and preference to focus on the world of action. Thus, consent, typically, signifies our voluntary alienation of some part of our powers of independent action.

Our consent may be negative, a declining to exercise our power, as opposed to a positive alienation of that power. It may be provisional, that is granted for a specific time only (and is thus revocable) or restricted in scope to specific acts. Furthermore, our consent may be restricted in a different way: it may apply only to the early, preparatory and usually deliberative stages of some act and not through to its conclusion without referral back to us; ie. without placing the completion of the act back within our power. The culminatory decision to act may not have been alienated. I shall distinguish this point of readoption of our power for the implementation of an act as the moment of *assent*. The condition in which our power is not alienated but is exercised throughout I shall refer to as one of *participation*.

As will be seen from what follows, this approach shares some features with Lukes' analysis of the 'three dimensions of power'.² The first dimension (or 'face') of power is that analysed principally by Dahl in terms of overt acts, typically those concerned with the resolution of observable conflicts. Power is fully embedded in 'concrete decisions'. This behaviourist analysis enables Dahl to conclude that power is dispersed within a pluralist democracy and so differing individuals and groups are able to enter the political arena and express their preferences and protect their interests at varying times and over various issues, with no prior

assumption as to the likelihood of their success or failure. The situation remains open and fluid.

But as Bachrach and Baratz observed, this behaviourist approach fails to capture the 'second face of power': the control of the political agenda and thus of what is allowed to become an overt source of conflict (and so a matter requiring 'concrete decisions') in the first place:

All forms of political organisation have a bias in favour of the exploitation of some kinds of conflict and the suppression of others, because *organisation is the mobilisation of bias*. Some issues are organised into politics while others are organised out.³

There is, then, a manipulation of the political agenda which effectively sifts the issues, incorporating some and excluding others (by refusing to regard them as issues which require action). This manipulation, or 'agenda-setting', may be within the narrow control of party leaders; or more broadly a function of the specific issues addressed by interest and pressure groups, or the policies of political parties; or may be systemic in that it is a function of

a set of predominant values, beliefs, rituals, and institutional procedures ('rules of the game') that operate systematically and consistently to the benefit of certain persons and groups at the expense of others.⁴

Whatever the source of this manipulation, the resulting absence of an overt act or decision corresponds to a covert (or 'tacit') act or decision on the part of those who control the agenda. The concept of power is thus no longer restricted to the observable success of *A* in securing *B*'s compliance in the face of *B*'s protest, but captures the hidden exercise of power where *B*'s protest is either unaired or not regarded seriously. This analysis correctly suggests that the absence of conflict cannot be construed as indicating a consensual agreement on 'non-issues'. The presumption of such agreement can be made only where there is no control (personal or systemic) over the political agenda, and where there is equal access of all to the channels of expression of grievance, concern and preference.

But for Lukes, this still fails to capture a third dimension of power. Bachrach and Baratz regard such grievances, concerns and preferences as

brute, needing only to gain access to debate in the political arena and to be regarded as legitimate in order to rectify the power imbalance:

... *A* may exercise power over *B* by getting him to do what he does not want to do, but he also exercises power over him by influencing, shaping, or determining his very wants. Indeed, is it not the supreme exercise of power to get another or others to have the desires you want them to have - that is, to secure their compliance by controlling their thoughts and desires?⁵

It is not so much the potential of thought-control systems which Huxley, Orwell and Skinner illustrated which Lukes has in mind here, so much as (though he does not use the term) the prevailing ideology: the value-system which determines the conceptual limits of debate and so the range of conflict. The 'most effective and insidious use of power' is thus this ideological control which acts so as to 'prevent such conflict from emerging in the first place'.⁶

The problem with this third dimension of power is that, as Lukes himself recognises, it is dependant upon some conception of the would-be agent's 'real' or 'objective' interests, interests which remain not only unvoiced but also unrecognised by the would-be agent.⁷ Lukes further notes (though in a somewhat different context⁸) that this muddies the waters of ascribing responsibility for any act or non-act. For, both those who exercise power within and those who are (in effect) manipulated by this ideological context may share responsibility for failing to challenge the background assumptions and for failing to establish the likely consequences of their acts and non-acts. There is indeed a *prima facie* argument that in such cases responsibility is not equally shared, but that the holders of ostensive power must take the lion's share. Nonetheless, the implication is that the failure in critical judgment, ie. the failure to challenge the prevailing orthodoxy as to what is and what is not acceptable, devolves responsibility upon all parties.

Taken to an extreme, this suggests a complicity in oppression which is intuitively plausible; after all, Eichmann saw himself as a decent human being for acting efficiently and humanely within the prevailing orthodoxy.⁹ Less palatably, it suggests that those oppressed and who fail to offer resistance also share responsibility for their fate. Rather than pursue this

theme here, I shall simply draw this point. The ascription of responsibility assumes the ascription of power. Problematic as the ascription of collective responsibility (and indeed of collective power) may be, the point holds that those who comply without dissent share (at least some) responsibility for the subsequent act or non-act. And this in turn implies that a residual power rests with all those who could have acted otherwise. In practice, we are prepared to limit and mitigate this responsibility where the power held over those who comply dwarfs and effectively annuls that residual power. But this should not be allowed to blind us to the logic of the situation. The implications of this residual power will be explored in the following section.

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The focus for the preparation of the models of minimal, medial and maximal democracy is the process of legislation. The content of law, its purpose and structure, are matters which will not here be considered. Yet some initial though far from exhaustive comment is required. As understood here, the background assumption in favour of rule by law is twofold: that law is equally applicable to all who fall within its scope, at least, that it makes no arbitrary distinctions and exclusions; and that, as a consequence of this, there is no unqualified sense of being ruled over by others. Rule by law, then, is seen as being essentially impersonal rule, both in its scope and its derivation. It is neither the product of personal whim nor is it in its explicit intent the vehicle for the promotion of the interests of a specific individual, group or class. (This view of the impartiality and generality of law has, of course, been subject to much dispute. However, I shall assume that any failure in this respect of law as formed and practiced in any given state does not vitiate the centrality of the concept of rule by law to democratic thought.) As can thus be seen, background assumptions of justice, equality and autonomy are already present in our discussion; and will be given further attention in the following chapters.

It is the distinction between the democratic and the (merely) popular, grounded solely on popular anterior consent as a necessary phase of the legislative process that I wish to pursue in order to outline the characteristics of the minimal case of democracy.

Consider again Auntie Maggie's queendom. There can be little doubt that her despotism is popular in that her people are contented with her rule. Indeed, I have suggested that they have come to place a high degree of trust in her. Thus they are in the position of tacitly consenting to her rule. The doctrine of tacit consent as advanced by John Locke¹⁰ is not unproblematic in his use of it to legitimate existing states; but here we can apply it straightforwardly. Her people give no indication that they object to or dissent from her rule. Their actions, both in the absence of dissent and in their daily observance of the laws, gives rise to the reasonable expectation that they would formally consent to her reign were they to be given the opportunity to do so. Their silence speaks volumes on their behalf. Furthermore, we may take it that they do actually express their consent, albeit informally - say by cheering her whenever she appears in public.

We can now begin to grapple with the implications of understanding consent as the minimum expression of power. No matter how popular her regime, Auntie Maggie remains a despot; she retains sole legislative (and executive) power. In that respect her people are clearly without power. How, then, could it be the case that they give consent (albeit tacitly) if consent implies power? We need to distinguish between three different interpretations of what it is to have power; interpretations which parallel in some respects yet significantly differ in others from our earlier discussion of Lukes' three dimensions of power.

Thomas Hobbes defined power as, in the first place, the 'present means, to obtain some future apparent Good'.¹¹ That is, my power is to be assessed not in terms simply of what I can now secure for myself (my ability to satisfy my present desires) but the extent to which I can guarantee being able to satisfy future desires. And that implies being able to win out in the case of a dispute with others who may desire the very same goods as I desire. (And this, of course, mirrors the 'first face' of power.) So, there is a sense in which it would be true according to Hobbes that most of us, considered individually, have some power (though perhaps not very much); the extent of that power being a factor of our desires and our security in being able to satisfy them. But when our 'present means to obtain some future apparent good' is compared with the means others have at their disposal then the Hobbesean conclusion is that either we have power or none at all: power is zero-sum. If their means outstrips ours then they have

power; if ours outstrips theirs then it is we who have power. In this, contrastive, sense Auntie Maggie has power and her people none (given that as despot she retains a central coercive agency at her disposal).

Yet we should not be too quick to accept this as a final statement on the question. There is a difference between latent and ostensive means (ie. power). In so far as her resources are assembled and organised then her means are ostensive and, we may assume, outstrip those of her people. These powers need not be military and formal alone, but may embrace that control of the political agenda which was identified as the 'second face' of power. What we do not know is the extent of any latent means her people may hold; eg. if they were to band together to form a revolutionary movement would they succeed in achieving her overthrow (their means outstripping hers?) Less drastically, to what extent would they be capable of succeeding (through civil protest and disobedience) in placing grievances and preferences on the political agenda? In other words, what are the forces which might be mobilised sufficient to be recognised as the observable exercise of power? This we can attempt to assess but cannot *know* in advance of the outcome of any conflict. (And it is precisely this uncertainty which confirms Hobbesean individuals in their 'perpetuall and restlesse desire of Power after power, that ceaseth only in death'.¹²) Since this calculation of means available can at best be only an estimate and is only retrospectively certain (ie. on the basis of outcome) then we cannot adopt the Hobbesean contrastive account for latent power. Latent power rests quietly with individuals, groups and communities, waiting to be realised. Thus there is a sense in which the inhabitants of the queendom retain the possibility of power, though only in this latent form. If we can accept that in any political community rebellion or revolution remains a possibility (however remote) then that residual, latent, power is retained and cannot be individually or collectively alienated. This, as we have seen, is implicit in Lukes' analysis of the third dimension of power; though 'latent power' here differs from that ideological power which Lukes examines.

There is a third sense of power to be considered here: formal or institutionalised power. Again, it is clearly the case that under her despotism the people are granted no formal political powers. Whatever may or may not be the extent of their latent power, it is given no institutional

channels through which it may be expressed (and if it were then it would cease to be merely latent power and would become ostensive). In the absence of such institutional channels that non-alienable power may still be expressed: not formally but tacitly. There is something of a conundrum here. I have argued that there is a residual, albeit latent, power that cannot be alienated. Consent is to be understood as the (minimal) expression of power, but one which involves the alienation of some part of our powers of independent action. In the absence of formal (institutionalised) power we can consent only tacitly. What power is it, then, that we are alienating in tacit consent? The point is that tacit consent is not actual consent, there are no actual consenters. Tacit consent is an interpretation of the actions of others. (Derivatively, it may be our interpretation of our own actions, but only in terms of the interpretation we might expect others to place on our actions.) Thus the 'consent' is hypothetical: had we explicitly asked for that consent we have no doubt but that it would have been granted. And this is not because of any moral reasons, or because of friendship, or the character of the other *per se* but because there would be something contradictory in refusing that consent given such behaviour. Of course, our construal of another's behaviour may be wrong; or at least, when we point out to them the interpretations we have placed upon it the other may change their behaviour or give their own interpretation thereby seeking to invalidate ours.

If the consent is hypothetical then so too are the powers that are being alienated. We must read tacit consent as implying: if we had such powers then we would alienate them so as to achieve the formal counterpart of the present, informal, situation. Tacit consent is a recognition of the lack of formal powers and thus simultaneously the recognition of the possibility of having such powers. There is a further complication we must briefly examine before moving on. I suggested above that it might be the case that Auntie Maggie is cheered whenever she appears in public. I think we should see this as being something more than tacit consent. Here we have a set of public actions which do not depend on interpretation by others but which are explicit to both observer and agent. There is a temptation to term this 'popular consent'. Popular it certainly is: widespread, public and signifying support. But does it amount to consent? To answer that we have

to ask another question: does it represent any difference in the alienable power held by her people?

There are some fine lines to be drawn here; lines which, in the real world, may well escape our conceptual powers of resolution and merge into each other. The lines to be drawn are those between acquiescence in a regime, and tacit and popular consent for that regime. Acquiescence suggests a lack of support which fails to cash out in observable acts of dissent. It implies an attitude of resignation and disassociation as far as is possible without crossing the line into dissent. It is a condition in which, counterfactually, hypothetical powers would not be alienated to achieve the present situation. It implies the deliberate attempt to avoid such acts as might give rise to a construal of tacit consent. Conceptually this is distinct from tacit consent; though in practice, as I have suggested, the distinction may be too fine to draw. Tacit consent, as argued above, does imply the hypothetical act of alienation but the absence of any specific acts of expression which carry little or no ambiguity. But given that those expressive acts are public and popular (ie. are not performed by individuals in private) then it represents a partial realisation of latent power. But that power is perceived as being already alienated. The act of expression is an attempt to identify with and thus share in that power.

A brief discussion of the concept of alienation as here employed is now required. We cannot alienate that which we cannot give nor that which is not ours to give but we can alienate that which we do not presently have but would have if we chose to claim it. Thus as Rousseau correctly saw we cannot alienate our own lives.¹³ Nor can we alienate the life of another to someone else. The restriction here is logical, not empirical. We can wish to alienate our lives to others, and believe we have done so, and even enter into a contract stating that we have done so; but all these claims would be false. One can devote one's life to others, one can even sacrifice it, but it cannot be completely separated from oneself and given to another. Thus only those things can be alienated which are neither integral to oneself (ie. are contingent upon the world) nor are integral to another. Whatever can be alienated must already be, prior to the act of alienation, something which is other than self and other selves. I am not sure that this claim can be substantiated without reference to some further theory, most obviously one of natural rights; but this is a move I shall not here

attempt to make. If necessary I am content to offer this as a stipulation about the meaning of 'alienation' as employed here. Thus it is analytically true (though it is also substantively true) on my use of the term that one cannot alienate one's own life, nor one's residual and latent power.

Nor is the act of alienating one's power a matter of *giving* it; for, paradigmatically, the initiative for the act of giving rests with the giver and, once given, we lose all control of the gift. We cannot impose conditions on the use of our gift. We are closer, I suggest, if we think in terms of the grant. A grant is made in response to a request (though the request itself need not be explicitly made) and can typically have restrictions applied to its use. Here, the grant is one of power. One conceptual advantage that this offers over and above liberal democratic theory is that it assumes the presence of some other body that might seek that grant of power; ie, the state. Thus it becomes clear that the state is not somehow (and mystically) merged into and made identical with the political community at large but is separate from and exercises power over it. On the one hand, this is acknowledged by liberal democratic theorists: unless the state were thus separated there could be no problem about the generation of obligations to obey the state. On the other hand, the reductivism of such theories insists that the state cannot be something over and above identifiable individuals: in the liberal democracy, we are told, *l'état c'est nous*. That the state comprises identifiable (and existing) individuals we might wish to grant; but that we are those individuals is a matter for some doubt.

The discussion so far has made little reference to obligations, rights and rightful rule with respect to consent. At this point my concern is with conceptualising and labelling positions of political power. So, in the schema I am about to present, I make no initial claims as to whether any particular form of democracy has a greater call on our obedience (ie, our obligations to it are stronger), nor which is more rightful, ie. more legitimate. My intention is simply to sketch out the various forms democracy may take with respect to the power position of its citizens. In that respect the schema is comprehensive: it includes the basic models of democracy as discussed in Chapter One, organising them according to their modes of expression of political power. As previously explained, the schema addresses itself to legislative power. Its application to the fields of

executive, administrative and judicial powers would require further treatment which is not here offered.

There are other aspects which might have concerned us which it does not embrace. It makes no reference to the general social and economic conditions under which any variant might be applicable. Held does this admirably in his *Models of Democracy*¹⁴. But my purpose is different to Held's. Rather than the examination of assumptions about socio-economic conditions underpinning any given variant, my concern is with the characterisation of citizenship which medial and maximal democracies might require. This should properly lead to a wider set of considerations, but my work will not travel so far. The schema is thus an ahistorical abstraction, designed to facilitate a broader understanding of democratic possibilities and not to provide an historical explanation of the liberal democratic state. (On this, see MacPherson.¹⁵) Similarly, the schema does not encompass questions about the breadth of citizenship, ie. whether the political community incorporates (and incorporates equally) the entire social community. More will be said on this in Chapters Five and Six. If successful, the schema should prove neutral between differing conceptions of the state and should be applicable not only to overtly political communities but also to productive units, voluntary associations such as clubs and any community which wishes to regulate its activities by common rules. For all these, the schema will provide a range of power options for its members.

Notwithstanding that Auntie Maggie enjoys popular support (in the form of acclaim) I want to insist that this does not make her regime democratic. Let me develop the distinction between *formal* and *informal* modes of consent. By formal I mean not only that the expression of consent is institutionally channelled but also that it is integrated as an essential phase of the legislative process; that process being invalidated if the phase of formal consent is not duly carried out. ('Institutionally' is used in a loose sense here and does not necessarily imply a developed bureaucratic structure.) Clearly, it is formal consent which concerns us. Informal consent is merely an adjunct to the legislative process, remaining

a contingent nicety - useful, and perhaps preferable, in terms of the pragmatics of rule but not an essential element in the validation of law. There is, however, a grey area between the two whereby a customary though informal practice comes to be regarded as institutionalised through prolonged usage. Whilst recognising this problem we shall take formal consent to exclude these borderline cases.

We have assumed that our despot enjoys popular support for her legislation. It may be that such support, though given, is not in any way sought by her. She feels no obligation to publish and invite discussion of her legislative proposals; nor, were she to perceive a withdrawal of support for her laws, would she feel obliged to revise them (though if this did not give her pause we should want to question her benevolence). Popular support, particularly in the form of anterior consent based on a developed sense of trust, is thus informal and quite incidental to the legislative process. This condition of rule I shall refer to as *total despotism*.

She may, however, expressly seek that support; perhaps going to considerable lengths to obtain it: instituting a parliament to 'advise' her, meeting members of interest groups, receiving petitions, and so on. It may even be that she is institutionally required to seek that support. Nonetheless, I shall term this *partial despotism*, since she retains (ultimately) sole legislative authority. Thus, despite there being institutional channels for the expression of consent/dissent - and for the despot to continue with her legislation in the face of such dissent would presumably carry wider implications - that consent remains informal in as much as it is not fully integrated as an essential phase of the legislative process.

Both total and partial despotisms, no matter that they enjoy popular support, seem clearly delineated from democracy. The marginal case is that of *constitutional despotism*. By this I mean that anterior consent has been formalised as an essential phase of the legislative process; and that no legislative proposal can be validly enacted without such consent. Consider again the position of Auntie Maggie. How could she claim anterior popular consent for herself as legislator (and thus indirectly for her legislation)? If there were some formal procedure for her removal (for instance, a process of impeachment) then she might claim that the absence of any such move (or the failure of attempts at impeachment) could be taken as

signifying consent. This is one step away from the last resort of removal by force; and in so far as it is a recognised and formal procedure, then the possibility of impeachment would indeed represent a step from the popular towards the democratic. However, it doesn't secure consent in advance of her legislative enactments (consent here would be essentially retrospective) and so does not meet the criterion advanced above; and is thus insufficient to cross the divide between the popular and the democratic. But if she were to put herself to some form of election at the commencement of her reign, or soon after, then this, with the possibility of removing her from office by impeachment, would perhaps be sufficient, just, to cross the divide and enable us to recognise her regime as minimally (and marginally) democratic.

There is proper cause for hesitation here. In the first place, consent is implied just so long as the despot remains in place. After the initial act of election there is no further, formal, opportunity for the expression of consent, only for an ultimate act of dissent. Consent thus loses its positive connotations and is readily lost in a presumption in favour of the *status quo*. Consent thus merges into acquiescence. This returns us to the situation we saw earlier with regard to the second 'face' of power: the assumption that the absence of conflict indicates consensual agreement. The systemic manipulation here is manifested by the lack of formal procedures for placing dissatisfaction with her rule on the political agenda. What is required, if we are to mark out the boundaries between the popular and the democratic, is for continuing consent (or developing dissent) to be made formal and explicit. Thus, regular or maximum fixed-term, elections are required. If the occasion for (re-)election is left completely at the despot's discretion then we once more slide back towards popular rather than democratic support; the presumption rests again with and in favour of the despot (as does control of the political agenda) and not in her need to secure an active consent.

The minimal act of consent represents an alienation of political power but to whom and on what grounds? The constitutional despot, I have argued, represents a marginal case of democracy. I must now attempt to sketch the central cases of minimal democracy. (The map of democratic possibilities at the end of this chapter summarises what follows.) We can begin by distinguishing three objects of the act of consent. First, we can alienate

our powers to a legislator. That is, we can vote for a person or persons who will perform the legislative tasks, and vote for them purely on the basis of their character, or our friendship, admiration, respect for them - without any consideration of the legislative programme they might be likely to pursue. We give them a *carte blanche* (subject to recall) as to the legislation they might produce. Where we are alienating our powers to such statesman-like persons I shall refer to them as *Deputies*. In effect, they deputise for us in the legislative process, assuming our powers without any particular specification as to their use (though there would normally be background assumptions about the need to rule justly and wisely for the common good). This, of course, was the position Burke argued for in his 'Address to the electors of Bristol'.¹⁶

Second, and more typically in the liberal democracies, we might vote for what we can consider to be a compound unit, comprising legislators (the persons themselves) and the general legislative policies they publicly claim they will adopt. This is familiar to us in the person of the *Representative*. And finally, we might vote on a specific legislative programme, itemising the intended legislation, but do so through the device of voting for a person who will attempt to carry out that programme. In this case the character of the candidate matters not a jot; they become simply a repository of the desires of others and have little or no powers of initiative of their own (as in, for instance, the members of an electoral college or a trade union block vote). They are mandated to act within pre-specified limits and so I shall term them *Delegates*. Thus the grant of power involved in the act of consent is at its greatest when voting for deputies and at its least when voting for delegates. All three I shall refer to collectively as legislators.

There are important questions here about whether, in the case of deputies and representatives in particular, the candidature is to be restricted (and if so, on what grounds) or open; how nominations are to be generated; and which electoral system is to be employed. Similarly, in the case of delegates there is the problem of how a legislative programme is prepared and by whom. But, important as these questions are, I take it they do not fundamentally address the power position of the citizens. The latter remain in a position of having alienated their political power and thus of having no control over the process of transforming legislative proposals

into law. We can build in systems of checks and balances so as to prevent, or diminish the risk of, abuse of those powers; we can insist on powers of impeachment; and we can stipulate the regular or maximum period without recall of deputies, representatives and delegates. Furthermore, we can develop a second-order legislative process for the revision or annulment of previous legislation and place restrictions on legislative content through a bill of rights and an independent court. Yet, vital as all these measures are, it is still the case that having alienated her power by voting, the process is formally out of the citizen's hands. Even in the case of electing delegates on a mandated legislative programme they may need to be invested with some powers for negotiation and compromise with other mandated deputies (unless all are voted in on precisely the same programme).

Of course, these matters do make some difference. Open access to the candidature, with little or no restrictions on nomination, and the utilisation of one electoral system rather than another, may give the citizen a better chance of having her preferences and values aired and acted upon in the legislative process. And this undoubtedly makes a greater difference to the power of organised political groupings rather than, directly, to the power of the individual citizen. We can properly see this as an enriching of citizen power; but within the institutional context it remains the case that the individual's power is alienated to the legislator(s).

Thus the citizen's power is essentially *nominal*. It is recognised in name but is formally exercised only minimally and that only in order to alienate it unless and until it is readopted by the recall of the legislator. Once alienated the citizen has little or no (formal) control on the exercise of legislative powers. This I shall term *Minimal Democracy*.

This form of democracy is often termed 'indirect' and thus contrasted with 'direct' or 'classical' or 'participatory' democracy, by which is usually meant a system whereby the citizens themselves take the (legislative) decisions without alienating their powers. However, there is more than a little confusion here; which I shall illustrate in the following chapter when discussing what might commonly be thought to be obvious examples of 'direct' democracy. That confusion, I suggest, has its source in the failure to identify a third form of democracy; one which occupies a position with respect to the alienation of legislative powers between the parliamentary

(or 'indirect') and the 'participatory' (or 'direct') forms. That intermediate position I shall term *Medial Democracy*.

I suggested at the beginning of this chapter that often we alienate our powers to specific persons for specific tasks which form part of an overall act, the completion of the act requiring a final and culminating exercise of our powers. Examples of this are common: setting up a committee to explore an issue and report back; having a letter typed which is to be personally signed before being sent; employing a solicitor to manage the conveyancing of a house before signing the final deeds. In all these cases there is a partial and temporary alienation of some of our powers but we retain an overarching power and complete the task by giving our final assent to it.

Thus in legislative terms, we could still elect legislators to discuss and draft items of legislation but retain the final say on whether or not their proposals become law through the expression or withholding of our assent. This I shall take as being the central case of medial democracy. We can make further distinctions here based on the quality of that assent. I shall restrict the term to apply to that situation in which the citizenry in general are competent to express a critical judgment on legislative proposals. 'Competent' in two senses: first, that the citizenry have access to all the relevant information on which to ground their critical judgment; and second, that they have developed their powers of critical judgment. We cannot guarantee that critical judgment will be exercised in any given case, though we might be able to specify conditions under which it is more or less likely to be exercised. This we shall examine in some detail in the next chapter. Where critical judgment is not exercised I shall reterm this *acclaim*. Where the 'incompetence' is due to lack of access to the relevant information I shall describe this as a case of *nominal assent*.

Both acclaim and nominal assent, I suggest, are more likely in conditions where there has been no citizen involvement in the preparation of the legislative proposals. Thus, where there is no prior election of legislators but legislative proposals are prepared by, say, a Great Legislator, a legislative commission, or a constitutional monarch then these are less than ideal conditions for the expression of critical assent. Nonetheless, we should still see these cases as meeting the formal conditions of medial democracy.

What then of *Maximal Democracy*? The distinction I have been developing is grounded upon the alienation of power with respect to acts of legislation. Clearly, then, maximal democracy involves no alienation of citizen power. That is, their power is exercised throughout the stages of proposal, discussion and drafting and final approval. This and this alone, I suggest, should be honoured by the term *participation*. Spelling out the details of how such a system might work, and whether it can work in a large and complex nation state or only in a devolved political community, is a task beyond this work.

There is a crucial qualification I shall introduce here and develop in the discussion of the reflective model. It is not necessary that all the citizens all the time exercise their legislative power for it to be non-alienated. So far, alienation as I've portrayed it is vertical in direction: either to those who are or will be above the body of the citizenry (the legislators) or in the case of final approval to those who, formally at least, are subordinate to the citizenry. This is substantively the case with assent only and not with acclaim or nominal assent. In the latter two it is clear that the substance differs from the appearance. (This, of course, may also be the case with consent and so the same tripartite classification of the quality of consent can be applied: 'consent' for the exercise of critical judgment; 'nominal consent' in the absence of the relevant information or in the presence of coercion; and, I suggest, 'acceptance' where the critical faculties are under-developed or are put in abeyance.) Contemporary consent theorists, in response to the problem of revealing how voting might be seen as imposing on voters political obligations to the state, have suggested that instead of vertical obligation we place ourselves under an horizontal obligation by voting; ie. our obligations are to our fellow citizens. Without pursuing the problem of obligation *per se* we can adapt the concept to suggest that, beyond a minimal democracy, the citizens may be engaged in an horizontal alienation of their legislative powers. This, I suggest, is the case when we ask some citizens to carry out a task *to completion* on behalf of the citizen body, a task which any member of that body would be qualified to perform but which either does not require the involvement of all or for practical reasons cannot be performed by all conjointly. This horizontal alienation of powers, I shall argue in Chapter Five, requires a condition of *trust* among the citizenry. Nonetheless, it still involves the

partial alienation of powers. Two conditions, apart from trust, are required to prevent horizontal alienation becoming problematic: one is that the powers entrusted are for a specific purpose and for a relatively short period of time; the second that no distinction be made between the individual citizens and thus the opportunity of performing the task should fall equally on all. That is, citizens should be chosen not on the basis of election but by lot. Wherever possible, the tasks and the numbers required to perform them should be such as to make it likely that each citizen might be chosen at least once over the course of their lives.

This chapter has had little to say about Maximal Democracy. In part, this is because the medial form will occupy us from hereon in; and in part because there is so much that can be done to increase the democratisation of the process of legislation in particular and the worlds of politics and society in general before we approach the stage of maximal democracy. With respect to democracy, we are babes still learning to walk: running is a project for the future. Nor is this simply a reflection of a background conservatism on my part. As the next few chapters will explore the move from nominal to effective citizen power, from democracy as consent to democracy as assent requires a much deeper understanding of what it is to be a citizen before we decide either that such a move is desirable or indeed that it is possible. Being a citizen in anything beyond a minimal democracy may prove to be beyond our capacities, let alone our inclinations. Yet, it is one thing to have explored the possibilities, assessed what might be required of us and then to reject it, another to have failed to realise that there were these possibilities in the first place.

In order to move towards the characterisation of the reflective model I shall first examine three theories of democracy, each of which might be taken to be a maximal democracy: those of Robert Paul Wolff, Jean-Jacques Rousseau and (though this is not strictly a 'theory' in the sense of the previous two) the democracy of classical Athens.

CHAPTER FOURTHREE MODELS OF 'CLASSICAL' DEMOCRACY:WOLFF, ROUSSEAU & CLASSICAL ATHENS

[N]othing less can be ultimately desirable than the admission of all to a share in the sovereign power of the state. But since all cannot, in a community exceeding a single small town, participate in any but some very minor portion of the public business, it follows that the ideal type of a perfect government must be representative. (J.S.Mill: *Considerations*¹)

I suggested in the previous chapter that some of the problems in our thinking about democracy have resulted from the failure to conceptualise a medial form, something more than the minimal and yet less than the maximal form of democracy; and that this failure in turn makes it difficult for us to be precise in our thinking as to what might constitute the maximal form of democracy. In this chapter I shall attempt to illuminate that confusion by examining three models in the tradition of 'direct' or 'participatory' or 'classical' democracy²: the democratic practice of classical Athens; Rousseau's theory of popular sovereignty and the general will; and Robert Paul Wolff's theory of 'instant direct democracy'. Wolff's proposals are both exciting and illustrative of misconceptions about democracy; whereas Rousseau's theory presents not so much a misconception as a highly conservative theory of democracy. But neither theory, I shall argue, presents a model of maximal democracy, for which we shall need to turn to the democratic practice of classical Athens. The discussion of these models will highlight the role of the citizen's critical judgment in a democracy, which will be crucial to our construction of the reflective model.

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Mill, in abandoning maximal democracy on the grounds of practicality, has given hostages to fortune. Practicalities may change, the impractical becoming the everyday. To be fair to Mill, he does proceed to give independent justifications for representative government other than that of best practical approximation to a maximal democracy, based on the energies elicited and the protection afforded by a representative democracy.³ But at this stage we have no basis for thinking that such justifications would not be met by a maximal democracy. Indeed, the whole thrust of his argument against benevolent despotism is towards the fullest possible citizen participation; and it is only in the very last sentence of Chapter III of the *Considerations* that he draws back from such a radical proposal and commits himself to the virtues of representation.

There are good grounds for thinking that the practicalities have changed; to the point whereby we must now take seriously the possibility of some form of direct democracy. One person who has taken this prospect seriously is Robert Paul Wolff in his *In Defense of Anarchism*.⁴ Admittedly, this is in the context of his search for a legitimate state, one compatible with (his Kantian-based understanding of) individual autonomy. We have no need here to follow the details of Wolff's argument; but simply turn to his proposals which he offers 'a good deal more than half in earnest'⁵ as a starting point.

Wolff himself offers only a thumbnail sketch of his proposal. However, what he proposes is so sweeping that it merits quoting in full:

I propose that in order to overcome the obstacles to direct democracy, a system of in-the-home voting machines be set up. In each dwelling, a device would be attached to the television set which would automatically record votes and transmit them to a computer in Washington. (Those homes without sets would be supplied by a federal subsidy. In practice this would not be very expensive, since only the very poor and the very intelligent lack sets at present.) In order to avoid fraudulent voting, the device could be rigged to record thumbprints. In that manner, each person would be able to vote only once, since the computer would automatically reject a duplicate vote. Each evening, at the time which is now devoted to news programs, there would be a

nationwide all-stations show devoted to debate on the issues before the nation. Whatever bills were "before the Congress" (as we would now describe it) would be debated by representatives of alternative points of view. There would be background briefings on technically complex questions, as well as formal debates, question periods, and so forth. Committees of experts would be commissioned to gather data, make recommendations for new measures, and do the work of drafting legislation. One could institute the position of Public Dissenter in order to guarantee that the dissident and unusual points of view were heard. Each Friday, after a week of debate and discussion, a voting session would be held. The measures would be put to the public, one by one, and the nation would record its preference instantaneously by means of the machines. Special arrangements might have to be made for those who could not be at their sets during the voting. (Perhaps voting sessions at various times during the preceding day and night). Simple majority rule would prevail, as is now the case in the Congress.⁶

I shall assume, without further discussion, that Wolff is correct about the technological possibilities. However, I wish now to dispute Wolff's claim that the problem of democracy is 'merely technical'⁷ and that it is obvious that a political process based on 'instant direct democracy' would approximate 'the ideal of genuine democracy'.

In this context, Wolff's own comments are illuminating. These I again quote at some length:

[I]t should be obvious that a political community which conducted its business by means of an "instant direct democracy" would be immeasurably closer to realising the ideal of genuine democracy than we are in any so-called democratic country today. The major objection ... is that it would be too democratic! What chaos would ensue! What anarchy would prevail! The feckless masses, swung hither and yon by the winds of opinion, would quickly reduce the great, slow-moving, stable government of the United States to disorganised shambles! Bills would be passed or unpassed

with the same casual irresponsibility which now governs the length of a headline or the popularity of a beer. Meretricious arguments would delude the simple, well-meaning ignorant folk into voting for pie-in-the-sky giveaways; foreign affairs would swing between jingoistic militarism and craven isolationism. Gone would be the restraining hand of wisdom, knowledge, tradition, experience.⁸

This is as damning a picture of any form of democracy as one could possibly wish for. And surely Wolff is dead right: this is exactly how we would expect such a political system to function; and these are precisely the sorts of objections we would want to raise against it.

But what follows is not self-evidently Wolff's conclusion: 'The likelihood of responses of this sort' he says, 'indicates the shallowness of most modern belief in democracy. It is obvious that very few people really hold with *government by the people* ...'⁹ Of course, he may very well be right that all too few people do hold with *government by the people*; but this does not automatically follow from the rejection of his vision. It is rather more likely that Wolff has given us an inadequate picture of democracy; and it is this, not democracy *per se*, which we reject. Wolff seems to understand something of this, though his response to it is lamentably weak, when he states:

The initial response to a system of instant direct democracy would be chaotic, to be sure. But very quickly, men would learn - what is now manifestly not true - that their votes made a difference in the world, an immediate, visible difference. There is nothing which brings on a sense of responsibility so fast as that awareness.¹⁰

This is mere assertion on Wolff's part. What guarantees can be furnished that the awareness of greater political power will not breed greater irresponsibility? Perhaps no guarantees as such can ever be given; but we can properly demand some evidence, some argument to explain why responsibility should increase rather than diminish under a system of instant direct democracy. In fact, all the arguments go against Wolff. Let us postpone consideration of the problems of access to information and the amount and availability of time required for such high density voting

until our discussion of the reflective model and concentrate instead on more profound difficulties.

The first of these concerns the status of those matters 'before the Congress'. Wolff refers to these as 'bills'; though whether this embraces all legislative proposals or only some (say, excluding fiscal measures) and whether the net of approval is wider, including executive decisions, treaty ratifications and so on, Wolff gives no clues. Perhaps it does not matter; the point being to emphasise the principle of an instant direct democracy. For simplicity I shall assume that Wolff's citizens are acting as legislators, considering only legislative proposals. However, in his desire to eliminate all traces of a parliamentary process Wolff also destroys a valuable democratic element in that process: that legislative proposals (and executive policy) are generated by voter's choice. Admittedly, this choice is both guided and indirect; but we should not lightly dismiss the fact that it can be said, not improperly, that in a representative democracy the 'people' play a significant part in the generation and adoption of legislative and executive policies. Rather than preserve this link, Wolff turns to the Millian solution of independent bodies of 'experts' who will monitor developments, make recommendations and draft legislation. In severing this link, Wolff reduces the power of the 'people' to that of a veto; and more crucially, effectively alienates them from the policy debate. The question of the irresponsible exercise of power thus becomes both less and more urgent. In the first place, given that their power is that of veto but not generation of legislative proposals (and that the generation of bills rests in the power of a stable, continuing and autonomous body) it is difficult to see how, for instance, 'foreign affairs would swing between jingoist militarism and craven isolationism'. Secondly, and against this reassuring picture, the increased power-gap between generation and approval of legislation suggests the possibility of a corresponding alienation on the part of the citizenry: having not been integrated in the policy debate, they come to it, as it were, from a standing start. It is not just that, in the absence of prior debate, they are unlikely to have any depth of background thought on the issue (important though this is) but also that the lack of prior integration in the process may be expected to induce either a lack of proper concern or an anti-establishment attitude of veto-for-veto's-sake.

But even if this element of alienation from the policy-making process could be overcome within the Wolffian system, the problem of irresponsibility is not thereby totally dissolved. Let me now rephrase the problem in terms of 'concerned' and 'negligent' voting behaviour. The responsible exercise of power, here construed as concerned voting behaviour, will consist in something like the following set of characteristics: making an effort to understand the issues involved; weighing up particular arguments; viewing them in the light of our own values and those of friends, neighbours and the community at large; discussing the issues with others; and seeing the situation in the light of the general context, not simply as an isolated matter. This is a fairly weighty business of reflection, deliberation and judgment. These elements characterise, not the rectitude of the final decision (for we may be mistaken in our judgment), but the earnest desire to reach that right decision. As it stands, this characterisation would apply equally well to the argument that the vote is a vehicle for both the protection and the advancement of self-interest, narrowly construed though here the judgment required would be self-regarding). To broaden the concept of the responsible exercise of power so as to bring it in line with our intuitive understanding, we need to adopt something like Mill's position (for which I argue in the following chapter) that voting is not a right but a duty carrying moral burdens (since the exercise of power is always the exercise of power *over others*). Given this move, we have a full characterisation of concerned voting behaviour as a non-optional, burdensome and most likely time-consuming task.

By contrast, negligent voting behaviour is primarily characterised by snap-decisions and/or self-regarding judgments. The suggestion here is that the desire to reach the correct judgment is imperfectly carried through (insufficient effort is made to understand the issues and the arguments advanced, or the wider context of the needs and values of others is disregarded). We may further contrast concerned and negligent voting behaviour with 'maverick' voting behaviour in which there is neither desire nor attempt to reach the correct judgment but the decision is the product of whim, the flip of a coin, and so on. Neither negligent nor maverick voting behaviour can be legislated against; but they can be encouraged or discouraged.

The instantaneity of the Wolffian democracy would, I suggest, encourage negligent or maverick voting. In brief, it makes voting too easy, removing all need for effort. In particular, it disregards two crucial elements: the need for time to reach a mature judgment and what I shall term a 'reflective gap', a distancing from one's own immediate concerns. Even the (minimally) ritualistic overtones of the walk to the polling booth is some help in providing both an awareness of the responsibilities involved and this aspect of distancing (the reflective gap) in the exercise of power.

But what power is it that is being exercised? Wolff claims that the power is such as to be able to bring about change: 'their votes [would make] a difference in the world, an immediate, visible difference.' En masse, the power involved is indeed formidable, even when reduced to that of a veto; but from the perspective of each individual voter we must seriously doubt that they would have any sense of power. Wolff's voters are unlikely to meet the demands of concerned voting behaviour because (in addition to the instantaneity of the system) their power (individually) is negligible. Given that the 'wasted vote', the lack of power attached to the vote, is perceived to be a problem in constituencies of less than an hundred thousand, then we might expect it to be a greater source of alienation and apathy in a constituency of, say, thirty million. The most likely options to be taken by the voter (unless extraordinarily determined to exhibit concerned voting behaviour) are those of negligent or maverick voting. To bring any real efficacy to one's vote, to convert it from a nominal to a real power, one would need to seek an alignment with others. The voter would have to find a group with whom she could identify in order to make voting worthwhile at all.

The political tenor thus becomes essentially divisive, a matter of locating a 'we' to join and a 'them' to oppose. We do not need to be wedded to a non-conflictual and harmonious social ideal to view this divisiveness with alarm. The search for a faction is the first step in the abnegation of responsibility: it is the invitation to another to decide on one's own behalf. A faction having been found, one simply follows its line. There is one further option (other than not bothering at all) and that is the aggressive advancement of self-interest, narrowly defined. Voting becomes a channel for the statement of self-regarding preferences and desires. These are no longer mediated and tempered by elected representatives but become

openly competitive. And this takes us back into factions: to have one's preferences adopted requires having power in alliance with others.

Thus we have a picture of the Wolffian 'democracy' as a mixture of maverick and negligent (interest and faction) voting behaviour; add in a background of apathy, and perhaps just a little concerned voting behaviour, and the result is an appalling vision of the lack of responsibility Wolff so scornfully dismissed. Wolff, then, is woefully wide of the mark in claiming that the 'obstacles to direct democracy are merely technical'. It is indeed necessary that technology be harnessed to the democratic cause of these obstacles are to be overcome; but it is by no means sufficient.

I shall suggest in the next chapter that something of Wolff's insight can be preserved and developed. There is much that is rich in his vision; particularly the desire to integrate the political world into that of our quotidian existence. 'Politics would be on the lips of every man, woman, and child, day after day. As interest rose, a demand would be created for more and better sources of news' and 'social justice would flourish as it has never flourished before'.¹² These are vital concerns and one feels, at a level of gut-reaction, that the modern technology should facilitate their realisation - but not quite as Wolff saw it. Underlying Wolff's claim is a belief in the possibility of citizenship which we can sum up as: give the people power and they will exercise it responsibly, justly and well. I have argued, not that this belief is erroneous as such, but that Wolff's instant direct democracy gives only an illusion of power and further, that it disinclines the voter to exhibit concerned voting behaviour. Thus we can expect little or no responsibility in the exercise of such political power as the Wolffian system devolves on the people.

In his *In Defense of Anarchism* Wolff makes plain his personal debt to Rousseau. It is thus unfortunate that he fails to appreciate the caution with which Rousseau approaches the matter. The 'Committees of experts' which will have the task of recommending and drafting legislative proposals are cast in a role analagous to that of the benevolent (legislative) despot. And although Rousseau gave this role a charismatic personification (in contrast to Wolff's faceless mandarins), Rousseau was far more pessimistic about its chances of success.

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Rousseau accepts, as Wolff does not, the manifest possibility of what I have characterised as negligent and maverick voting. It is not sufficient to change one element of the institutional process and leave untouched the rest of the social fabric. If the Legislator's project is to succeed then he must found a new state and 'change men to citizens'.

The Legislator, as portrayed in his *du Contrat Social*¹³, is not a ruler as is the benevolent despot in the story of Auntie Maggie. His function is solely that of lawgiver. Indeed, he is not a member of the state and thus, like Hobbes' sovereign, is not a party to the contract. The contract itself occupies a surprisingly small portion of that work. Rousseau's central concern is the founding of the legitimate state and the contract is merely the inaugural act of foundation. In order to maintain the state on its path of justice it is necessary to regulate the economy (thereby avoiding great disparities in wealth), to institute a proper system of government, to maintain allegiance to the state through a civil religion, and above all to regulate these and other aspects of society by a wise and just system of laws. But, Rousseau says:

Who is to give [the body politic] the foresight necessary to formulate enactments and proclaim them in advance, and how is it to announce them in the hour of need [ie. at the inaugurating contract]? How can a blind multitude, which often does not know what it wants, because it seldom knows what is good for it, undertake by itself an enterprise as vast and difficult as a system of legislation? ... Individuals see the good and reject it; the public desires the good but does not see it. Individuals must be obliged to subordinate their will to their reason; the public must be taught to recognise what it desires. Such public enlightenment would produce a union of understanding and will in the social body, bring the parts into perfect harmony and lift the whole to its fullest strength. Hence the necessity of a lawgiver.¹⁴

Why shouldn't the newly constituted body politic be able to frame its own system of legislation? In order to examine Rousseau's thinking here we need to consider the 'qualities' (to revert to Millian terminology) of the Legislator and the people, and the relation between them.

The major stumbling block to the people framing the laws for themselves is the presence of the social passion *amour-propre*, an intemperate and competitive desire for the esteem of others. Rousseau's speculations as to the origin and development of this conflictual passion ('*amour-propre* ... causes all the mutual damage men inflict one on another'¹⁵) does not concern us here. But given its infective presence throughout society (and the resonance with disease is intentional on Rousseau's part, he clearly regarded it as a pathological condition) individuals seek to protect and promote their position *vis a vis* the position of others. This picture of a competitive struggle for status is deliberately Hobbesian on Rousseau's part, though here it is not power *per se* which is desired, as Hobbes posits, but the esteem of others: to take as the measure of one's worth the praise of others. Thus property is a crucial factor in the escalation of this conflict: it functions as an ostensive measure of one's worth in terms of what one can claim as the esteem due to self by others. It is in this condition of a 'universal desire for reputation, honours, and advancement, which ... exercises and holds up to comparison our faculties and powers'¹⁶ that the *false contract* takes place, legalising (though not, for Rousseau, legitimating) the entrenched political and civil inequalities. All attempts at framing, or passing critical judgment on, legislation are fundamentally corrupted by the presence of *amour-propre*: such judgments are irredeemably partial, focusing on the consequences for one's relative social position rather than embracing considerations of justice. Even those who by dint of self-discipline may have escaped the ravages of this iniquitous passion, and thus might prove suitable for the role of lawgiver, will yet fall under the suspicion of furthering their position, notwithstanding any disclaimers they might make; and their social standing will be envied while they remain within the body politic.

The first requirement of the lawgiver is thus that he should have no immediate stake in the society for which he is legislating. Rousseau says: 'When Lycurgus gave laws to his country, he began by abdicating his monarchical functions. It was the habit of most Greek cities to confer on foreigners the task of framing their laws. The modern republics of Italy have often copied this custom.'¹⁷ Rousseau comes close to making the lawgiver a mere mortal whose office demands a formal impartiality. But it is something and someone less mundane that Rousseau has in mind: not the

person who can deal with the continuing problem of drafting legislation, but the person (and specifically for Rousseau, the *man*) who can found a nation. And for this, the Legislator must be a near-divine:

To discover the rules of society that are best suited to nations, there would need to exist a superior intelligence, who could understand the passions of men without feeling any of them, who had no affinity with our nature but knew it to the full, whose happiness was independent of ours, but who would nevertheless make our happiness his concern, who would be content to wait in the fullness of time for a distant glory, and to labour in one age to enjoy the fruits in another. Gods would be needed to give men laws.¹⁸

If the Legislator is prey to the consuming passion of *amour-propre* it is in the transposed form of the desire for an historical glory: to be judged (and lauded) not by one's contemporaries but by those in ages yet to come. But the divine aspect of the Legislator is more than this. In order to fulfil his task he must speak with a transcendent authority. Rousseau approvingly quotes Machiavelli on this: '[T]here has never been in any country an extraordinary legislator who has not invoked the deity; for otherwise his laws would not have been accepted'.¹⁹ But this reliance on the charismatic quality of the Legislator leads Rousseau into a problem which he fails to satisfactorily address. How are the people to distinguish between true and false prophets, between the Great Legislator and the imposter? 'Any man' Rousseau tells us 'can carve tablets of stone, or bribe an oracle, claim a secret intercourse with some divinity, train a bird to whisper in his ear, or discover some other vulgar means of imposing himself on the people'. And he continues, 'A man who can do such things may conceivably bring together a company of fools, but he will never establish an empire, and his bizarre creation will perish with him. Worthless authority may set up transitory bonds, but only wisdom makes lasting ones'.²⁰ Only time, as they say, will tell. History is the sole judge of the Legislator and his works.

Nor is the Legislator's continuing influence on the citizens merely a matter of the wisdom of his laws. His charismatic personality infuses the spirit of the civil religion. Rousseau is less than explicit here, but we can reconstruct the line of his thought. Of the four forms of law which he

adduces, three are akin (Political, Civil and Criminal); but the fourth is of a quite different form and is 'the most important of all':

[It] is inscribed neither on marble nor brass, but in the hearts of the citizens, a law which forms the true constitution of the state, a law which gathers new strength every day and which, when other laws age or whither away, reanimates or replaces them; a law which sustains a nation in the spirit of its institution and imperceptibly substitutes the force of habit for the force of authority. I refer to morals, customs and, above all, belief.²¹

It is this moulding of morals, custom and belief which forms the greatest task of the lawgiver and on which 'he bestows his secret care'. But how is he, the lawgiver, to do this? Rousseau is content to leave it in the realm of mystery; and even in the chapter on the civil religion he makes no explicit reference to the Legislator, leaving it in the sovereign's power to determine the due forms of observance.

However, the charismatic exemplar is an obsessive theme in the Rousseauian corpus. In his opera *The Village Soothsayer*, his novel *La Nouvelle Héloïse*, here in *du Contrat Social*, and in his tract *Émile* the great individual alone can exercise the strength of influence to lift people above their immediate, *amour-propre* dominated, concerns.²² In *Émile*, we have three exemplars and gain some clue to the possible genesis of the lawgiver figure. The tutor of the young *Émile* is the dominant exemplar, but he in turn reveals the influence on him of the Savoyard Vicar, whose 'Profession de Foi'²³ is the pivotal moment of that work. But it is the tutor's eventual influence on *Émile* which is crucial here. In the unfinished sequel *Émile et Sophie, ou les Solitaires*, *Émile*'s carefully controlled upbringing at the hands of the tutor seems to come to nought. After the deaths of first her parents and then her child, *Émile* takes *Sophie* to Paris where she impregnated by another man. *Émile* deserts her and eventually decides to leave France. At this point his fortunes reach their nadir and he is sold into slavery. But it is during this condition of servitude that *Émile* recalls his tutor in something of a visionary experience and from then on he bears his sufferings with a deep stoicism and begins to retrieve his position. Although remaining a slave, the sequel ends with *Émile* as the personal adviser (ie. tutor) to the dey of Algeria.²⁴

These great individuals, according to Rousseau, have thus by virtue of their transcendent authority the ability to infuse the spirit of their teachings/laws into those among whom they live. We may properly expect, then, that Rousseau would imagine an intimate connection between the Legislator's laws and the memory of the man himself; and that, given his quasi-divine nature, this connection would be expressed in the civil religion.

This doesn't quite make clear how it is that the Legislator's influence (direct and through memory and myth) can, in sum, cancel out the effects of *amour-propre*. So far Rousseau has given us only partial explanations and mystifications. The desire for historical glory, presumably, can be taken up by the people, though Rousseau doesn't suggest this. On the other hand, there is a great emphasis on civic pride. But here Rousseau specifically excludes a competitive spirit with regard to other nations as being a fit object for the Just State. Indeed, the latter, he argues, should be autarchic and not over-concerned with the affairs of its neighbouring states.²⁵ The state should be the measure of its own success/goodness, and not assess itself by comparison with others. This is the aim of the 'negative education' devised for the young *émile*²⁶ and it represents the condition of *orgueil*, the pro-genitor of *amour-propre*. In the *Discourse on Inequality* Rousseau speculates that human reflective self-awareness began when 'early' (and solitary) man first asserted his superiority of intellect over other animals. He compared himself, not with other humans, but with all facets of his environment and, ultimately, with himself, with his previous successes and failures. Thus 'the first time he looked into himself, he felt the first emotion of pride'.²⁷ (*C'est ainsi que le premier regard qu'il porta sur lui-même y produisit le premier mouvement d'orgueil.*²⁸) Thus it is the instilling of *orgueil*, and the prevention of its decay into *amour-propre*, which is the task that confronts tutor and legislator alike. But if it takes one man's single-minded devotion to one pupil (*émile*) to secure any hope of success, then the Legislator's task seems impossible. Or else his mode of working must be radically different. And this, I suggest, is the case. The Legislator acts as a figurehead for the newly-founded state, he is the personification of it. The focus of attention for the citizen is thus not himself in relation to his co-citizens, but towards the transcendent figure of the Legislator and his values. It is by this relocation of attention,

this presence of personified yet transcendent values, that suppresses the development of *amour-propre*.

But none of this gives us any clear insight into how to discern the true Legislator as opposed to the mere imposter. If there are no ostensive signs, apart from his charisma, of the legislator's true worth then the people are thrown back on a relation based almost solely on trust. Simply, they have little choice but to trust the Legislator's laws. This, perhaps, would be all very well were it not that it seems to contradict the very purpose for which the (just) state was inaugurated by the founding contract. That purpose was to find a solution to the following problem: 'How to find a form of association ... under which each individual, while uniting himself with the others, obeys no one but himself, and remains as free as before'.²⁹ And Rousseau's specific answer is that 'Each ... puts his person and all his powers under the supreme direction of the general will'. And in the second instance (the first being the inaugurating contract) the general will is expressed in the founding laws of the state, which it is the Legislator's task to articulate and present to the people in his draft laws. But in order that each member of the body politic 'remains as free as before' (ie. as before the inaugurating contract) and 'obeys no one but himself' the people must be the direct authors of the laws, they must be self-legislating. And this is the rub. If the members of this new state have no basis for critical judgment on which to ground their acceptance or rejection of the Legislator's draft laws, but are already, effectively, pre-committed by their trust then it is not clear how it can be said of them that they are self-legislating in the sense of being the authors of their own laws. In as much as it rests with the citizenry to vote on the legislative proposals (on the basis of whether or not they believe these proposals express the general will) then, formally, they have authorised the laws. But this hardly seems to be the strong conclusion that Rousseau wants with respect to freedom. Much depends on his use of the concept of the general will and this will be discussed in some detail shortly. But we can highlight the immediate problem by asking what would have to be the case for the Legislator's proposals to be rejected? For this would mean not only the rejection of the proposed legislation but also the rejection of the Legislator: in effect, a withdrawal of the trust that is the sole basis of the relation between people and Legislator. Acceptance of the proposals as

law thus represents not so much an act of assent but one of acclaim. This, then, is the position I outlined in the previous chapter.

Rousseau leaves little room for an alternative account. The very condition in which a people might be able to form a critical assessment of legislative proposals, and thus escape reliance on a blind trust, is the one that Rousseau excludes as being unfit for the work of the Legislator, i.e. civil society. It is not simply the pervasive presence of *amour-propre* which obstructs his work, but the integration of the resultant status competition into the values of that society:

Once customs are established and prejudices rooted, reform is a dangerous and fruitless enterprise; a people cannot bear to see its evils touched, even if only to be eradicated; it is like a stupid, pusillanimous invalid who trembles at the sight of a physician.³⁰

There is, he thinks, a point in the development of nations (the first stages of 'maturity') which is the most appropriate to this grand legislative enterprise. We may avoid the unhappy metaphor of age (though I doubt that for Rousseau this was merely metaphor) by referring back to his speculative history of human development in the *Discourse on Inequality*. Rousseau stresses that it is with the the creation of leisure that *amour-propre* first becomes competitive and thus corrosive.³¹ Not only was leisure 'the first yoke [man] imposed on himself' but also 'the first source of the evils he prepared for his descendants'.³² It is at this point of bare surplus beyond immediate needs when 'in every country [there] arises a distinct nation, united in character and manners, not by regulations of laws, but by uniformity of life and food, and the common influence of climate'.³³ And it is this social but pre-political moment in a nation's development, I suggest, that Rousseau has in mind as being the most suitable for the Legislator's work. For it is the latter's task to divert the course of development from that which would otherwise lead to the Hobbesian state of endemic conflict, and thus to the false contract as the only means of securing peace. But then, as Rousseau stresses, prior to the nation embarking on this downward spiral of conflict, 'Who is to give [the body politic] the foresight necessary to formulate enactments and proclaim them in advance?' 'Hence the necessity of the lawgiver'.³⁴

Rousseau hints³⁵ that there is one other moment suitable to the founding of a new state: in the aftermath of a civil war (or, perhaps, a catastrophic natural disaster). This is consistent with his line of thought, for it is intuitively plausible that protracted civil strife may result in an uprooting of prejudices and the destruction of 'established customs'; and it is this which removes his theory of the ideal legislator from the realm of an essentially nostalgic critique and lends it its force. Quite what we can say about the relation between the people and the Legislator in this situation is unclear. The charismatic quality would seem still to be an essential ingredient - here the Legislator features as the (*re-*)*uniter* rather than the *founder* of the nation; and so the underlying basis of the relation remains one of trust. But we need not suppose that the trust would be quite so total, so blind; but would retain a critical dimension to it. However, 'such events are ... exceptional cases', as Rousseau says³⁶; and I shall discuss it further when examining his theory of democracy.

Rousseau's theory of the Ideal Legislator relies heavily on a grounding of trust between people and lawgiver. It would be convenient to see trust as a pre-political concept, appropriate in conditions where critical judgment (for whatever reason) is not possible. Part of the critique advanced above [see chapter 2] against the benevolent despot was precisely that it reduced her people to a dependency on trust. However, in so far as Rousseau's theory is specific to the *founding* of the (Just) state this ground of trust seems ineliminable. The interesting question (to which I shall turn in a later chapter) concerns the proper extent and role of trust in political society.

Thus far I have been concerned in my treatment of Rousseau to elucidate the role of the Legislator and thus to exemplify the condition of *acclaim* grounded on a relation of trust as opposed to *assent* grounded on critical judgment. I now turn to a more general consideration of Rousseau's theory of democracy which centres on the concept of the general will.

I want to begin with Rousseau's treatment of what Richard Wollheim calls 'the paradox of democracy' and J L Talmon 'the paradox of freedom'³⁷. I shall not pursue the various strategies employed to resolve this

paradox, if such it is, but turn immediately to Rousseau. Rousseau states the problem in bald terms:

Apart from the original contract, the votes of the greatest number always bind the rest; and this is a consequence of the contract itself. Yet it may be asked how a man can be at once free and forced to conform to wills which are not his own. How can the opposing minority be both free and subject to laws to which they have not consented?³⁸

'The question', he says, 'is badly formulated'. Put in such terms, it misconceives the voting process:

When a law is proposed in the people's assembly, what is asked of them is not precisely whether they approve of the proposition or reject it, but whether it is in conformity with the general will which is theirs; each by giving his vote gives his opinion on this question, and the counting of votes yields a declaration of the general will. When, therefore, the opinion contrary to my own prevails, this proves only that I have made a mistake, and that what I believed to be the general will was not so. If my particular opinion had prevailed against the general will, I should have done something other than what I had willed, and then I should not have been free.³⁹

The problem that bedevils interpretations of Rousseau is the characterisation of the general will; and on that depends, in large part, whether or not he is to be seen as the originator of 'totalitarian democracy'.

It is conventional among those holding this view to place Rousseau in a Platonic tradition and to conceive of the general will as something fixed, immutable, eternal; in short, a Platonic Form. Thus Talmon:

Ultimately, the general will is to Rousseau something like a mathematical truth or a Platonic idea. It has an objective existence of its own, whether perceived or not. It has nevertheless to be discovered by the human mind. But having discovered it, the human mind cannot honestly refuse to accept it. In this way the general will is at the same time outside us and within us.⁴⁰

Talmon is right in thinking that there must be some sense in which the general will could be said to be objective; how else, if Rousseau is to be interpreted literally, could there be any question of being in error as to the specific content of the general will? But I shall argue that the more plausible interpretation reveals the general will as being quite different from a Platonic Form.

There is something distinctly curious about the idea that an eternal verity can be established by a majority decision. Discernment and judgment in such matters is normally thought to be the role of experts; whether they be the Republic's Guardians, a scientific elite, Hume's judges of Taste or Mill's 'competently acquainted' assessors of Higher and Lower Pleasures. The notion that the Form of Justice, the sub-atomic structure, or the qualitative distinction between the pleasures derived from listening to the music of Mozart and of Beethoven should be a matter for majority decision amongst the laity is at best counter-intuitive.

There are three responses which might be made here. First, that Rousseau posits the condition of his post-contract citizens to be such that they are able to discern such truths; they have a pre-civilised clarity to their understanding, they retain the native simplicity of the pre-lapsarian State of Nature and thus, uncorrupted, have powers of discernment inconceivable to us. I have already argued above that something of this sort must be the case if the founding contract is to take place; ie. the citizens-to-be are free of the worst ravages of *amour-propre*. Secondly, Rousseau does indeed provide us with an expert in the person of the Legislator. Thirdly, it might be argued that the sort of truths the citizens need to apprehend in order to express an opinion on the conformity of the laws to the general will are such that, whilst universal and eternal in their form, they are not the preserve of specialist knowledge and enquiry but, since they concern the nature of our quotidian existence, are accessible to us all.

I shall focus initially on the 'expert' role of the Legislator. Is he some Platonic Guardian, acting in an advisory rather than a directly executive and legislative capacity? Is his relation to the people that of Socrates to the slave-boy in the *Meno*, bringing him to see the truth of geometrical propositions which, according to Plato, he (and we) already

knew without ever having realised it; in short, a very special sort of tutor?⁴¹

We have already noted the parallels between the charismatic figure of the Legislator and the great father-figures in other works of Rousseau. These great men play out a unifying role; the dominant force of their personality and the rectitude of their character subduing and overcoming the corruptive influence of *amour-propre* in others and the disputes thus inspired. But the Legislator is more than this. There is indeed a Platonic aspect to his work. The background assumption, common to much political philosophy, is that there is a definite form to such concepts as democracy and justice; such that can be instantiated.

What is good and in conformity with order is such by the very nature of things and independently of human agreement ... There is undoubtedly a universal justice which springs from reason alone, but if that justice is to be admitted among men it must be reciprocal ... So there must be covenants and positive laws to unite rights with duties and to direct justice to its object.⁴²

So in terms of the overall structure of the Just State, we might expect some things to be constant; and in particular, there is the form of the contract itself, the articles of which 'are so precisely determined ... that the slightest modification must render them null and void; they are such that, though perhaps never formally stated, they are everywhere the same, everywhere tacitly admitted and recognised'.⁴³ There is the stipulation of a rough economic equality, the need for a civil religion; but beyond this we leave the realm of absolutes and enter one of particular judgments; ie. the *specific content* of the Just State is not pre-determined according to a universal form.

We can develop this line by considering some examples of the possible content of the laws of the Just State. Rousseau insists that laws must exhibit generality of scope; particularity of person or group, time or place signifies its status as a governmental decree, which, if it is to be legitimate, must itself not violate the laws (and the citizens approve directly only the laws). We have seen that Rousseau identifies four branches of law: Political or Fundamental, Civil, Criminal, and Moral ('inscribed neither on marble nor brass, but in the hearts of citizens'). We know too

that in the best states the laws should be simple and few so that the citizens may know them and be straightforwardly directed by them. And finally, we know that 'apart from those principles which are common to all, each people has its own special reasons for ordering itself in a certain way and for having laws that are fitted to itself alone' and that 'What makes the constitution of a state really strong and durable is such a close observance of conventions that natural relations and law come to be in harmony on all points, so that the law ... seems only to ensure, accompany and correct what is natural'.⁴⁴

I shall state, without further argument, that the bulk of the legislative activity must take place soon after the inception of the Just State and under the guidance of the Legislator; that is, we are talking about a founding constitution. The most likely subject for a Political law and the strongest candidate for a Platonic Form is the type of government. Rousseau states clearly his view that an elective aristocracy is in itself the best type of government, but stresses time and again the need to find the most appropriate form of government for any particular nation. 'When ... one asks what in absolute terms is the best government, one is asking a question which is unanswerable because it is indeterminate'.⁴⁵

Rousseau gives a somewhat strained analysis of the criteria of appropriateness: in general that democracy suits small communities, aristocracy medium-sized states, and monarchy is most appropriate for large states; but there can be no hard and fast rule and it is 'the art of the lawgiver ... to know how to settle the point'.⁴⁶ Unless we are to multiply entities endlessly, positing a unique ideal form for each state at each particular moment in its development then there is little room here for Platonism. Indeed, the tradition of thought exemplified is that of Aristotle, Machiavelli, Montesquieu and contemporary political science.

I shall pass over the content of the Civil laws and focus now on the Criminal laws to bring out the role of the general will and to locate it within what can best be described as a conservative conception of freedom. To do so, I shall begin with the problem of the treatment of convicted murderers. History provides us with a frighteningly broad range of options: the death penalty (from the barbaric to the 'humane'); incarceration (for life? in solitary confinement?); exile; slavery; medical and psychiatric therapy. Which would the Legislator recommend to the people and which would

conform to the general will? Notwithstanding the philosophical dispute over the theoretical justifications of punishment (retribution, deterrence, reformation of character, protection of society) I suggest that no single answer can or could be given in abstract. For, a people who held a stern and Judaic view of criminal justice would be unlikely to accept a lenient and compassionate sentencing policy (say ten years in prison with the possibility of remission for good behaviour); ie. they would find it incompatible with *their* general will. True, the Legislator is given the role of moulding the people's character, of bringing about the transformation of men to citizens; but principally, this should be seen in terms of overcoming the social divisions resulting from unconstrained *amour-propre*. Beyond that, it is his task, we recall, to achieve harmony between 'natural relations' and law. Law, then, is to be the express statement of the 'natural' world-view of the people.

Two comments on this: in the first place, this is not the same as saying that whatever is is right. There may be no agreement as to what is the appropriate treatment of convicted murderers, or anything else. It would be for law to forge that agreement. And secondly, there is a difference between the belief that death is the 'natural' penalty for murder and that it should take any particular form. I am suggesting that the legislator would have some room for manoeuvre, for a degree of legislative creativity, but that this would need to be firmly grounded on not the existing practices themselves but the implicit beliefs, better, the implicit values, revealed by those practices.

What would follow if this interpretation of the legislator's art is wrong? Well, we could be back to a Platonic universal - but I trust I have done enough to establish that this is not Rousseau's position. Or it could be that the legislator's creative act is unconstrained by any dependence on existing practices, conditions etc.. (And here I have in mind Burckhardt's thesis of the renaissance prince as artist.⁴⁷) Again, I have tried to show that this is not the case. Yet, if it were the general will would be synonymous with the Legislator's will. To be sure, the Legislator's charisma is such as to give some justification to the fears of Rousseau's liberal critics; especially so, given Rousseau's insistence that it is only the legislator's 'great soul' which 'is the true miracle which must vindicate his mission' and distinguishes him from false prophets. If this interpretation

is correct then we must empty the concept of the general will of all content: there can be no question of its existence prior to the arrival of the legislator, nor of the citizens judging any given legislative proposal to be incompatible with the general will.

I shall not labour the point any further. The general will, as enshrined by law, is the expression of the community's values, hitherto implicit in their practices and conventions, and modified where necessary by general principles of justice and mutual protection. The citizens, when assembled to vote on a legislative proposal, are asked to give their opinion as to whether or not it (the proposal) conforms with these values. It is because their judgment is free from the excesses of *amour-propre* that they are able to express this opinion in a definitive way; ie. that they are able to make the transition from what they might wish the community's values to be to grasping what those values in fact are.

We can now understand how a majority opinion can be so definitive of the general will. Indeed, that opinion defines the community itself by giving a clear statement of its core values. At heart, Rousseau's question put to the assembled citizens ('Is this law in conformity with the general will?') is better understood as 'Does this law properly express the sort of people we are?' Let me expand the above example of the punishment of convicted murderers. If I am asked whether I think that such persons should hang by the neck until dead my answer is an unequivocal 'no'. But if I am asked for my opinion as to the values held by the political community to which I belong then regretfully I must answer 'yes'. (Similar considerations might be applied to such problems as racism, abortion, pornography and nuclear weapons.) Note that I can properly answer 'yes' without sharing that particular value expressed by my fellow citizens; and also that I may find myself (in this case) pleasantly surprised: it may turn out that the majority opinion is 'no'.

Some care is needed here. This is not a game of infinite mirrors, of trying to guess what you believe I believe your belief to be. That is, it is not simply a matter of everyone expressing opinions about others' opinions. Rather, one is being asked to decide which expression of value (here, as enshrined in law) best exemplifies the (not necessarily consistent) beliefs held by the community on a given matter. There may be an act of determination here. Where there is a genuine plurality or a significant

minority on a given issue the majority opinion still determines the law and thus the value to be upheld by *all citizens*. The sinister implications of this are apparent; but three reservations can be offered on Rousseau's behalf. In the first place, it is the Legislator's task to accurately frame legislation so as to reflect the dominant values of society. Secondly, as we have seen, Rousseau considers a customary society, united in manners and customs, as the most suitable for the legislator's work. And thirdly, the supreme value is that of membership of and identification with the community. To share in and uphold the community's values is of the first importance for the new citizens.

However, it might be thought that there is something decidedly slippery in my interpretation. It is quite obvious that one's will can never be thwarted, even if permanently in a minority, simply because one is never asked to express one's own will; at least not when voting on legislative proposals. The good citizen simply gives an opinion - as to what he believes other people's values are. There is no question here of a specific act of consent nor of the withholding of consent to any given law. Although there are two procedural acts of consent required at the opening of each post-founding assembly ('Does it please the sovereign to maintain the present form of government?' and 'Does it please the people to leave the administration to those at present charged with it?'⁴⁸) there is but one substantive act of consent:

There is only one law which by its nature requires unanimous assent. This is the social pact: for the civil association is the most voluntary act in the world; every man having been born free and master of himself, no one else may under any pretext subject him without his consent.⁴⁹

This is fine if it so happens that your values correspond to those of your fellow citizens; ie. you find yourself in complete accord with the general will. But if your values do not so correspond (whether you were in the majority or minority at the legislative assembly) then surely you are, in some pertinent sense, subject, if not to wills then to values which are not your own; and if so, how can it be the case that you remain free? The easy answer, though it is not one with which we should be readily satisfied, is

that given by Rousseau in his summation of the articles of association at the original pact:

Each one of us puts into the community his person and all his powers under the supreme direction of the general will; and as a body we incorporate every member as an indivisible part of the whole.⁵⁰

Put starkly, we have already committed ourselves to adopt the values of the community and if we now find that we don't like it then our option is clear: to leave. Passing over the problem of securing consent over succeeding generations, the spectre of co-ercion is raised.

In fact, I don't think this is coercive. In the first place most if not all of us belong to groups, clubs, institutions not all the values of which we can genuinely espouse as our own; but we stay because either we accept most of the core values or because the gains from membership outweigh the inconvenience of the mismatch in values (or both). But where that mismatch has become unsupportable one generally leaves. Nor is there often much room for internal criticism in the hope of reform where the dispute is over values (as opposed to personalities and strategies).

But even if we grant that the state is a voluntary organisation, leaving one's home, one's country, one's nation state is of a different order to quitting, say, a football club. But this is not quite as Rousseau would have perceived it. It is not only Rousseau's own 'vagabond' existence (Geneva, Turin, Annecy, Chambéry, Lyons, Paris, Venice ...) that I have in mind here. *Du Contrat Social* is prefaced by the following comment:

This little treatise is part of a larger work which I undertook many years ago without thinking of the limitations of my powers, and have long since abandoned. Of the various fragments that might have been taken from what I wrote, this is the most considerable, and the one I think the least unworthy of being offered to the public. The rest no longer exists.⁵¹

That work, the *Political Institutions*⁵² was in large part derived from Rousseau's inconclusive efforts to edit the Abbé de Saint-Pierre's thirteen volume *Project for Everlasting Peace in Europe*, an early federalist utopia. And it is against the background of this vision of independent though federated city states that the argument of *Du Contrat Social* is both most

plausible and most convincing. There is a marked difference between leaving Glasgow to live in Edinburgh, Aberdeen, Manchester or London and leaving to live in France, Russia or Japan. We might reasonably expect (and certainly on Rousseau's own analysis) a strong similarity in customs between the independent states within a federation, but each exhibiting its own distinctive value combination. For, for each state, the general will is particular to that state alone. Thus the project of finding another state with a more personally conducive set of values would be neither so formidable nor so traumatic in terms of the physical and emotional separation involved as would seem to us from our socio-historical perspective.

A pluralism in values is thus not excluded by Rousseau, but is an inter-state rather than an intra-state phenomenon. Each independent state has its own particular general will, its own particular set of values. Thus the state can be seen as a stable value community; its values given expression and definition by its founding constitution. This constitution, established by an initial legislative project under the guidance of the Legislator, is the explicit statement of values inherent in the practices and conventions of that community, modified by considerations of justice.

Rousseau's ideal state, then, is a stable value community; and we can sketch out the grounds of a conservative theory of freedom. One is free only in a community in which the values are stable and clear to all, and where one can act without fear of mis-interpretation. According to this theory, the field of negative liberties permitted is less important than that the values are common to all. A dominant theme of Rousseau's *Confessions*, particularly but not exclusively of the period of his lionisation in the Parisian *salons*, is of his inability to act with confidence when among the wits and sophisticates of society: simply, he did not know the rules of the 'game'. This discrepancy found at the level of manners and etiquette, Rousseau took to a the fundamental truth of the structure of society. A unity of values is the pre-condition of freedom; for action, if it is not to be either redundant or counter-productive, requires a prior confidence that it be understood, that it be interpreted according to the values under-pinning the agent's intention.

The theories of neither Rousseau nor Wolff provide us with satisfactory models of a maximal democracy. At best, with their stress on popular

approval of the laws, they present us with models of medial democracy. For a clearer picture of what would constitute a maximal democracy I turn now to a brief discussion of the democratic practice of classical Athens.

The high-point of democratic practice in classical Athens was reached in the mid-fifth to the late fourth centuries. Although both institutions and practices evolved during this period I shall largely pass over these changes, since I am concerned only to sketch the central features. There are three institutional features I shall discuss: the assembly (*Ekklesia*), the Council of 500 (*Boule*) and the law courts (*Dikasteria*). My discussion, however, will focus on the scope for citizen participation which these institutions offered, rather than the details of their operational structure. Other matters concerning the Athenian democracy (including such favourite topics as the 'success' of Athenian democracy, its dependency on slave labour and its emergence) I shall largely ignore.

Participation was extensive and varied but exclusive to adult male citizens. The population of Attike during this period and the size of its enfranchised (ie. adult male) citizenry has been the subject of much debate. It seems likely that by the outbreak of the Peloponnesian War in 431 the number of Athenian citizens (men, women and children) had reached some 170,000 only to be much reduced by that war and plague and from which it probably did not recover for more than half a century. The total Attike population ca 431 may perhaps have reached 300,000 and included a substantial slave force of some 100,000 and 30,000-40,000 resident aliens (*metics*). Adult male Athenians at this time probably numbered a little under 45,000, at most some 15% of the total population. Generally, the boundaries of citizenship were jealously guarded. The Periklean reform (ca 450) ended the practice of conferring citizen status on the offspring of non-Athenian mothers; though the requirement of male and female Athenian parentage was occasionally relaxed: intermarriage with Euboians was permitted as a consequence of the ravages of the plague and grants of citizenship could be conferred by the assembly on individuals or groups who were deemed to have performed outstanding service to the Athenian cause.⁵³

The focus of citizen participation was the assembly. On reaching the age of 18, Athenian males registered as members of their *deme* or local community and from the age of 20 could participate in the proceedings of the assembly. No property or wealth qualifications were required. All other official posts required a minimum age of 30 and were not open to members of the fourth social class, the *thetes*, though Sinclair suggests that this exclusion may have become a 'legal fiction' by the middle of the fourth century.⁵⁴ The assembly constituted the sovereign body of democratic Athens, holding sole legislative power and ultimate executive authority. The routine was for the assembly to meet 40 times a year, a main meeting being followed by three supplementaries. Central to the functioning of the assembly was the right to be heard (*isegoria*); though in practice this right may have been more readily conferred on established figures and renowned speakers. It was open to any enfranchised citizen to raise a matter or present a motion to the assembly; though the latter was probably comparatively rare, most decrees having received prior discussion and formulation in the *Boule*.

Attendance at and composition of the assembly is a vexed question. Although formally open to all adult male citizens, attendance would be limited by three main factors. First, despite a burgeoning population growth in Athens and the Peiraieus in the middle of the fifth century, possibly as much as half the citizenry remained dispersed throughout the *demes* of Attike, though most within a few hours walk of the city. This would tend to disadvantage moderate landowners. Wealthy landowners would be likely to have a house in Athens and a hired- or slave-labour force sufficient to secure the necessary leisure for regular attendance. On the other hand, and this is the second factor, artisans were more densely concentrated in the city and port areas but we cannot be sure of the extent to which they too could find the necessary leisure for regular attendance. (The importance of this factor would have been much reduced by the introduction of a daily attendance allowance ca 395.) The formal arrangement, then, of equal access to the assembly would tend to favour the well-off (landowners and merchants) of the city. This is not to suggest that other social groupings did not attend, only that their regular attendance would be problematic. The third factor would disadvantage the younger (ie. under 30) citizens: the democratic period of Athens was one of near-uninterrupted war and military

adventuring. During this period the number of adult male citizens seems to have dropped from above 40,000 to its nadir of about half that by the early fourth century. The official quorum for the assembly was 6,000 and this appears to have been the seating capacity of the rebuilt Pnyx (the assembly would thus be quorate once all the seats were filled). There is no extant record of an assembly failing to reach its official quorum, though the continued increase in assembly allowance throughout the fourth century may suggest difficulties in sustaining attendance.

More important here is the point which Finley makes (and which will be developed in the next chapter):

[Each meeting of the Assembly was unique in its composition. There was no membership in the Assembly as such, only membership in a given Assembly on a given day. Perhaps the shifts were not significant from meeting to meeting in quiet, peaceful times when no vital issues were being debated. Yet even then an important element of predictability was lacking. When he entered the Assembly, no policy-maker could be quite sure that a change in composition had not occurred ... ⁵⁵

Whether such changes were the result of mobilisation of support or opposition, or a result of circumstance (eg. a foreign campaign), or the quite unanticipated presence of large numbers of, say, hill-farmers a strong random element attached itself to meetings of the *Ekklesia*, much reducing the possibility of would-be leaders or factions establishing a body of consistent support.

The *Boule*, or Council of 500, was by contrast a directly representative body. Its members were chosen by lot (sortition), 50 members (aged over 30 and, officially, non-thetic) from each of the ten tribes; each *deme* sending a number corresponding to its population. Office was held on a yearly basis, no Council member holding office for more than two years and (probably) not consecutively. This reveals a remarkable degree of confidence in the competence of the citizen body, since the work of the *Boule* was substantial. The functions of the *Boule* were exercised in the first instance by the 50 members of a given tribe working as a standing committee (the *prytaneis*); each tribe effectively holding office for one *prytany*, a new (and different) chairman being chosen by lot from among their number for

each day the *Boule* met (some 260 days each year). (The chairman would also preside over the assembly if it met on that day.) The *Boule* drafted legislation and referred matters to the assembly, received foreign envoys and campaign reports, had general responsibility for the management of common funds (until the emergence of the Festival Fund Committee in the middle of the fourth century), exercised a supervisory function over cavalry and navy, and it had the power to investigate and fine officials. The functions and powers of the *Boule* were thus administrative and supervisory and broad in scope; dealing with the routine, the extraordinary and emergencies. Yet members of the *Boule* were no more independent than any other Athenian official and remained accountable to the assembly.

Although strictly representative with respect to *deme* and tribe, the burden of membership of the *Boule* tended to discourage all but those with secure leisure from putting themselves forward for selection by sortition. Nonetheless, once chosen, any member could find himself chairing the *prytaneis* and possibly the assembly (though only for a day). The success of the *Boule*, Sinclair suggests, is due to its operational combination of four principles: sortition (selection of members and of daily chairmen); limitation of tenure (yearly membership, held no more than twice and probably not consecutively); rotation of office (each tribe for a *prytany*) and collegiality (administration, in the first instance, by the tribe members).

The third main feature of Athenian participation was the law courts, the *Dikasteria*. Perhaps no other element of the Athenian democracy has excited so much controversy. Universally damned for the condemnation of Socrates and mercilessly ridiculed by Aristophanes⁵⁶ the *Dikasteria* are presented to us as the theatre of either an extreme witlessness and gullibility or a proto-Terror. The introduction of an allowance for jury attendance is conventionally seen as corruptive, but it may have been an attempt to broaden the social and economic range of those prepared to attend the courts.⁵⁷

Each court session required, typically, a jury of 501 citizens, chosen by lot from those who enrolled. The jury members could be expected to have to pass judgment on matters trivial and vital: on civil, criminal and political offences (particularly in cases of *graphe paranomon*, of laws introduced and perhaps approved by the assembly which contravened pre-

existent legislation); but the jury members, alone of all Athenian officials, were not required to submit themselves to scrutiny prior to serving and from their court there was no further appeal. The *Dikasteria* was thus a powerful institution; and as Sinclair points out, was the only avenue of civic duty requiring little or no active participation. (Except, that is, for the laying of the prosecution, which was brought and argued for by individual citizens.)⁵⁰ And voting, unlike in the assembly, was secret.

These three central features by no means exhaust the participatory scope open to the Athenian citizen; but they are the most distinctive elements of Athenian democratic practice. Other posts, particularly the military commanders (the *strategoi*) were elective; wealthier citizens were expected to fund the religious and artistic festivals (*leitourgiai* and *khoregia*) and to pay and be responsible for a vessel in the fleet of triremes. And finally, there was the duty of military service.

There are two points to be stressed from this brief discussion. The exercise of power by the Athenian citizen was highly differentiated, there being a range of posts to be filled: some elective on personal qualities, some by sortition, and some by sortition according to representative criteria. Secondly, that this degree of differentiation among the posts to be filled served both to broaden the citizen's knowledge of and competence of judgment in a range of matters, and to locate identifiable responsibility on the individual citizen.

Thus the models of 'classical' democracy presented by both Wolff and Rousseau are medial and not maximal democracies. They embrace the principle of popular approval of the laws, but do not extend to the generation of legislative proposals. Nor do they provide a range of differentiated roles for citizen activity or locate identifiable responsibility on individual citizens. They thus fail to provide conditions conducive to the exercise and development of critical judgment on the part of the citizen. In response to this I shall now propose the reflective model.

CHAPTER FIVETHE REFLECTIVE MODEL OF MEDIAL DEMOCRACY:DEMOCRACY AS POPULAR ASSENT

I want now to propose the reflective model of medial democracy: one grounded in and developing the themes we have so far examined. I stress again that the function of this model is to provide a foil against which we may deepen our reflections upon what we understand by the term 'democracy'; and indeed, what we may want from and, conversely, find ourselves unable to accept in a democracy. Unlike Robert Paul Wolff, I find myself as yet unable to put forward this model 'a good deal more than half in earnest' as a programme for reform. Those deepened reflections generate conflicting implications which demonstrate the tensions latent within a general theory of democracy. Nonetheless, I take the clarification of those tensions and the reflection upon them to be not without value.

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The model takes as given Wolff's contention that the technology now exists for some form of direct democracy. However, this one is explicitly medial in form. Furthermore, it is neither 'instantaneous' nor conducted as a system of weekly referenda. With these comments I move to the first sketch of the model.

I assume some form of elected legislature. Bills would be generated, debated and approved in parliament much as at present. But instead of bills becoming law either solely on parliamentary authority or (as in the U.K.) being presented to the sovereign for royal assent they would be presented to the people for *popular assent*. Only those items of legislation which had been approved for parliament would thus be presented for popular assent; and they would become adopted as law only by means of popular assent. For this to be possible, I assume that two television channels (and perhaps

radio channels also) are given over to the permanent and continuous live broadcast of parliamentary proceedings (assuming a bicameral assembly). This goes some way to meeting an initial objection with regard to access to relevant information.

Voting, as in Wolff's model, would utilise modern communications technology but would take place in public rather than the home and within, say, a week of a bill completing its parliamentary progress. On reaching the set age, or on satisfying given qualifying criteria (a matter to be discussed later in this chapter) the citizen would be issued with a card similar to the 'cash cards' currently used in electronic banking. This card would carry a randomly-generated voting number, each one unique to each citizen, as well as a specimen signature. This would also be a 'smart' card, electronically storing a record of all 'transactions' on a magnetic strip on the back of the card. All elections (local and general) as well as approval of legislation could thus be carried out using this card. Voting booths, similar to present 'cash dispensers' could be established as permanent fixtures (say, at town halls and public libraries) within each constituency. The method of voting would be as follows: on entering the card into the electronic register, the screen would display the name and voting number of the voter and ask for confirmation; on receiving this confirmation, the screen would then display details of the election (specifically the candidates and their party) or of the legislative proposal to be voted upon; the voter would enter her vote and, if so desired, receive a print-out showing the voting record, the voter's name and number and the time and place of voting. This print-out could be kept as a check against the possibility of any manipulation of the record: at any time the voter would be able to repeat the process and call up the computer-stored record, comparing it against the record stored on the card and the retained print-out. It would be open to any citizen to report to an ombudsman any discrepancy between these three records. If this is thought to be an insufficient safeguard against the doctoring of the record, then I shall simply assert, for the purposes of the model, that suitable safeguards can be developed compatible with this system. (And we may note that Mill felt it necessary to counter parallel arguments against the use of voting papers in elections.) Votes would be counted electronically at either regional or central computers.

There are now two major problems to be confronted and which will lead to a substantial refinement of Wolff's model. The critique of that model centred on the question of the responsible exercise of political power and the likelihood of negligent or maverick voting behaviour; and that in turn, I argued, was a result of the failure to convert nominal power into effective power. By giving the final say on matters of legislation equally to all of the citizens all of the time Wolff enshrines the principle of democratic equality; but the price paid for this is the reduction in the power of any given individual to the absolute minimum: the only other power position below this would be one of no power at all. Thus, although this does not preclude the possibility of concerned voting behaviour, it would be hopelessly naive of us to expect it to become the norm. This I take to be a central problem in democratic theory: to confer effective power on individual citizens is to give some more power than others, which breaches the principle of democratic equality; to uphold that principle involves giving power equally to all, and this in turn suggests making that power merely nominal.

However, I suggest we can escape this apparent *impasse* by placing the power (and thus the responsibility) for the final approval of legislation in the hands of what we might see as a sub-committee of the people, chosen at random. Such citizens thus chosen would serve for a limited period of time (or for a limited number of items of prospective legislation) such that all citizens would be eligible to serve and, ideally, the numbers chosen would be such as to give all citizens a chance of serving at least once in their life-time (this would be a minimal stipulation required by considerations of equality). This I shall refer to as sub-set voting and it will be the major argument of this chapter that not only is sub-set voting a useful device in situations of practical limitations but that it is central to a correct understanding of the democratic structure.

There are two background insights for this proposal. The first is provided by the institutions and practice of classical Athens and its exemplification of Aristotle's argument that the virtue of the citizen is to understand the requirements and to perform the duties of ruling and being ruled in turn.² We saw in the previous chapter that in democratic Athens all adult male citizens (though this class was highly exclusive) held the unqualified right of attendance at the *Ekklesia* and the right to be heard

(*isegoria*) within the assembly. More importantly in this context, on reaching the age of 30, these citizens could accept nomination for the central administrative body, the *Boule*, for which membership was determined by sortition amongst those put forward by the tribes, office being held for a maximum of two, non-consecutive years. Membership of the *Dikasteria* was also by lot amongst those enrolling. The principle of equal access to but not simultaneous exercise of power by all citizens was thus well-established in Athenian democracy. A large number of (though by no means all) Athenian citizens would have personally experienced ruling and being ruled by in turn. In the reflective model, the power of assent remains within and is not alienated from the citizen body but would not be exercised by all simultaneously. In so far as approving legislative proposals constitutes ruling, then, under the reflective model of medial democracy, they too would rule over and be ruled by their fellow citizens in turn.

The second background insight is provided by the example of jury service. In general, we expect members of the community, irrespective of social and personal characteristics and values, to be prepared to give up their time when called upon to do so and to reach a judgment in cases where, we may reasonably assume, the majority of serving jurors have neither technical knowledge nor interest. Furthermore, we expect jurors to form their judgments impartially, responsibly and on behalf of the wider community. Against this it will be objected that jurors are asked only to reach a decision on the facts of the matter as laid before them and that the approval of laws is as much a question of value as of fact. Furthermore, the juror deals with the particularity of the case before her whereas law deals in generalities. This represents not merely a difference in scale but also in power and in the weight of responsibility for the consequences of a wrong decision. Thus, whilst the conviction of an innocent person is a tragedy it nonetheless remains a personal one, restricted in scope to those directly involved; the wrong judgment on a proposed law, however, affects all in the community and this, then, is properly a task for experts.

Taking the last point first, it is by no means obvious that we do insist that the power of judgment on legislative proposals be held by experts. This is likely to be the case only if we elect delegates as opposed

to representatives or deputies. However, by electing legislators (of whatever specific role) we both exercise some scrutiny over their suitability for the task assigned to them and place them in the position whereby they can give their full and undivided attention to matters of legislation so that, if not experts to begin with, we may expect them to become so during their parliamentary service. Thus parliaments come to embody a legislative expertise independent of the pre-membership skills, capacities and experience of any given member. This expertise, we may assume, is not to be found among the citizenry at large.

This objection, I suggest, can be met on two counts. The reflective model combines an expert role (in the drafting, debating and provisional approval of legislative proposals) with a lay role in giving final judgment on those proposals. And the citizen's power, it should be stressed, is effectively that of a veto. There is no suggestion here of giving direct powers of legislative generation, debate and revision to the citizen sub-committees (that would be to take a further step towards maximal democracy). Their role is analogous to that of the juror: to follow the arguments advanced and to reach a judgment. And just as it is up to the barristers to present the facts of the case (under the supervision of the judge) so it would be up to the legislators to do likewise, under the supervision of the Speaker. Thus the debates in legislative assemblies would be directed as much towards explaining and attempting to justify proposed legislation to the citizen body as much as to winning a vote in parliament. However, we shall have more to say about this below.

Whilst it is true that jurors in cases of criminal and civil law are required to reach a judgment (one that is beyond all reasonable doubt) on matters of fact this would not be the case in giving or withholding popular assent to items of legislation. Fact may indeed come into it but it would not be solely a question of fact. Would the ineliminable element of value lead to corrupt and biased judgments by the citizens?

As with our criticisms of Wolff, I suggest that no guarantees can be given; however there are various considerations which suggest that this is not as problematic as it may at first seem. The most obvious objection is that citizen voting would be partisan. Here we need to offer a further refinement of the model.

The citizens, I suggested, are to be chosen at random; but would it not be better to employ the sophisticated techniques developed by opinion poll companies to choose (with some random element) a representative sample? And representation here could be according to geography, class, ethnic background, creed, occupation or special interest. Thus, for example, a bill on educational reform might have a jury (and let us call it that) composed of teachers and parents; one on the City would call for a jury of bankers and stockbrokers; one on the Scottish legal system would be voted upon by a jury of Scots and barristers and solicitors, and so on. There are several objections to be advanced against such a system. In the first place, it legitimises partiality in the voting. The jurors would inevitably see themselves as *representing* specific partial interests. A teacher would see herself as voting on behalf of all teachers, a miner on behalf of all miners, a black person on behalf of all black people and so on. But, and I shall argue for this in more detail later, it is vital here to encourage jurors to divest themselves so far as possible of their particularity and partiality in forming their critical judgment. We need not take this as a counsel of perfection in order to hesitate at introducing partiality to the heart of the process.

Furthermore, if we are to introduce proportionality along with representation then we enter a world of interminable disputes as to the due extent of proportionality in any given case. What percentage of any given constituency primarily affected by a bill is to comprise the jury? Should it vary according to the content of the proposed legislation? If, say, occupation were to be a major factor in selection then should we not also take account of party loyalties, class background, ethnic origin (to name but some of the variants) so as to achieve an accurate representation of all possible views and interests? I shall not attempt to answer such claims, but merely assert that this is to place not only partiality but also irresolvable dispute at the heart of the process. By contrast with this approach, the model posits the expression of views, interests and values in the election of legislators but not in the formation of critical judgment. Partisanship in particular and partiality in general is to be characterised as negligent voting behaviour. What is required is that those jurors chosen at random represent not some particular interest group but the citizen body as a whole. To that extent a considerable degree of disinterest is required.

For the question we must ask the jurors to consider in reaching their decision, indeed the only question we would want them to consider, must be along the lines of that posed by Rousseau: 'Is this law in conformity with the general will?' Only such a general question could be acceptable to those not chosen for any given jury. Were we to acknowledge that either formally or as customary practice the jurors appealed not to some sense of common interest but to their particular interests then I think it is quite clear that we would all want to express our opinions on the matter. Thus the model places trust between members of the citizen body as a central value. On this too we shall have more to say later.

Nonetheless, trust requires some solid foundation if it is not to prove worthless. At this stage I shall take the major obstacle to the formation of critical judgment to be that of party allegiances. Having been selected as a juror could one reasonably be expected to vote, let us say, against a bill proposed by a party one had initially voted for? I suggest that this would not be all that unlikely, though my argument does not depend on it. Party supporters of whatever hue may often find themselves at odds with specific items of legislation without thereby exposing their over-arching loyalty to doubt. This becomes an acute problem only where any expression of doubt and dissent threatens the power *status quo*. So, given that a government would not be obliged to resign if parts of its legislative programme were rejected by the jurors then one, strong, impulse to partisanship would be much reduced.

But I doubt that that is enough by itself. A more serious problem is that of the narrowness of political self-identification encouraged by such systems as that presently adopted by the U.K.: the system of 'first-past-the-post' election of legislators. Against this, a system utilising single-transferable-votes (STV) in multi-member constituencies would encourage a less static and more elaborate conception of one's political identity. Under such a system, one would need to determine not simply which party to support but the extent to which one was in sympathy with broad areas of party policy and thus party 'wings'. Consider the following example.³ The city of Bristol currently returns six Members of Parliament from separate constituencies. Under the multi-member system, Bristol would continue to return six legislators, but these would stand for the same constituency. The voters, employing STV, would now be voting for six candidates ranking their

choices in order of preference. Cross-party voting now becomes a serious option. Let us say that the Labour Party fields six candidates, covering the spectrum of views within that party. A would-be Labour voter identifying herself as being on the right wing of the party might prefer to vote for, say, four right wing and centrist Labour candidates and then for S.L.D. or 'wet' Conservative candidates rather than for left-wing Labour candidates. As soon as this refinement in political identity takes place and citizens have the chance to vote for more than one party at the same election then the problem of partisan voting amongst the jurors is reduced. Furthermore, given that the jurors are chosen at random from the citizen body it becomes crucial that the composition of the legislative assembly accurately reflects the range of views and values within the political community if its legislative programme is to prove acceptable. The two points reinforce each other.

At one level, then, I suggest that partisanship need not be as great a problem as might be feared. Nonetheless, this does not embrace the wider objection about the role of value judgments. Here I shall simply assert that value is central to political judgment. The discussion of Rousseau's theory of popular sovereignty in the previous chapter stressed this centrality. For the question our legislative jurors must ask themselves is not quite Rousseau's formulation ('Is this law in conformity with the general will?') but the reconstructed version: Does this law, through the values it espouses, express the sort of people we are? And this is not a matter of personal value but of assigning weight to the competing value claims within society: which values are more central to our way of life than others? However, it should be noted that this does not commit us to a narrow identity between law and morality. It may do so; but it may also be that the values expressed are second-order rather than first-order: they allow for a general structure within which individuals are free to pursue and express their own values (their own particular conception of the good), subject to their not harming others. Thus, independently of our own particular (ie. first-order) values if we saw our society as being tolerant and freedom-loving we would be inclined to reject laws which sought to impose particular values on all.

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So, the model as it now stands is this. Legislators would be elected by STV in multi-member constituencies, parliamentary debates would be broadcast live on television (and perhaps radio), bills gaining parliamentary assent would then be voted upon by the randomly chosen sub-set of the citizen body and would become law only on gaining popular assent so construed.

I have stressed the analogy between jury service in courts of law and the role of the citizen in expressing judgment on legislative proposals. There is one further and crucial difference to be explained. The juror divests herself of her particularity on entering the jury box; such at least is our trust. The act of physical distancing from one's daily concerns combined with the ritual elements of the court of law help to create a reflective gap which aids the formation of critical judgment. One is no longer oneself (daughter, manager, miner, professor, lover) but a *juror*: one assumes a new social role with a specific physical location (the court), complete with a new set of duties and responsibilities. A similar act of physical distancing and delineation from quotidian existence is not suggested for the citizen-jury. It is not the impracticality that is crucial here but the need for the assent to be firmly grounded within the community. The citizens vote on behalf of the community but do so by remaining fully part of that community. Their decision is reached independently of each other but not independently of their family, friends, colleagues etc.. The model envisages the opportunity for voters to discuss the issues raised within their social circle, to canvass opinions - but for the judgment ultimately to be their own.

This again raises a number of points. To begin with, there is the matter of political education. The model has an internal dynamic which encourages a growth in political knowledge, and more generally, political understanding. Even those not directly involved (those not chosen this time round) become drawn into the discussion if members of their family or friends etc, are empanelled. The net of involvement is wider than the numbers specifically chosen. As more citizens take part directly and indirectly in the legislative process so the arcane rites of the parliamentary process become more generally grasped within the community; point is given to the formal teaching of constitutional studies at the level of secondary education; and, if legislative proposals were to become widely discussed within the community, we might reasonably expect that political

argument, of a fairly developed kind, would become assimilated to the heart of the culture.

A major problem must now be confronted. My presentation of the model has tacitly assumed that the names of those chosen for these legislative juries would be made public. This I would see as essential to the wider involvement discussed above. But should jurors act in a public and identifiable way, or should they be protected by anonymity? The issue not only has profound implications for our understanding of what it is to be a citizen but also strikes deep at the heart of liberal democratic theory. According to that theory, the vote is a right and in one sense is the property of the individual voter. Voting is conducted in secret not only on the instrumental and pragmatic grounds of protecting the voter from the possibility of intimidation but also because the vote is adjudged to be the concern of the voter and of no-one else. The voter has the discretion to reveal the content of her vote should she so wish, but she alone has that discretion. Beyond meeting formal requirements, the disposal of the vote is a matter for the individual.

John Stuart Mill argued forcefully against this conception of the vote as a right and a matter of self-interest on several but related grounds. Mill accepts (though by so doing he strains his consistency) that we are not required to sacrifice our self-interest in voting, but correctly draws the distinction between narrow and broad, short-term and long-term conceptions of self-interest. Thus it may be in my immediate (narrow, short-term) self-interest to vote for lower taxes; yet this may be counter to my wider, more long-term self-interest if it leads to a decline in social cohesion so that, for instance, it becomes unsafe for me to walk the streets at night. The thrust of all Mill's political, social and ethical thought is that of an appeal to our wider and more long-term interests. More importantly, Mill attacks the conception of the vote as a right. The vote, he insists, is an exercise of power over others (or at least, it constitutes the attempt to do so) and this can never be a matter solely of right and self-interest. In voting, the citizen takes on a specific political role (one which involves the exercise of power) and is thus strictly analogous to any other public office: its power is to be exercised on behalf of the community at large and not for the purpose of advancing one's self-interest and thus it is to be exercised as a duty:

The suffrage is indeed due to [the voter], among other reasons, as a means to his own protection, but only against treatment from which he is equally bound, so far as depends on his vote, to protect every one of his fellow-citizens. His vote is not a thing in which he has an option; it has no more to do with his personal wishes than the verdict of a jurymen. It is strictly a matter of duty; he is bound to give it according to his best and most conscientious opinion of the public good.⁴

And like all such public duties, they should be exercised under conditions of scrutiny and public accountability. Thus it follows that one's vote is a matter of concern to others *and* that it should be cast in public:

In any political election ... the voter is under an absolute moral obligation to consider the interest of the public, not his private advantage, and give his vote, to the best of his judgment, exactly as he would be bound to do if he were the sole voter, and the election depended upon him alone. This being admitted, it is at least a *prima facie* consequence that the duty of voting, like any other public duty, should be performed under the eye and criticism of the public; every one of whom has not only an interest in its performance, but a good title to consider himself wronged if it is performed otherwise than honestly and carefully.⁵

I suggest that Mill is correct in arguing that the vote is not a right - though it smacks of heresy to so claim. If there is a right involved here (and I stress that I am not hereby committing myself to a doctrine of rights) then it would be a general right to self-determination by means of the fullest possible political participation; but any given form such participation may take is as a social role which defines the form and scope of the proper exercise of power in terms of duties. The 'vote' is a technical arrangement for the expression of power within this (presumed) right of participation - and it is patently absurd to ascribe a substantive right to something merely technical (in contrast to its being merely a statutory right). If this position is correct and the vote is not a right but a duty, performed within the context of a public office, then scrutiny and publicity are implied.

In point of fact, Mill was prepared to accept that where the risks of intimidation and corruption were great then it would be more expedient to employ the secret ballot. And to be sure, one might well argue that, given universal adult suffrage, then first, the individualised pursuits of self-interests will have a tendency to cancel out; and second, since there is a formal equality amongst all the voters, the problem of accountability is not so acute. However, that is clearly not the case with respect to the reflective model. Here, the formal equality is temporarily breached to give substantive powers to a randomly chosen few who thereby assume the duties of public office. Theoretical considerations commit us to scrutiny through publicity. But it may be that, like Mill, we must accept that protection in law for the legislative jurors (protection from harassment and intimidation from the press, from organised lobbying and unsolicited opinions by mail, telephone and door-step callers) will prove inadequate. Undoubtedly, there is something that to us must seem to be at the same time romantic and stoic in Mill's vision of the citizen being prepared to argue the case for her vote in public and to all and sundry. There is a background assumption of toleration and desire for something approaching the common good which for Mill would be the qualities of civic virtue (which he expresses in terms of patriotism). This is a subject we shall pursue further in the chapter on citizenship. So, I leave it open for further debate as to whether or not *in practice* lists of those chosen to serve on the legislative juries would be published (perhaps copies would be available in local libraries etc.).

Liberal democratic theory in resisting this conception of voting as a duty rather than a right also resists the conception that there is an obligation on the individual to cast their vote. While voting continues to be seen as a right then it rests with the individual to choose whether or not to vote. This has led to theoretical problems as to the extent of any political obligation on the individual who does vote as opposed to those who do not. That voting takes place is taken to generate an obligation to obey the government and its laws which result from this, the 'democratic process'. Thus it is the free exercise of the so-called 'right to vote' which generates a self-assumed obligation, analogous to that generated by promising. But if voting is a duty, then the individual no longer has the

choice as to whether or not to vote, but is committed by a prior obligation. Thus voting as a duty could not generate political obligation.

I shall not pursue these problems in any depth here except to note that doubt is now being cast on this theory of a voluntary (ie. self-assumed) political obligation⁶. However, we can make some brief comments. In so far as the presumption is that the suffrage is to be bestowed automatically and equally on all (some being dis-qualified on various grounds) then the duty of voting is common to all. Were it the case that one had to qualify for the suffrage (say, as on Mill's theory⁷ by demonstrating literacy and numeracy) then the duty would be specific to those who had so qualified. In the former case, where suffrage is presumed unless there are grounds for disqualification, then, I suggest, it is a matter for common agreement as to whether the performance of this duty is left to the discretion of the individual or is insisted upon (perhaps with the backing of legal sanctions). However, where there is no presumption but the suffrage is conditional on satisfying certain requirements then it may be that there can be no question of choice: the duty is not common but is specific to those chosen, which is to say, those qualifying.

More would need to be done to maintain this distinction. Nonetheless, it is clear that voting on the legislative jury is not only a duty but one which would be enforceable by legal sanction. This raises the question of dissent. There are two main reasons why we would not wish those who dissent from the prevailing political system to sit on the legislative juries. In the first place, it is not clear how we might expect dissenters to exercise their critical judgment. That is, their critical judgment is already committed to opposition to not just the specific item of proposed legislation but to the legislative system in its entirety. Secondly, the dissenter, if she shares the liberal democratic view that participation generates obligation, will want to avoid such actions, and specifically voting, which might be taken as implying consent to the legislative system. So, there are two problems to confront: independently of the satisfaction of any criteria we might insist upon for eligibility to serve on the legislative juries, do we give citizens the choice as to whether or not they wish to be considered for this form of public service; and/or do we provide a dissenting option ("vote withheld") for the jurors?

As to the first problem, I suggest there is a clear presumption in favour of voluntary registration, from which lists sortition would be used to decide who serves on any given legislative jury. The advantages of voluntary registration are many. It discourages (though it doesn't of itself prevent) dissenters from participating. It removes an element of coercion from the process by allowing those who, for whatever reason, are content to remain unengaged in the political process to continue undisturbed in their chosen life-style. Those who might feel anxious or unconfident of themselves, or those who simply would not wish to devote the time and effort involved in the exercise of such power would also be able to thus exempt themselves from this part of the process. If registration is not a once-and-for-all act, but remains open for citizens to register and de-register themselves according to their circumstances, or is made a specific act for each parliament then this form of participation would be highly voluntary. (As with contemporary jury-service in courts of law, last minute exemption on grounds of ill-health, business commitments and holiday arrangements would be allowed.) Such voluntary and flexible arrangements for registration, by effectively reducing the numbers of those registered, would increase the chances of those with a high degree of civic commitment being called upon. However, it would also increase the chance of being called upon for political 'activists' (of whatever persuasion), those concerned with high-profile issues, and those for whom legislative policy will have particular consequences.

It is not clear how we should regard such possibilities. Partly it depends on the numbers involved as to whether this would be a peripheral or central element. At a deeper level we might want to view with alarm the sudden and dis-proportionate intrusion of those pre-committed to particular positions or interests (though such pre-commitment may fail under scrutiny of the arguments). At the same time, I do not think we should want to exclude those whose engagement in the political process is (initially) temporary and specific, for such provisional engagement might lead to something more permanent developing. One move we might make would be to hold two lists, one for life and one temporary for each parliament, with a bias towards selecting members from the former list. Thus those with particular concerns which suddenly come to prominence are not excluded but would be unable to constitute a sizeable proportion of any given legislative

jury. (And there is no guarantee, of course, that they would be chosen to scrutinise a bill which especially concerned them.)

But just as a deeper commitment might develop, so might greater disillusionment. It is not inconceivable that members of a legislative jury, initially feeling themselves well-satisfied with the existing system, find themselves increasingly dissatisfied as a result of their close scrutiny of the legislative process, to the point of active dissent. Provision for this (independently of the possibility of confirmed dissenters on the panel lists) should be made. Thus, there should be four voting options: "for", "against", "undecided" and "vote withheld". The presence of these options ensures that the duty of voting may be legally enforced on all those who register.

Voluntary registration (whether life-long or temporary) may result in a systematic distortion of the representativeness of the legislative juries by favouring those with the leisure to devote to such a time-consuming and effort-demanding activity; that is, and assuming no further qualifying requirement such as property or literacy (though these matters are discussed below), the retired, the unemployed and the more-than-moderately well-off. The one clear advantage of universal and compulsory registration (ie. of all enfranchised citizens) for legislative juries is that the burden is thus incumbent on all without further distinction. Yet it must be asked whether the citizen body would be prepared to accept such an onerous task, in terms of both the time and the effort required; for if not, then the likelihood of negligent and maverick voting is much increased.

There is no avoiding the fact that citizen participation on the legislative juries would (for the period empanelled) be onerous. Yet I do not think we should see this as a major objection. In the first place, I argued in Chapter Two that political participation should be a reluctant activity, that it should involve these sorts of 'costs'. Secondly, it can be argued that we expect at least as much as this from those selected for juries in the civil and criminal courts where cases may in some cases last weeks. Furthermore, it may not be necessary for members of the legislative jury to set aside their routine concerns, the way a juror in the criminal

courts must. For, although I have suggested that the model requires continuous live broadcasting of parliamentary proceedings, it does not follow that the member of a legislative jury needs to watch live nor follow every moment in the passage of a bill.

That proceedings on the floor of both Houses be broadcast live and continuously is a vital component of the model, enhancing the general development of citizen awareness of procedures, issues and arguments. It is important that the chances of any citizen coming 'cold' to the duties of legislative jury service, ie. without any prior familiarity with the parliamentary process, be reduced. Thus ready access to that process is required in order to generate such background familiarity. However, we cannot force anyone to watch and follow any or all debates. We can do no more than encourage and provide access. This is as true for the member of a legislative jury as it is for the ordinary citizen. Furthermore, with respect to the U.K. system, the broadcasting of proceedings on the *floor* of the House of Commons would miss the Committee stages of bills, during which most of the detailed debate and amendments take place. And since it is not unknown for the Standing Committees to which bills are referred to sit contemporaneously, simultaneous broadcast would be impossible, unless we wantonly multiply the number of television and radio channels dedicated to coverage. The solution would be to use the dedicated channels at the weekends when neither House sits to broadcast edited, though still extensive, coverage of each bill in passage (both in committee and on the floor of the House) that week. This would allow the legislative juror to follow the main arguments with a minimum of disruption to their normal routine.

Edited coverage of parliamentary proceedings is, rightly, a sensitive issue. For some, only comprehensive (ie. live, continuous) coverage can avoid the evils of selectivity and bias. Yet it is not without its drawbacks. Apart from the problem of covering (again, in the U.K.) Standing and Select Committee work, comprehensive coverage invites selectivity and bias on the part of the viewer. Given an excess of non-predigested (ie, non-edited) material, few viewers could be expected to follow a debate in its entirety. It is far more likely that the average viewer would watch, at most, the initial and wind-up speeches, along with such high-profile occasions as questions to the Prime Minister. There is then, I suggest, less

chance of the full range of arguments being followed by the viewer if comprehensive coverage is all that is made available. But edited coverage, against a background of comprehensive coverage, whilst not escaping all problems of selectivity and bias, minimises the risks involved and makes accessible to a wide public the meat of parliamentary business. Edited coverage of these main points of each day's business could be shown late in the evening on the main (non-dedicated) channels, supplemented by the weekend broadcasts dedicated to coverage of the passage of bills.

Given such wide-ranging edited coverage, do we after all need comprehensive coverage of parliamentary proceedings? There are three points here. The first I have already alluded to: that the exercise of final legislative approval by the citizen body requires that they be as fully conversant as possible not simply with arguments and issues but with procedures and matters of principle. This requires unrestricted access. Secondly, the background comprehensive coverage salves fears and minimises risks of selectivity and bias (and a parliamentary ombudsman or committee of grievance could be appointed to investigate such complaints from both Members and the public). And thirdly, the proposal for continuous live public broadcasting of parliamentary proceedings has wider implications which must now be considered.

One of the great and apparently perduring struggles of democratic practice is that between the executive and the legislature. We saw in the previous chapter how the democracy of classical Athens largely avoided this problem by having no clearly defined and autonomous executive body and by making all officials accountable to the *Ekklesia*. In contemporary times, many states have sought to avoid this problem by instituting a clear separation of powers, with varying degrees of success. In the United Kingdom, however, there has been a growing apprehension that the legislature has suffered a steady erosion of its powers of scrutiny and control over the executive; a development most memorably captured in Lord Hailsham's warnings against the trend towards an 'elective dictatorship'.¹⁰ This situation, of a legislature which sees itself as increasingly impotent in the face of an executive backed by a large parliamentary majority, was explicitly appealed to in the proposing speech in the House of Commons debate (February 1988¹¹) which resulted in approval of the motion to initiate an 'experiment' in the public broadcasting of parliamentary

proceedings. The general public, it was argued in that speech, would aid the legislature in its tasks of scrutiny and control by bringing to bear the indirect but effective pressure of public opinion. There is surely much truth in this; and it is a strong argument for the unedited broadcasting of the principal elements of parliamentary scrutiny: ministerial and departmental question times and motions of censure and no-confidence. But to give preferential treatment to such moments incorporates a bias of a different yet equally pernicious type. Ministerial (or shadow ministerial) success or failing in one matter is to be set against inability or competence in a range of others. The fullest possible picture needs to be shown if public opinion is not to be fraudulently enlisted.

Nightly and weekly edited coverage, featuring the main points of daily business and the passage of legislation, against a background of continuous comprehensive coverage is thus required. Membership of a legislative jury would be thereby no less of an onerous task; but not, I think, one beyond the capacity of the citizen. However, the televising of parliamentary proceedings as part of the reflective model of democracy as popular assent gives rise to a further implication regarding the grounds of proposed legislation and to which I now turn.

I have argued in this chapter that members of the legislative juries would be required to address themselves to the Rousseauian question: Does this law express the sort of people we are? I now want to modify this. In discussing Rousseau's theory in the previous chapter, I argued that the laws proposed by the Legislator were to be the expression of the values implicit within the community's customs and practices *modified by the constraints of justice*. Justice is also a central concern of the reflective model.

In his *A Theory of Justice* John Rawls argues for a conception of justice as fairness: that is, a system of just distribution of social primary goods such as we would choose in a position of political equality, each rationally self-interested yet mutually disinterested, and divested of all knowledge of our particularities (self, society, social position etc..) In this original position, behind the 'veil of ignorance', the structural arrangements for the distribution of social primary goods would be fair (and thus just) if they were such that we would all agree to them (while still behind this veil of ignorance). It is not Rawls' theory as such that

concerns us here so much as his device of the veil of ignorance as a means to deriving principles of justice.¹⁰

The reflective model proposes a radical transformation of the purposes of parliamentary debate on items of legislation. As I have argued, the role of the legislators is no longer simply that of securing support within parliament but now, given the comprehensive broadcasting of parliamentary proceedings, involves explaining and justifying (or criticising) bills to the public in general and to the legislative jurors in particular. What would be the main grounds for such criticism and justifications? The National Interest, of course, could be advanced; and we may take this as involving the maintenance and advancement of the community's values, as understood by the legislators. But beyond this? No doubt many different grounds could be offered, but one specific ground of justification or criticism would not be available: that of self-interest narrowly conceived. For, with respect to the composition of each legislative jury, the legislators would effectively find themselves behind a veil of ignorance. Chosen randomly, we would expect few if any such juries to present a precise cross-section of the social, political, economic and geographic composition of society. Some broad guesses could be made but could not be relied upon for an appeal to the self-interest of the legislative jurors.

Of course, we can darken the picture by imagining the legislators having access to computer records and thus being able to generate a precise assessment of the composition of each jury. So I shall add to the model an independent body with the role of supervising all electoral procedures (the generating of the jury lists, the counting of votes, etc.) and a constitutional restraint on the legislators' access to such information; and claim that this will suffice, for the purposes of the model, to keep the legislators behind this particular veil of ignorance.

In the absence of the appeal to self-interest, justice forms the central ground of legislative proposals. Since the legislators do not know which particular interests and sections of the community will comprise any given jury, it needs to be shown in the parliamentary debates that the proposed legislation would be in the interests of all: that it would be both in line with the general perception of the community's values (whether first- or second-order) and that it would be just. And here, I suggest, something like Rawls' general conception of justice would apply:

All social primary goods - liberty and opportunity, income and wealth, and the bases of self-respect - are to be distributed equally unless an unequal distribution of any or all of those goods is to the advantage of the least favored.''

(Whether or not Rawls' special conception of justice would be adopted is a more contentious matter and one I shall not pursue here.)

That the legislators remain behind this veil of ignorance assumes that they have no firm knowledge about the composition of any given legislative jury in relation to the social composition of society at large; ie. that the legislators cannot safely ignore ('safely' with respect to gaining assent for their legislative proposals) any particular section or set of interests within society. However this further assumes that no section of society is precluded from service on the juries. This reveals a tension which we must now explore.

If we were to set criteria for eligibility to the legislative juries then this substantial requirement of citizen equality (as well as a formal requirement of democratic equality) would be breached; unless the criteria were such as to avoid systematic discrimination against identifiable sectors of society. Arguably, criteria addressed to questions of sanity and criminal record avoid such systematic discrimination. However, we cannot be so confident with respect to criteria addressed to questions of, for instance, educational standards and the receipt of state relief. Yet these are criteria we might expect to insist upon if we are to trust others chosen at random to exercise power on our behalf.

Although arguing for universal suffrage, Mill also argued for a category of exclusions, none of which were to be permanent, and all of which were addressed to the capacity of the particular citizen to exercise his or her vote responsibly. These exclusions have generally been treated as an example of Mill's (supposed) elitism or even of his attempt to so doctor his theory as to ensure a middle-class majority in parliament. Thus the exclusions tend to be dismissed with little further thought given to them. In fact, I think Mill was generally correct. He was mistaken only in believing that the suffrage conferred effective (as opposed to nominal)

power on the citizens. It is only where the power conferred is effective, as it is with the legislative juries, that the question of the citizen's capacities becomes crucial. I shall look at the three main exclusions Mill proposes: illiteracy and innumeracy; the receipt of state relief (as in social security payments); and non-payment or non-qualification for payment of taxes.¹²

In brief, Mill argued that one should not be dependent on the hearsay of others in order to decide how to vote but should be able to inform oneself fully and independently of others. Thus the ability to read reports in the press, political pamphlets etc. becomes crucial. Even though these are not exactly neutral sources of information they nonetheless represent a degree of independence in comparison to reliance on hearsay. Numeracy, Mill argued (surely correctly), was essential if economic questions were to be understood. Furthermore, Mill claimed, perhaps somewhat naively, that literacy and numeracy are within the reach of all, given the educational resources; and thus this exclusion supported his advocacy of a system of national education. To qualify for the suffrage the citizen would be required only to read a short passage, copy out a few lines and complete some simple sums. Given a such system of free national education, Mill can surely be forgiven for not seeing this as representing a systematic preclusion from the suffrage.

First reflections suggest that for the legislative juries we would want to insist on at least this minimal proof of literacy and numeracy, the televised broadcast of the legislative debates notwithstanding. What worries me is that we might want to insist on more than this. Given that the legislative juries would be voting to give or withhold assent to the laws we might argue that the jurors should be able to read the draft legislation, white and green papers and so on. More than basic numeracy would be required to understand the elements of economic theories. These requirements are essential if the jurors are to retain a critical grasp of the legislative debates rather than come under the sway of the legislators. (Though keeping the jurors grounded within the community reduces the possibility of this.)

However, this is not to claim that the central element in the formation of critical judgment is in any simple sense one of intellect. I have already suggested that *value* is a crucial element; and this theme will be developed

later. Nonetheless, at this stage we will hold, with some reservations, to Mill's minimal requirements.

Exclusions on the grounds of receipt of social security and on non-payment of tax are more problematic. There are two different arguments here. As to whether service on the legislative juries should be restricted to tax payers the central argument is grounded in concerns of justice: it is unjust for those who are making no contribution to the state to have a major say over how the states resources are distributed. Whilst there is, I think, something to this argument it is far from conclusive. Although those exempt from paying tax make no direct financial contribution, they contribute nonetheless if there is a system of indirect taxation. Further, it is an unacceptably narrow view of the matter to insist on assessing an individual's contribution to the state solely or mainly in financial terms. We might want to argue that only tax-payers should be invited to serve on legislative juries dealing with fiscal policy; but the wider consideration of the need to maintain democratic equality wherever possible overrides this narrow consideration of financial justice.

A different argument is presented to justify exclusion on the grounds of being in receipt of social security. This is what Mill has to say on the matter:

He who cannot by his labour suffice for his own support has no claim to the privilege of helping himself to the money of others. By becoming dependent on the remaining members of the community for actual subsistence, he abdicates his claim to equal rights with them in other respects. Those to whom he is indebted for the continuance of his very existence may justly claim the exclusive management of those common concerns to which he now brings nothing, or less than he takes away.¹³

Although Mill brings in financial considerations, I take the main point to be that a condition of independence is a precondition of citizenship; and that there are two grounds for this. The first is that the failure to provide adequately for self and family is *prima facie* evidence of a lack of prudence, of practical wisdom. This may indeed be the case in conditions of (relatively) full employment; but where unemployment is high and significantly outstrips the work available then dependence on state benefits would provide no substantive evidence of a lack of prudence.

However, I shall not pursue that argument since there is a deeper one which Mill does not refer to: that the condition of need disqualifies individuals from achieving the levels of disinterest necessary for the exercise of critical judgment on legislative proposals. Of course, this might not be the case. Some may indeed prove themselves capable of abstracting from the press of daily concerns; but it would be naive of us to expect this to be the norm. Rather, where the quality of existence is at best precarious we would expect the first concern to be one of a narrowly-conceived self-interest. Political judgment would be irredeemably partial in the vast majority of cases.

Clearly, these considerations move us increasingly towards an Aristotelean conception of restricted citizenship: one confined to the (relatively) well-educated tax-payers. In effect it creates a two tier structure of citizenship: a basic class in which everyone (unless disqualified) has the nominal power of voting for legislators and a special class of those who must qualify for the legislative juries by achieving a given educational standard (however rudimentary) and satisfying a minimal requirement of tax-paying. However unpalatable such a move may seem (and it is one I would wish to resist if at all possible) we cannot simply sidestep this conclusion.

I have two arguments, neither of which I find sufficiently persuasive, to offer against adoption of this restricted conception of citizenship. The first places priority on democratic equality against what we might term 'democratic utility'.¹⁴ Thus we would either reject an increase in citizen power if this involved a differentiation in citizenship or insist that we risk some lack of critical judgment for the sake of maintaining equality in power. The second argument develops from this latter alternative: that the structure of the model is such as to make the question of qualification a perfectionist concern. Ideally, we would want to be sure that all those eligible to serve on the legislative juries were the best of all possible persons, or at least those most likely to exercise their power responsibly. But we may doubt the extent to which any number of qualifying criteria can guarantee us this. We can multiply without limit the criteria employed (education, wealth, social standing, house-ownership, share-ownership, occupation, religion, blood-line) without ever guaranteeing the responsible exercise of political power. Furthermore, since the model requires random

selection from the citizen body the possibility that a legislative jury comprising mostly those we might otherwise exclude from a restricted citizenship is tolerably small. We must assume that a degree of what we have already characterised as negligent and maverick voting is ultimately non-eliminable.

To protect against a legislative programme being wrecked by what I shall term a 'bastard jury', one composed to an unacceptable degree of individuals from a particular sector of society, we may introduce a further refinement to the model: that a legislative proposal, having been refused popular assent, may be quickly reintroduced to the legislative assembly (given the legislators' assent) with a larger legislative jury, say double the normal size, so as to gain a second opinion. Should this second presentation of the bill be refused popular assent then its reintroduction during the lifetime of that particular assembly would be prohibited.

Ultimately, however, we must simply trust our fellow citizens to act responsibly. Here I shall attempt to sketch the first of two arguments which, I hope, will establish the primacy of the principle of democratic equality over that of democratic utility, and thus undercut the objections to an undifferentiated citizenship. The first concerns this condition of trust.

H J N Horsburgh, in a sensitive and perceptive article entitled 'The Ethics of Trust', distinguished between three species of trust: innocent, guilty and therapeutic.¹⁵ The first 'arises out of a combination of inexperience and lack of duplicity'. Such trust may elicit an appropriate response from some, but 'ilts effects upon the truly malignant tend to be far less satisfactory; for there are some who delight in destroying innocence'. Guilty trust is grounded in 'some morally objectionable element' such as 'carelessness, greed, or malice' in the character of the person exhibiting this form of trust. Founded in self-concern, it invites an equivalent response of manipulation or exploitation. Therapeutic trust is significantly different from these other forms in that its express regard is for the other person. It seeks to encourage the development of moral character. Such trust is placed with the full awareness of the possibility of disappointment (unlike innocent trust) yet is given in the hope that the other will respond to it as a 'moral opportunity' (and is thus unlike guilty trust). Therapeutic trust typically carries risk and the possibility of loss

on the part of one giving such trust; and it is precisely this which gives it its full moral character: the trustee is placed in a position where it matters that they demonstrate their trustworthiness. Horsburgh identifies two forms of therapeutic trust. The first is a derivative phenomenon, dependent upon a prior relationship of 'loyalty and affection or of personal attraction'. Such trustworthiness as is thus elicited tends to be specific to those engaged in the prior relationship.

The second and purer form is, Horsburgh argues, more general in scope and thus of more weight:

[It] makes a purely moral appeal to the person in whom it is reposed and aims at bringing into being a relationship of moral support rather than one based upon regard for personal qualities. Open prisons, the more successful reform schools, and even such organisations as Alcoholics Anonymous all testify to the power of this kind of trust.¹⁶

By appealing to the individual *qua* moral agent, and not with regard to the particular qualities of the individual, therapeutic trust in its pure form presents a challenge to the moral character of the individual.

But more importantly (and problematically for my argument) therapeutic trust, if it is not to be an empty gesture, requires some element of discrimination: *this* person is to be placed in *this* position of trust. The arguments for the need to locate power and responsibility with specific and identifiable individuals applies equally with respect to therapeutic trust. By placing our fellow citizens in positions of power and responsibility (here, on the legislative juries) and especially under conditions of publicity and scrutiny, we fulfil the principal conditions of therapeutic trust. And this, I suggest, constitutes a major advance in thinking about democracy and citizenship. The condition of a fully developed citizenship is one of mutual (therapeutic) trust. The demonstration of that trust is precisely that power is not exercised by all simultaneously or permanently by some, but that each is asked to take their turn in exercising power on behalf of the others. The reflective model of medial democracy, with its utilisation of sub-set voting on legislative proposals, incorporates at its heart this demand for mutual trust between members of the citizen body.

Yet the problem remains: are the conditions of (therapeutic) trust satisfied by placing specific individuals in positions of identifiable power

and responsibility, but without further discrimination between individuals as to those more deserving of that trust or less likely to betray it? For although therapeutic trust carries an acceptance of the risks involved it is not blind in its desire to be rewarded: it is not to be given carelessly and so not any and all risks are to be embraced.

There is one further point I shall offer here in support of a comprehensive citizenship. The background insight to the reflective model came from the correction to Wolff's theory: the need to create conditions conducive to the responsible exercise of power by restricting the numbers assigned that power at any one time. This, I suggested, marked a significant advance over Wolff's theory, where the power was conferred equally upon all so that, reduced to a minimum, the power carried no weight of responsibility. What then should be the size of the legislative juries so as to give this perception of a 'weight' of responsibility?

I offer no more than some brief considerations. The basis of the critique of the Wolffian theory was that power is spread so thin as to lack (individualised) efficacy and thus carries no weight of responsibility. However, if the power is over-concentrated, is spread amongst too few, then the responsibility for forming a correct judgment will become too great, leading to a paralysis in judgment and the attempt to escape into a condition of Sartrean 'bad faith' - precisely a denial of responsibility. The problem is thus one of identifying the mean between these two poles of responsibility; a condition conducive to the free exercise of political responsibility. As an intuitive estimate, I suggest a jury size of twenty thousand. And we might note that this was roughly the size of attendance at the *Ekklesia* of classical Athens.¹⁷ Also, assuming a voting population in the U.K. of ca thirty-five million and a legislative burden of perhaps as many as fifty bills each year, this would provide for roughly a million voters each year, with each citizen thus having a reasonable expectation of serving at least once during their lifetime, thereby satisfying a requirement of formal democratic equality.

Given a legislative jury of twenty thousand could we then accept a comprehensive citizenship, one that makes no distinctions on grounds of education, prudence and freedom from extreme need? As I have already suggested I remain uncertain. But what is clear, and what the reflective model serves to emphasise, is the tension generated by the attempt to

satisfy the twin demands of democratic utility and democratic equality. The dilemma seems to be this: the demand of democratic equality can only be satisfied by a *nominal* citizenship, one in which the individual citizen has little or no opportunity to exercise effective political power. If, however, we wish such power to be concentrated in the hands of the citizens, though exercised only by specified individuals on specific occasions, then the competence of the citizen is called into question and thus we want some assurance (if not a guarantee) that they are fit to exercise that power.

The attempt to resolve this dilemma will be the subject of the conclusion to the following chapter.

CHAPTER SIXON CITIZENSHIP

This work has been concerned throughout with the development of the argument for a citizenship-based conception of democracy; and in particular, with the characterisation of citizenship as the responsible exercise of effective political power. Having explored this conception through the device of the reflective model of medial democracy that argument is now in danger of foundering. The tension between the competing demands of democratic utility and democratic equality (founded on the therapeutic form of trust) has yet to be resolved.

Citizenship in the Liberal Democratic State has been a relatively uncontroversial matter; in general, disputes have been confined to the question of the status of resident aliens, and of foreign nationals within the ambit of an *imperium*. But within the category of citizenship, little or no distinction has been made between citizens as to their power, rights and privileges *qua* citizen. Generally, what one may do *qua* citizen all may do. There are exceptions, but these may safely be ignored in this context. However, the price of this democratic equality has been to institute a *nominal* citizenship: one in which the individual citizen has no effective political power. Nominal citizenship emphasises equal status and rights but not substantive powers and duties. There is, as we have seen, good reason for this, independently of historical development. The reflective model of medial democracy posits a significant increase (albeit only a first step) in the citizen's effective political power and attendant duties; but in so doing, raises the question as to whether *all citizens* should be asked to exercise such power; or whether we require that (in some way, according to some set of criteria) they establish their fitness to be placed in such a position of trust, thereby instituting a two- or multi-tier model of citizenship. The attempt to resolve this tension requires that I now characterise more fully what I shall call a 'rich' conception of citizenship.

In presenting this characterisation, I shall not make any explicit appeal to a doctrine of the common good, to a teleological or essentialist theory of human nature, or to considerations of social and political justice. Rather, I offer this 'rich' characterisation of citizenship as a first attempt to supply a lack in the literature advocating a 'participatory democracy': the failure to spell out the scope and nature of that participation. Moreover, the question of motivation, of why anyone should want to be a citizen in this sense, needs to be confronted. (Though we may note that this is a more pressing problem where the principle of democratic equality is not breeched: if we admit a two- or multi-tier model of citizenship, then rewards in terms of elevated status and additional privileges may accrue, thereby providing an independent source of motivation.) The approach adopted here will be to sketch the broad outlines of what is required for citizenship to be valued for its own sake as a worthwhile activity, without reference to conceptions of duty or the common good as sources of primary motivation. In effect, the question I address is this: What would need to be the case for citizenship (construed as the responsible exercise of effective political power) to be justified as a pleasurable activity?

This approach will seem at first glance to be at odds with idealist and collectivist traditions of citizenship. However, any apparent incompatibility is not, I think, ultimately irresolvable; the individualistic premises adopted serve only to facilitate the characterisation of the rich conception of citizenship. For that characterisation, I shall once more draw on the political and ethical theory of John Stuart Mill.

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It would be a mistake, derivable only from the most blinkered reading of *On Liberty*, to view Mill as the advocate of a minimalist, night-watchman state. Quite the reverse: the burdens of political duty which the citizen would carry in the Millian state are substantial; and I shall refer to this, Mill's view, as a rich conception of citizenship.

I'm not sure that it would be coherent to think of the members of any political community, especially one which retains a vestigial notion of political equality, as escaping completely the burdens of duty; even if these amount to little more than paying one's premium to a protection

agency and observing a general duty to respect the rights of others as in the Nozickean vision². But there is clearly a great gulf between this, 'thin', and the Millian 'rich' conceptions of what is involved in being a citizen.

The broad issue I shall attempt to confront is what should constitute the proper relation between political activity and pleasure. The question of the pleasures enjoyed by those exercising political power *qua* leaders or rulers (whether or not elected) is not one which will concern me. Rather, my concern is with what we may call the pleasures of political participation - if, indeed, there can be any such pleasures - which the ordinary citizen-in-the-street might experience.

The narrow issue focuses on Mill's account, for Mill seems to slip back and forth between rival theories. In his Benthamite and hedonistic mode he appears to be saying that political participation is a pleasure, and a higher one at that, and thus contributes directly to our balance of pleasure over pain, ie. to our happiness. In his more eudaimonistic, Aristotelian, mode his argument seems to be that participation is to be valued for itself, as a matter of virtue, regardless of any pleasure it may or may not bring in its wake; and often he attempts to coalesce (reconcile would be too strong a term) the two positions. At other times, the justification offered is that political participation is crucial to the full development of the individual and is thus to be valued for its intrinsic benefits.

The problem is twofold. If we talk in terms of citizenship, we imply that there are non-optional duties to be performed. This might be a general duty, for instance, to vote in elections, which is not coercively imposed but which needs to be carried out dutifully by sufficient numbers to maintain the system of elections; or it might be a specific and enforceable duty, such as jury service. In either case we need to justify the imposition of the burdens or 'costs' of citizenship. However, 'political participation' implies something much broader: from the execution of specific duties to membership of political parties or pressure groups; even such personal matters as keeping *au fait* with the machinations of government, reflecting upon social issues and discussion with friends in the pub of an evening, might plausibly be included; though these latter are more properly seen as constituting a separate sphere of political involvement. I shall argue that proponents of a rich conception of citizenship such as Mill incorporate the

formal duties, the general participation and personal involvement in their description of citizenship. The second problem, then, is one of giving an account of why the individual should concern herself, should become politically involved, in the first place. This could take the form of an appeal to self-interest, in the sense of self-protection or self-advancement, as with Bentham and Mill père. But such arguments, considered alone, will generate only a thin conception of citizenship: formal duties, participation and involvement are justified only in so far as they are strictly necessary to secure the narrow ends of self-interest. Of course, we might attempt to argue that only a full-blown conception of what it is to be a citizen will guarantee the narrow ends of self-interest; that only by paying high taxes, let us say, can we be sure of the social peace and stability necessary to live by the fruits of our own industry. Unfortunately, this argument will appeal to those already convinced of its truth and leave untouched those whom we might wish to persuade. We need, then, a separate account of political motivation if we are to ground a rich conception of citizenship.

What might seem curious is that Mill does not make appeal to the most obvious argument to justify the burdens of citizenship: that it promotes the greatest happiness of the greatest number. There are two reasons why he should have been reluctant to do so. In the first place there is a fatal ambivalence between his romantic individualism, focused firmly on self-developing individuals, and his more diffident regard for the undifferentiated masses. In endorsing De Tocqueville's caveat about the dangers of a 'tyranny of the majority' Mill precluded any appeal to unqualified mass-participation as the promoter of the greatest happiness. Limited participation *could* be argued for; but the justification for restricting the scope of participatory involvement was the present shortcomings in the qualities of the individuals comprising the state. To be a citizen, in Mill's sense, one needs to have a certain sort of character, or, as I shall put it later, to be capable of playing that specific role. If the appropriate citizen-qualities are not given to us but need to be learned or acquired, then we need to justify to the individual why he should make the effort to acquire them. And this takes us back to the problem of generating an appropriate form of political motivation.

Secondly, it is not obvious that making citizenship a (utilitarian) moral duty will work for Mill. That happiness is the ultimate criterion against which human action is to be morally assessed does not imply, Mill argues, that it is the immediate aim of our actions. Rather we must be content to follow the intermediate principles which we value for themselves and assess these norms of conduct against the happiness principle. Rarely are we in the position to make happiness the direct aim. So it needs to be shown not only that being a Millian citizen would contribute to the maximisation of happiness but also that it would be valued for itself by each citizen, without reference to the more general end. Before exploring these issues further, I must now sketch Mill's rich conception of citizenship.

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As we saw in Chapter Two Mill argues that the appropriate form of government is that which is most conducive to the development of the individuals who comprise the state, given their level of civilisation. He adduces three criteria for assessing the appropriateness of the form of government:

The people ... must be willing to accept it; or at least not so unwilling as to oppose an insurmountable obstacle to its establishment. They must be willing and able to do what is necessary to keep it standing. And they must be willing and able to do what it requires of them to enable it to fulfil its purposes.³

The harsh yoke of strong government may be necessary to drag a people, screaming and kicking, into the warmth of civilisation. Thus, 'of the barbarians who overran the Roman Empire' Mill says, 'It required centuries of time and an entire change of circumstances, to discipline them into regular obedience even to their own leaders'.⁴ In certain though rare circumstances, a benign despotism (and Mill must have had his own East India Company in mind here) can be of advantage to a people (gently leading them up the path of progress). But always, it is the wishes and qualities of the people and their collective place on the path of progress which is the key determinant of their due form of government.

The first criterion, that of acceptance or acquiescence, is tolerably straightforward. The exact distinction between the next two criteria, between preservation and fulfilment of purposes is less than lucid. As Mill expresses it, it appears to be that between 'nominal existence' ⁵ and a full flourishing, between a mere institutional form and an animating ethic or spirit.

Thus a people may prefer a free government, but if, from indolence, or carelessness, or cowardice, or want of public spirit, they are unequal to the exertions necessary for preserving it; they will not fight for it when it is attacked; if they can be deluded by the artifices used to cheat them out of it; if by momentary discouragement, or temporary panic, or a fit of enthusiasm for an individual, they can be induced to lay their liberties at the feet even of a great man, or trust him with powers which enable him to subvert the purposes of their institutions; in all these cases they are more or less unfit for liberty: and though it may be for their good to have had it even for a short time, they are unlikely long to enjoy it.⁶

The notion of fighting or not fighting for one's country (or for one's government?) clearly falls under the preservation criterion. The others are perhaps not quite so clear. The fulfilment criterion seems best expressed by Mill in this passage:

[R]epresentative institutions are of little value, and may be a mere instrument of tyranny or intrigue, when the generality of electors are not sufficiently interested in their own government to give their vote, or, if they vote at all, do not bestow their suffrages on public grounds, but sell them for money, or vote at the beck of some one who has control over them, or whom for private reasons they desire to propitiate. Popular election thus practised, instead of a security against misgovernment, is but an additional wheel in its machinery.⁷

It is not just, say, the mere following of the law or the perfunctory act of voting that counts but being prepared to uphold the law by testifying against one's friends or going beyond one's narrow concerns in deciding how

to cast one's vote; not the outward form (the 'nominal existence') but the adherence to the institutional requirements; not merely the letter but the spirit. Whereas the emphasis of the first criterion is on restraint rather than committed action, and of the second is on doing the minimum necessary for the continued existence of the form of government, the emphasis of the third criterion is very much on the need for a positive commitment.

The purpose of government, we saw above, is progress; ie. advancing the condition or the qualities (intellectual, active and moral, as Mill puts it) of the members of society. To a certain extent, this can be done by the civilising influence of government, but ultimately it is a matter for personal endeavour - as Mill's own life bore witness. Whilst he vaguely hints that some condition of socialism may be the ultimate state ('For my own part, not believing in universal selfishness, I have no difficulty in admitting that Communism would even now be practicable among the *élite* of mankind, and may become so among the rest'⁸) it is in a democracy that the emphasis on encouraging and facilitating self-development as the purpose of government reaches its height. It is here that we see the individual as a political agent - as a citizen. Self-development and participation, for Mill, march hand in hand. The stress, then, is on the duties of participation. One must participate, fully and properly, if the goal of self-development is to be fulfilled. Participate, that is, not solely when it further's one's immediate interests, but when the system requires it. Participation is a duty.

One may doubt whether the degree of participation which Mill outlines is sufficient to generate and sustain the level of self-development which is the goal; indeed, whether any system of representative government can provide such levels of participation. This is a matter I shall return to.

Mill doesn't provide us with a comprehensive and exhaustive list of the citizen's duties, but we may glean the main activities. Apart from voting and standing as candidates at local and general elections, the good citizen should be prepared to hold non-elective local offices and serve on juries. This doesn't sound very much to us. Of course, the crucial feature is the suffrage - and not just in terms of its extension to encompass women. We know that Mill advocated qualifications to be satisfied in order to gain the vote. Elementary literacy and numeracy was to be a minimum condition; there should be a poll tax ('representation should be co-extensive with

taxation'⁹); and that those in receipt of parish relief, undischarged bankrupts and those withholding their taxes should be (temporarily) excluded from the franchise. These days we tend to look with scorn on any suggestion of limitation on the suffrage (with respect to the poll tax, Ryan comments that this 'is not one of Mill's more attractive pieces of argument'.¹⁰) I have already argued (in Chapter Five) that there is more substance to Mill's thought here than modern commentators realise. Mill regarded none of these exclusions as permanent obstacles to enfranchisement and possibly (if somewhat naïvely) saw them as a spur to self-improvement. There is little doubt that he saw them as placing additional value on obtaining the vote.

The picture that Mill builds up and sustains throughout *Considerations* is not so much that of participation in any direct sense but of involvement. The citizen is he or she who is concerned about the business of government, knows about it, and will discourse freely on it. (And here the picture is sustained by Mill's *On Liberty*.) But thinking and discussion alone is insufficient to produce good citizens. At most they gain a 'dilettante knowledge'.¹¹ 'A person must have a very unusual taste for intellectual exercise in and for itself, who will put himself to the trouble of thought when it is to have no outward effect, or qualify himself for functions which he has no chance of being allowed to exercise'¹² and the 'test of real and vigorous thinking, the thinking which ascertains truths instead of dreaming dreams, is successful application to practice'.¹³ Participation grounded upon and mutually supporting involvement is thus the stuff of citizenship.

Yet the focus of participation remains the vote. The crucial point, as we saw in Chapter Five, is Mill's argument that voting is not a right but a duty. Mill, I think, should have forced a distinction here between the right to have one's opinion heard and considered in the melting pot of political decision making (and thus his emphasis on minority representation) and the formal exercise of political power. Voting, on his terms, ought not to be (merely) an expression of the voice of opinion and self-protection. Here he parts company from his father and Bentham, for both of whom voting was a defensive act. At heart, Mill is right in seeing the ballot as a matter of duty, but the distinction would rest more easily if there were other channels for the voicing of (protective) opinion.

Perhaps this is the function of discussion, of the press, and even of elected members. Nonetheless, the position remains hazy; and perhaps the best we can say is that the vote carries both rights and duties (or duties constrained by the right of self-protection). Thus the voter can be called upon to explain and justify his or her vote. Mill thought that in part this would be an answer to corruption (the buying of votes); but it needs no great effort of imagination to picture the potential horrors of the situation.

Mill accepted that expediency might dictate the overriding of this stipulation; but what interests me is the principle and the picture of society in which such commitment to duty might be possible. One in which considerable (though, in Mill's picture, not harmful) pressure might be put on errant voters. Moreover, this is not a society exerting the pressure of tradition, as we can see from *On Liberty*, but one in which freedom of thought and political belief is tolerated. The rest of society, Mill seems to be saying, are concerned only to satisfy themselves that there were good grounds for this particular vote, albeit misguided; and not to mete out any corrective punishment.

Let us grant his optimistic confidence. The courage and determination required on the part of the individual to openly vote 'according to his best and most conscientious opinion', where his opinion differs from the consensus, is of awesome proportions. And this is why I refer to Mill's theory as a 'rich' conception of citizenship. It places great stress on discussion and knowledge, on participation, on the obligations of political agency, and on the lengths to which duty must be taken. No distinction is allowed between the public and the private dimensions of political involvement: citizenship is a seamless web. This is a rather different matter from a 'thin' conception of citizenship which might hold that we are all political equals with a right to self-protection through the ballot (should we choose to use it.)

Before discussing the relationship, if any, between this rich conception of citizenship and pleasure I must first make some extensive but incomplete observations on Mill's supposed hedonism.

First let me suggest a move which Mill could make, though it is a weak move and would serve as something of a last resort to be called upon if all else fails. It could be that, having become Millian citizens, though there be little if any pleasure in it, to give up that role or to fail to perform it conscientiously would be a pain to us. This, he argues, is the case with virtue:

Those who desire virtue for its own sake, desire it either because the consciousness of it is a pleasure, or because the consciousness of being without it is a pain, or for both reasons united.¹⁴

Doubtless this is very true of many of our life-styles, customs and habits; but it provides no argument for becoming a citizen (or a person of virtue, or a miser, etc.) in the first place. Nonetheless, we should keep in mind this negative argument (the minimisation of pain) as well as the positive one (the maximisation of pleasure) in what follows.

Mill claims to adopt the postulate of psychological hedonism, that we each desire above all else our own happiness (whether or not we desire the happiness of others is a moot point); but he advances this claim with such qualifications as to make us doubt the consistency of his account. There are many issues here, and I cannot touch upon them all; and can only scratch the surface of those germane to my enquiry. Mill, in his 'proof' of utility, attempts to demonstrate that: 'happiness is desirable, and the only thing desirable, as an end; all other things being only desirable as means to that end' and 'not only that people desire happiness, but that they never desire anything else'.¹⁵ Since happiness is defined as the balance of pleasure over pain, he proceeds in good Benthamite fashion to equate the desire for happiness with the desire for pleasure and the aversion to pain. But his developed account is not so straightforward. Although, ultimately, we all desire happiness, it is not something which we can make the object of our desires. This was the great revelation which came to him during the period of his 'mental crisis'; and it is worth quoting his response to Carlyle's 'anti-self-consciousness' theory:

I now thought that [happiness] was only to be attained by not making it the direct end. Those only are happy ... who have their minds fixed on some object other than their own happiness; on the happiness of others, on the improvement

of mankind, even on some art or pursuit, followed not as a means, but as an ideal end. Aiming thus at something else, they find happiness by the way. The enjoyments of life ... are sufficient to make it a pleasant thing, when they are taken *en passant*, without being made a principle object. Once make them so, and they are immediately felt to be insufficient. They will not bear a scrutinizing examination. Ask yourself whether you are happy, and you cease to be so. The only chance is to treat, not happiness, but some end external to it, as the purpose of life. Let your self-consciousness, your scrutiny, your self-interrogation, exhaust themselves on that; and if otherwise fortunately circumstanced you will inhale happiness with the air you breathe ...'⁶

This, along with his new-found devotion to the cultivation of the 'passive susceptibilities', and the need to maintain 'a due balance among the faculties'⁷, formed the heart of his modified hedonism. Happiness is still seen as the balance of pleasure over pain, but is not to be achieved by the mere aggregation of pleasures, as if adding pebbles to a pile, the mere collecting of pleasant experiences; for then each experience would need to be justifiable in terms of itself as a unique item of experience - in which case it would be 'immediately felt to be insufficient'. Happiness is to be found in the pursuit of, the devotion to, 'ideal ends'. A balance of pleasure over pain is a necessary, but no longer a sufficient, condition of happiness.

For further illumination of this, we can turn to the well-known apparent paradox which Mill offers us in his *Utilitarianism*: that it is 'better to be Socrates dissatisfied than a fool satisfied'.⁸ In his disbelieving reaction to the Delphic pronouncement that there was no-one wiser than he, Socrates embarked upon 'a sort of pilgrimage undertaken to establish the truth of the oracle'. His 'Herculean labours' took the form of examining all those who might make some claim (whether or not explicit) to wisdom, in order that he might disprove the 'divine authority'. The result, of course, was that he could find none who could substantiate their claims to be wise. 'That is why I still go about seeking and searching in obedience to the divine command'.⁹ The imagery here is that of the quest:

the voyage of self-discovery, encountering numerous perils and temptations yet overcoming all and refusing to be swayed from one's chosen goal. The pleasure is in the striving: identifying one's goal and then showing the resolution to do all that may be necessary to achieve it. The goals may vary, as may their intrinsic pleasure content; but not the structure of the overall pleasure.

The romanticism of this emphasis on the heroic struggle, the refusal to be satisfied with oneself and one's world, is only partially tempered by Mill's stoicism and the stress on 'nobleness of character':²⁰

For nothing except that [conscious ability to do without happiness] can raise a person above the chances of life, by making him feel that, let fate and fortune do their worst, they have not the power to subdue him: which, once felt, frees him from excess of anxiety concerning the evils of life, and enables him, like many a Stoic in the worst times of the Roman Empire, to cultivate in tranquility the sources of satisfaction accessible to him, without concerning himself about the uncertainty of their duration, any more than about their inevitable end.²¹

The intrinsic pleasures of agency, the striving to realise one's goals, tempered by a stoic fortitude: this is the picture Mill gives us of the 'permanent and steady flame' of happiness. It is not to be found in 'a life of rapture; but moments of such, in an existence made up of few and transitory pains, many and various pleasures, with a decided predominance of the active over the passive, and having as the foundation of the whole, not to expect more from life than it is capable of bestowing'.²² This emphasis on the need for a predominance of active over passive pleasures, for a life of resolution and agency, as essential ingredients of happiness, provides a clear insight into his qualitative distinction between higher and lower pleasures.

However, I am not here going to pursue the problem of the exact nature of Mill's distinction, but focus on the characterisation of those pleasures which we might value more highly simply as pleasures. Already, we have sketched a broad outline of those characteristics; but before providing more detail, we should note this point. I shall argue that most experiences can come to be regarded as the source of pleasure. There is, however, a crucial

difference between those experiences sought solely for their intrinsic pleasure content (and which would thus prove counter-productive in terms of happiness) and both those which are intrinsically pleasurable but are sought for further purposes and those which have no intrinsic pleasure content but which, as it were, bring pleasure in their wake. I shall argue not that citizenship is to be sought for any intrinsic pleasure but that to be a citizen might indeed bring pleasure in its wake.

By 'pleasure' I mean the composite experience which includes both the source and the subjective moment which is the awareness of pleasure. Thus pleasure, according to my usage, may have a public dimension. We can carry out some preliminary sorting amongst these composite experiences. I shall group them as isolated moments, personal traditions, and institutions; all of which inter-penetrate the others. By 'isolated moments' I mean those which are non-repeatable, be they a first visit to Paris, winning a race of particular importance, a favourite view seen under a special light, that moment of 'love at first sight', and so on. It is not these that I shall be discussing here. However, such moments may become incorporated into personal traditions: a particular race always gives special pleasure, win or lose, a particular person always sets our hearts aflame, Paris is the city loved more than all others. The point about such traditions is that at any given moment they can fail us in terms of immediate pleasure (it didn't stop raining the last time I was in Paris) but the pleasure dimension remains in tact. It is no longer particular moments regarded in isolation but their place in the general history, the tradition, of pleasure which such experiences afford and which we value. Repeated failure in terms of pleasure may eventually lead us to abandon it, or to continue out of habit or because of the associations (the memories) it holds. Whilst such personal traditions of pleasure are of some relevance here, it is the institutional pleasures which will form the focus of my discussion. For it is only with these latter that we can be tolerably certain of escaping personal preferences and can grasp an 'objective' dimension as to what counts as a pleasure. For instance, I'm unsure as to how we would characterise the difference between the very great pleasure I get from being in Paris from the very moderate pleasure it gives you. One move we might make is to look at the sorts of things that 'being in Paris' involves: the typical activities, the range of experiences available, and so on, and

try to build a complex picture which transcends the personal experience. I am not suggesting that all personal traditions of pleasure are amenable to this treatment; though I think that a great many are. The model for these 'institutional complexes', incorporating personal traditions, is to be found in games.

I shall discuss shortly the dimensions along which pleasure is available to us from games. First I want to show how it is that the games model extends to those experiences we would not normally think of as games. The principle point is that a game is essentially a public property. (I shall ignore the possibility of personal and private games.) There are rules to be learned, various skills to be developed, strategies to be adopted, codes of conduct to be observed, conventions to be followed, roles to be played, and so on. Understanding these varying facets of a game, and familiarity with the players and their histories, is central to the full development of the pleasures of spectating. And spectating may have its own conventions: one does not applaud each movement of a symphony, though one may applaud an operatic aria; football supporters wear the colours of their team; the Dax bands are the hallmark of support for the French national Rugby Union side. Games, then, have their own (public) traditions, exemplars, criteria of success and excellence, etc.. That is, games provide channelled routes to pleasure: we know what to look for, what counts as relevant, as a pleasure within a game. We know the sorts of pleasures any given game affords (though the capacity for surprise remains). In so far as this is the case then we have the basis for transcending the limitations of personal experience. Of course this is not a perfect basis. The judgment of any given individual may be influenced by elements from their personal history, or simply by a marked preference for some particular aspect of any given game. But we are in the position to make some general comments about (the composite experience of) such pleasures.

Elements such as the development of skills, knowledge of rules and traditions, codes of conduct etc. apply to life-areas other than games. Indeed, the game might well be seen as a general metaphor for life. Most obviously, perhaps, there is one's work (even being a student involves successfully playing the 'academic game'); and also the arts, a whole range of hobbies (from train-spotting, to stamp-collecting) and, though more loosely, such life-roles as being a parent or a spouse, a neighbour, a

friend, and so on. Generally, we have to learn what such relations and activities involve, what counts as acceptable and unacceptable behaviour, what roles we can adopt, and so on. I shall argue towards the end of this paper that 'being-a-citizen', in Mill's sense, also takes this form.

Whatever the similarities between games and other activities, they differ in two crucial respects. The point about games as institutional complexes of pleasure is that, in the first place, they are intrinsically pleasurable; and secondly, we take part on a voluntary basis. The account I shall give suggests that, under appropriate circumstances, any experience may come to be regarded as a pleasure. The term 'pleasure' as used to discriminate between experiences is in danger of becoming empty of content. Some non-games (in the strict sense) may be intrinsically pleasurable, whether the pleasure is brute (being a parent, having sex) or acquired (the taste for malt whisky); though we can only advance this claim in general terms. Many, alas, find no pleasure at all in either parenthood or sexual encounters. What we can say is that where such pleasure is found, it is intrinsic to the experience (and not due to reference to ends, etc.). Yet identifying experiences where there is no possibility of intrinsic pleasure is far from easy. There are those involving pain (having one's teeth drilled, for example). But apart from such cases, the best we can say is that some institutional complexes provide more possibilities for intrinsic pleasure than others. For instance, I take it that some coal miners enjoy the claustrophobic conditions of their work; that mountain climbers enjoy not only the challenge (the call upon their powers of agency) but also the sheer experience - the isolation, the height, the 'elements'. Even the most humdrum factory production line work may prove intrinsically pleasurable if one simply enjoys the rhythmic throb of machinery. But these make appeal to a narrow set of predilections, such that the context will prove pleasurable to some people and not to others. Such contexts are limited in their pleasure span. Thus, what we normally refer to as 'pleasures' are those which we would expect to appeal to most people, either because the composite experience is somehow general to us (feeling 'tipsy' after a few glasses of wine) or because it offers a variety of 'pleasure options': eg. one's pleasure in opera might be the lavishness of the productions, or the interplay of singer and orchestra, or the dramatic potential for song that opera provides.

Thus, our common usage of 'pleasure' is normative: we expect people to find intrinsic pleasure in the experience and to value it as a pleasure. It would be distinctly odd for someone to describe production line work of the most mundane sort as a pleasure, even accepting that they might find pleasure in it. Similarly, we would be extremely reluctant to accept the claim that a slave's life is one of intrinsic pleasure, even if it were the case that all slaves were well treated. And this is precisely because what counts, normatively, as a pleasure is that the experience be an expression of our autonomous agency. Even in coercive situations we can choose to find pleasure in the mere fact of our agency: acting for no other reason than to prove to ourselves our powers of agency. But this is an unstable and short-term condition. A life of devotion, on the other hand, whether to a person or to a cause, is one of continued re-affirmation of a choice: the refusal of other options is the continued expression of autonomous agency. The life of the slave, or of the factory worker where effectively there are no other options, lack this dimension. When, as adults having left the coercive environment of school, we play games or take up hobbies we do so voluntarily. Often, in areas other than games, we are not in position to make express choices. One may or may not have chosen to be a parent; nonetheless, one is able to choose from a variety of roles (being stern and a disciplinarian, or tolerant, taking a stand on violent films, and so on); not arbitrarily, but as an expression of our values. The parent game with its general aim of the present and future well-being of one's offspring is open to a range of personal interpretations, styles, emphases and specific goals.

For the following part of my discussion, I shall take it that a rich conception of citizenship exhibits the features of institutions as I have described them; that is, as requiring an appreciation of codes of conduct, learning and development of skills and the setting of specific goals within the context of a general aim. I shall conclude with a final comment as to whether, specifically, Mill's conception can be so construed. First, I must consider the question of whether or not citizenship gives rise to institutional pleasures.

I suggested above that, typically in games but in other life-areas as well, we find channelled routes to pleasure. I want now to say a little more on this; and to suggest an elementary but serviceable way of distinguishing between these channels, and to do so in the context of citizenship. To begin with, we can identify certain sorts of experiences as being intrinsically pleasurable; other experiences are pleasurable only in relation to their ends; others are so by virtue of associated ideas; for other experiences, the pleasure is solely in our agency; and finally there are the affective pleasures of love, friendship and sociability. This list may not be exhaustive, but I think it covers most cases; and frequently one or more of these facets are interwoven.

That citizenship is intrinsically pleasurable seems to be counter-intuitive. Citizenship does not seem to be a brute pleasure, one which does not depend on institutional contexts for our understanding of it. It requires no explanation (though we can provide one) for us to understand that coming into the warm from a cold and wet night is a pleasure. However, to understand that, say, playing chess is a pleasure we need not only to learn the rules of the game, but to come to appreciate the strategies involved, the cut and thrust; and to appreciate them in this context rather than, say, in the context of fencing. It is not, then, a straightforward matter to judge of the intrinsic pleasurability of institutional contexts. We might want to say that they should, nonetheless, exhibit some immediate appeal or charm. I shall return to this.

It seems more likely that the pleasures, if any, of citizenship are to be found in relation to their ends. Spelling out the precise ends of citizenship as desired by each and every citizen is a far from easy task: citizenship constitutes a core of common actions which admits of several distinct though related ends: for instance, not being ruled over by others; being free in the sense of living under laws one has given to oneself; working towards or maintaining political equality; feeling oneself to be a valuable member of the community; or simply the desire to do one's duty (and accept restraints on permissible conduct). Moreover, it is likely that the possible ends of citizenship, theoretically distinguishable, might in practice be seen as some loose amalgam by the individual citizen: one may simply see citizenship as a means to some general good. The role of citizen, then, involves a core of common actions directed towards a cluster of

related goals. In the majority of cases, the actions required will coincide independently of the precise ends; conflicts over the specific content of duty in any given case being possible. However, these ends are not given to us in advance; that is, it will be a matter of empirical enquiry as to whether these ends (and which ones precisely) are in fact desired by the generality of a community, and also the extent to which they are desired. They may form marginal desires acceptable if the costs of achievement are low, but not otherwise.

Mill, of course, can accept this. The point of insisting that the form of government must be appropriate to the condition of the populus, judged against his three criteria, is that where such desires are absent or only marginal then a polity predicated on the role of the citizen would be inappropriate. If the desire for the ends of citizenship is absent then it is not to be artificially stimulated. My worry is that I'm not sure that the 'ends of citizenship' can function as a specific object of desire. We saw above that Mill dilutes the specific content of his concept of happiness so that, properly understood, it cannot serve as one of our goals. To pursue it is to lose it. The best we can do is to pursue ends we desire for themselves. Yet such ends as those of virtue or 'a community of citizens', presented in the abstract, are in one sense, analagous to that of happiness: they are too indefinite to serve as the specific object of desire.

Where the ends of virtue and of citizenship differ from the end of happiness is that we can desire to be virtuous or to be a citizen: and to play the appropriate role is, given that general desire, to be successful in being virtuous or being a citizen. But to want to be happy and to play the part of being happy is not the same as being happy. To value the end for itself, where that end depends on our actions, is to value playing the part for its own sake; with only a distant and corrective desire for the more general end. That is, the end is not external to the individual but is internal: it is not some future state of affairs to be created, but is a disposition to act in a certain way; and to act in that way is precisely to begin, to maintain or to reinforce that disposition. The end is immediate.

However, this succeeds only in pushing the problem one stage further back. Given that we can adequately define the role of the citizen, then why should we wish to adopt it, to develop the appropriate dispositions? Is it a pleasurable thing to do?

Might it be the case that the pleasures are those derived from the association of ideas? Doubtless much can be done within a culture to reinforce other aspects of pleasure (such as the desirability of performing one's duties); and clearly Mill has an implicit argument to the effect that cultivation of the higher pleasures (bringing with it that nobleness of character) encourages the development of the appropriate dispositions for citizenship. But there is a difference between cultural reinforcement of desires and dispositions and 'conditioning'; and if we are to fall back on this and this alone to overcome the 'costs' of citizenship then the degree of social conditioning involved is Orwellian in its nightmarish implications and rests uneasily with Mill's emphasis on personal liberty and the stress on the pleasures of autonomous agency. That citizenship might be desired because of its status associations is a different matter. However, this assumes the privation of a status which others enjoy, ie. that citizenship, in the sense which interests us here, already exists; whereas our present concern is the search for a persuasive argument for launching that institution of citizenship.

Political participation in general certainly has the capacity to elicit affective pleasures - perhaps too much so. The dangers of populist participation are in no small measure due to the pleasures of intense identification with and loyalty to a particular political unit be it leader, class, party, faction or nation. Although there is a range of problems here, I shall briefly comment on just one: the level of individual power and responsibility. The pleasures of populist participation depend on the collective power of an identifiable group, devolving little or no individual responsibility for matters outwith that group. The need, as I see it, for a rich conception of citizenship is for a degree of abstraction from specific loyalties in the power accorded to the individual citizen jointly with explicit responsibility for the exercise of that power. It is no accident that the ritual and actual separation of the citizen from his community of interest has proved reasonably successful in jury service. This is not to pretend that such abstraction can ever be perfect, nor would we want it to be - only that some reflective distance from one's political and social context be achieved in the exercise of civic duties.

The most likely source of pleasure within the institution of citizenship is to be found in the exercise of political power. The delights of agency

are manifold. Sometimes these are confined to a sense of exhilaration in our (physical and intellectual) prowess; but more commonly they will include our pleasure in the fineness of our discrimination (in choosing between means, or between ends, or simply in matters of taste) and some consideration of elegance and style. If citizenship is to embrace any of these latter elements, then it will need to display that institutional complexity which characterises games: a differentiation of roles (each with its particular skills, traditions and exemplars) within a common structure. Failing this, the delight in the exercise of power *per se* becomes dominant.

The point is crucial. This differentiation of roles mediates and diverts the risk of excessive pleasure in the exercise of autonomous agency. And this is the crux of the matter. The key to this discussion on the possible pleasures of citizenship is the role of autonomous agency; whether in the context of achieving external or internal (dispositional) goals, or in the delight in the expression of agency. Citizenship seems to hold little or no intrinsic pleasure in the way that games do; but as an institution the background assumption has been that it does provide scope for the pleasures of autonomous agency. But does it? I have argued that Mill works with a rich conception of citizenship in that he collapses the distinction between taking an interest in political matters (learning, discussion), involvement (joining a political party, a pressure group) and formal participation (performing the duties of a citizen). However, I also suggested that his account might prove inadequate. Carole Pateman, in *Participation and Democratic Theory*²³ suggests a three-fold classification of levels of participation: pseudo, partial and full. Pseudo-participation is a mere shadow of the real thing, amounting to little more than advance notice of decisions, but with no effective scope for challenge on the part of the would-be participants. Partial-participation allows for a degree of influence in the decision-making process, but control remains restricted. Only full participation involves the exercise of power. Mill's account rests somewhere between partial and full participation. It amounts to something more than influence but does not amount to effective decision taking. But without such powers the pleasures of autonomous agency are withheld from the would-be citizens. They are not in the position to set (in liaison with others) goals to be met, nor do they have sufficient power for them to take delight in their own agency.

Mill's answer is to turn to local government to supplement the scope of participation. We can agree that it increases the opportunities for participation, but it does not extend the possibilities of decision-making. Indeed, as Mill makes clear, the function of citizen-involvement in local government is not directly the dissemination of power but 'the public education of the citizens'.²⁴ If anything, the power of citizens at local government level is less than that at the national level.

The problem, as we have seen, is Mill's advocacy of representative government. It secures a level of interest and devolves nominal power to the citizenry; but this is insufficient to generate the good effects which form the basis of Mill's argument. Although Mill's argument centres on self-cultivation I have chosen to discuss it in relation to his theory of pleasure, largely because it sharpens the discussion and because I do not think there is much that escapes the pleasurability of political participation which discussion of self-cultivation captures.

One last comment here: I suggested that being a citizen was not obviously a source of intrinsic pleasure. This, I suggest, is because we have at best Mill's diluted 'rich' (and at worst, the Bentham/Mill senior 'thin') conception of citizenship as part of our conceptual baggage. Whether or not a truly rich practice of citizenship would be pleasurable must ultimately (as Mill would insist) be a matter for experience. However, I hope I have said enough to indicate that there are grounds for thinking that it would be close to a Millian conception of a higher pleasure. Our initial scepticism was misplaced. The point about institutional pleasures is that, though we can analyse the various strands of pleasure (as I've attempted) in practice they form a complex and interwoven whole. To say that an institutional practice is a source of pleasure is, generally and normatively, to refuse to separate the strands and to regard it as intrinsically pleasurable.

The rich conception of citizenship envisages a politically aware, active and concerned citizenry. The three facets of being interested by, becoming involved in, and exercising effective power within the political domain become fused. At its most developed, this rich conception of citizenship

would function analogously to an institution of pleasure, providing a series of roles each involving an appreciation of codes of conduct, learning and development of skills, and the setting of specific goals within the context of a general aim.

If this approach, centring on a rich conception of citizenship, is correct it may provide us with a basis to tackle some outstanding problems. However, it needs to be stressed again that this approach differs fundamentally from (though it is not ultimately incompatible with the metaphysical premises of) the idealist tradition of citizenship. That tradition emphasises 'the moral vocation of citizenship'. Thus, Vincent and Plant comment that 'Any conception of citizenship is going to be developed against a background of other notions such as community, common good, common interest, and welfare'.²⁵ Citizenship thus conceived is an avenue for the development of an altruistic virtue through the practice of 'disinterested social service'.²⁶ The focus is one of aid and concern for fellow-citizens rather than one of the explicit exercise of political power. As such, it is not (or, at best is only marginally) a *political* conception of citizenship. To adopt Pateman's analysis²⁷ it is located within the sphere of the horizontal relations of the state (citizen-to-citizen) and leaves (largely) untouched the vertical relation of citizen-state-citizen. (Though this is not to under-value its role in preparing the way for state welfarism.)

Against this, the approach argued for here has been expressly political: ignoring the question of mutual aid within the political community and in the context of a vertical power relation with a (relatively) autonomous state mechanism, but seeking to dissolve that vertical power structure by embedding the power relations within a horizontal context of citizenship conceived as the mutual (though not simultaneous) exercise of effective political power. This citizen-based conception of democracy thus eschews the moralisation in favour of the politicisation of the citizen. It is not the moral status of the citizen (with its concern for equal rights and the corresponding duties of protecting and reinforcing those rights) which has been the subject of my argument, but the citizen's political status with its concern for the exercise of effective political power and the attendant duty to exercise that power responsibly under conditions of therapeutic trust.

The latter neither negates nor displaces the former but complements and develops the moral conception.

Yet, this rich (and politicised) conception of citizenship must overcome two outstanding problems if it is to succeed. The reflective model focused on a single and occasional act: that of serving on a legislative jury. As such this would be insufficient to ground a rich *practice* of citizenship. It would not provide that variety of roles within a coherent tradition with its own exemplars and open to a range of personal interpretations, styles and emphases; and involving an appreciation of codes of conduct, learning and development of skills and the setting of specific goals within the context of a general aim. The legislative jury, in terms of citizenship, assumes a wider context of political participation. Part of this would be given by the increased levels of interest and discussion - important elements, to be sure, but still insufficient to ground the rich practice. This rich practice, then, assumes a maximal democracy as characterised in Chapter Three: one in which the people not only give their assent to legislative proposals but generate, debate and revise those proposals themselves. It further assumes the exercise of effective political power by the citizenry in a range of other 'political' areas, though I shall not here pursue this but rather maintain the focus on the process of legislation.

We saw that part of the source of value of an institutional complex of pleasure is precisely that it enables different individuals to locate themselves within a common structure by pursuing, expressing and developing their own particular range of skills and pleasures in concert with others. We might, then, have grounds for thinking that such a multi-faceted practice of effective citizenship in a maximal democracy would solve the problem of the tension between the demands of democratic equality and democratic utility. Given a broad range of roles to be fulfilled, citizens would be enlisted to do that for which they were suitably qualified (according to whatever criteria would be appropriate) and for which they had volunteered. This would no longer imply a clear ranking of roles such as to develop into a two- or multi-tier structure of citizenship. Different roles would undoubtedly carry different weights of responsibility, but the rich conception of citizenship envisages the individual undertaking a plurality of roles none of which would be definitive, singly or in conjunction, of a particular status. Given this, would it matter, to return

to the reflective model, that some might be excluded from serving on the legislative juries?

Random sub-set voting as employed in the model of legislative juries embodies the principle that equal power does not demand the simultaneous exercise of that power by all who hold it, but rather the equal chance of each (at least, the equal chance of all those appropriately qualified) to be asked to exercise that power on behalf of all. It might be thought that the plurality of offices in a maximal democracy would embody the same principle, given a range of offices such that all would be able to hold some, but perhaps not all, of those offices. Thus, democratic equality would be maintained by ensuring that citizens are given the opportunity to perform a number of tasks, each of which would be seen to carry effective political power; and democratic utility would be maintained by ensuring that the range of tasks any given citizen carries out is that fitted to her particular abilities.

There is, I think, no difficulty in accepting that certain tasks require expertise and background skills; and that such offices should thus be subject to appointment or election amongst those satisfying set qualifying criteria. It may be the case that the framing and revising of legislation is such a specialist task; but whether the generation and discussion of legislative proposals and the conferring or withholding of popular assent are specialist tasks is more debatable. We can represent legislative action in more general terms and then ask which if any of those stages requires expertise: (a) the identification of ends to be realised; (b) the choice of appropriate means, compatible with the chosen ends; (c) the formulation of detailed proposals for action; (d) the culminating decision to put the proposals into effect. In our personal and everyday experience these stages will only rarely present themselves to us as separate and identifiable elements. Within institutional contexts (a) may frequently be assumed without debate, or only implicitly revealed through the choices made under (b) and (c). My argument is that only stages (b) and (c), the choice of appropriate means and the formulation of detailed proposals, require developed levels of expertise (and the latter more so than the former); and that whilst (a) and (d) do not require expertise as such, there persists a crucial difference between them.

We might attempt to characterise this difference as that between on the one hand, deliberation on the competing ends and strategies available, and the culminating decision to act upon a particular choice; and, on the other hand, judgment upon the resultant action *and upon the adequacy and accuracy of the preceding decision-making process*. The first pair are essentially prospective, the second pair retrospective. The distinction quickly blurs, however. Action, deliberative and culminating, takes place in the context of judgment upon previous actions and thus contains a retrospective element. Retrospective judgment also implies the possibility of (corrective) action in the case of that judgment proving condemnatory and thus contains a prospective element.

Despite this blurring, the distinction is useful. It points us to Aristotle's tripartite division between political, forensic and ceremonial rhetoric.²⁸ The first is directed towards the future, the second to the past and the third is concerned with the present. The latter is not here a matter of concern for us; though we may note that in so far as there is no debate as to ends and only a statement of existing values is required then ceremonial rhetoric would be the appropriate form.

The model for forensic rhetoric is legal judgment. There are thus four central features of forensic rhetoric which we should note. First, it is concerned with providing both a factual narrative and a causal and/or psychological explanation of the events under consideration. Secondly, it deals with the particulars of specific events and not directly with generalities and values. Thirdly, those asked to form a judgment on the matter are (typically) disinterested and are thus in the position of spectators rather than participants. And finally, the form of the judgment is limited to assent to or dissent from the proposed judgment, with the options of being undecided and (possibly) of refusing to form a judgment. (In legal cases, the question of punishment is prospective and thus not properly forensic; though as I have suggested above, this distinction is somewhat artificial, the one implying the corrective element of the other.)

By contrast, the model Aristotle adopts for political rhetoric is that of deliberation in the assembly. Given that the judgment to be formed concerns action to be taken it does not call for a factual narrative, other than to account (retrospectively) for the present situation; though there is a role for psychological and/or causal explanations in identifying possible

outcomes. Such judgments mediate between particulars (of the given situation) and generalities and values. Those concerned to reach a judgment (typically) have their own interests at stake and are thus participants rather than spectators. And to complete the contrast, the form of judgment is indeterminate: the broad strategy and subsequent detailed proposals decided upon are chosen from a nominally open field, constrained by the ends desired and, crucially, the dictates of practical wisdom.

It is indeed the case that all have interests at stake in setting the desired ends of political action and that all have a *prima facie* claim to be participants, in Aristotle's sense. (Conventionally, exception is made for the young and the insane, though even this may be debatable.) Where the choice is principally one between competing values, or indeed, is a matter of the reaffirmation of values held, then no specific expertise can be required, though an ability for reflection and the sympathetic understanding of the position of others marks the mature participant. But where these values are not at issue, and given that the action to be taken is compatible with the value-set, then it is not clear that all need participate. For, in this context, the model of deliberation in the assembly is misleading. It fuses the analytically distinct phases of the legislative process. The participation of all is vital to establish the values or the broad goal of policy where these may not safely be assumed as given. But this is only the first phase in the process - and a redundant one if such assumptions can be made. (Though the ceremonial aspect of reaffirmation may serve the important yet distinct function of social integration.)

It would seem, then, that in a customary society in which the value-set is given and largely constant there would normally be little or no need for full participation at the initial stage; whereas, in a pluralist society such participation would be vital.

Clearly, the second and third stages of the legislative process (choice of strategy and drafting of detailed proposals) correspond most closely to the deliberative aspect of Aristotle's conception of political judgment; and I shall not attempt a fuller characterisation of it here. There is, I think, a clear need for a degree of expertise at this stage, given the central role of practical wisdom; whereas, it is not clear that all those potentially affected by the decision need be involved, given that the strategies adopted

and their corresponding detailed proposals are compatible with and serve to achieve the identified ends.

This culminatory decision, the final approval of the detailed plans and the decision to put them into effect, strongly exhibits elements of all three forms of judgment. It requires an understanding of the aims and corresponding values to be realised; an appreciation of the strategic options available and assessment of the suitability of the one chosen in terms of its probability of success; and a judgment upon both the compatibility of the proposed strategy with the aims and values to be realised, and upon the adequacy of the deliberative process. Furthermore, the form of judgment is limited to that of assent and dissent (with the extended options of being undecided and a refused judgment). Those judging are in the position of both participants with interests at stake and spectators, passing judgment on the (deliberative) actions of others.

I have argued that where the legislative process is not fused (as it was in the Athenian *Ekklesia*, ignoring for these purposes the role of the *Boule*) then sub-set voting for the culminatory decision is not only acceptable but preferable. I have also argued that the culminatory decision should be grounded on critical judgment if it is to express assent and thus constitute formal democratic practice; rather than be grounded on trust, thereby expressing acclaim and constituting informal democratic practice. I have further argued that this critical judgment is significantly different (with respect to the legislative process) both from the identification of aims and values to be realised, and from the application of practical wisdom to choose from among the competing strategies available and to prepare detailed proposals for action. Where aims and values are in dispute and cannot be assumed, then all must participate to ensure that their interests are taken into account and, so far as is possible, protected. The application of practical wisdom requires some developed level of expertise; though the degree of exclusivity of this expertise is a matter I have chosen not to debate. The final question remains that of whether those empanelled on the legislative juries to express the critical judgment which constitutes the culminatory decision in the legislative process should be chosen (by sortition) from the citizenry without further qualification, or whether some degree of competence needs to be demonstrated.

I can offer no final conclusion to this debate. The argument drives me to accepting that some degree of competence needs to be demonstrated, sufficient that we can accept with quiet confidence that those empanelled are likely to be able to arrive at a critical judgment: 'likely', that is, since we can never guarantee this, nor can we guarantee that those chosen will exhibit concerned voting behaviour, and the principle of therapeutic trust underpins the decision to draw the net of those eligible broadly rather than narrowly. The argument pushes towards Mill's conclusions. The responsible exercise of effective political power requires that the citizen be in the position to exercise that power responsibly: that they can demonstrate a basic capacity to understand the issues involved; that they are not in a position of extreme need and dependency such that would vitiate all attempts to take on the role of spectator rather than participant, ie. such that would all but eliminate the possibility of achieving a reflective distance from the issues concerned.

And yet, I am reluctant to accept this conclusion and to sacrifice the principle of democratic equality for that of democratic utility. Thus I remain uncommitted. And this is properly so. For in the last instance, this is not a decision for an individual to make. It is not a matter which admits of finality in argument or in practice. It is for a community to decide to which of these, and perhaps other, competing values it gives its assent and thus to define itself. What is important is that the issues should be explored and that the gains and losses implied by giving priority to one principle above the other should be made plain for all to see. This alone is the role of political philosophy.

If the presentation of the reflective model of medial democracy, of democracy as popular assent, has aided the exploration and clarification of these issues then, however imperfect this debate has been, it has served its purpose.

CHAPTER SEVENUTOPIA

I wish to argue that my work, particularly the reflective model of medial democracy and the attempt to sketch a rich conception of citizenship, has a utopian dimension to it; furthermore, that to claim this is not to invite a dismissive response. Rather, it is to begin an argument for the re-integration of utopian thought into main-stream liberal political thought, as an internal source of criticism of the liberal democratic state.

The argument for the re-integration of utopian thought has three strands to it. First, that the utopia emerges with the rise of the bourgeois world and functions as a critical mirror to it. That is, its concern is with the forms and possibilities of the nation state. Second, that the utopia shares most, though by no means all, of the central assumptions of liberal political thought (and shares the same intellectual ancestry); and thus represents an internal rather than external challenge to the latter. In particular, utopia accepts that the solution to socio-political problems must be of a humanistic form; ie. within the domain of human agency with, at most, only a partial appeal to mysterious, magical and *deus ex machina* solutions. Third, that the focus of the utopia is simultaneously broader and narrower than that of liberal political thought. There is no paradox here. Its span is broader in that it refuses to restrict the 'political' to a separate and autonomous sphere of human existence; and narrower in that it takes as a particular focus the question of citizenship: of the rich possibilities and potentialities for the quality of life in the political community. This concern with the political, social and economic conditions for the Good Life has resulted in utopia occupying a position which is the polar opposite of contemporary liberalism; one in which it is not rights and liberties, but duty and virtue which is central. The argument as developed in this work can thus be seen to have a utopian dimension.

(i) The Definitional Problem: Utopia and Other Places

Definitional questions concerning utopia too easily become obsessive and serve merely to distract from more central matters, producing increasingly marginal gains for the effort expended. Rather than review the entire field of definitional speculation, I shall initially restrict the discussion to two recent and particularly fruitful approaches: those of J C Davis and of the Professors Manuel.

The publication of the Manuels' *Utopian Thought in the Western World* marks something of a watershed in utopian studies. Published in 1979 it is the summation of a life's work by the authors on the problem of utopia. It is remarkable not only for its encyclopaedic quality but in that it brings a final respectability to utopian studies, a movement, both political and academic, gathering momentum over the last twenty years.

The Manuels eschew any formal definition of utopia. They assert, following Nietzsche, that 'only that which has no history can be defined' and utopia certainly has a history. Their thesis is that both the form and content of utopia has changed over time. The location of the ideal has moved on from that of More's original neologism, u-topos and eu-topos, no-place and good-place, to euchronia (good-time) and eupsychia (good-mind, or good mental state). Sir Philip Sydney's original characterisation of the utopia as a rhetorical device, a persuasive 'speaking picture with this end to teach and delight'² becomes obsolescent as utopians drop the fictional conceits and become more directly discursive and argumentary. Similarly, from small enclosed societies the utopist's scope has broadened to encompass both poles: the universal society and the individual psychic world. And finally, from the portrayal of the blessed, the ideal, utopia moved on to paint the horrors latent within human social development: the dystopia.

Thus, utopia, they say, 'has been shrouded in ambiguity, and no latter-day scholars should presume to dispel the fog, polluting utopia's natural environment with an excess of clarity and definition'.³ They operate with what they describe as a 'latitudinarian and ecumenical conception of utopia'.⁴ Nonetheless, utopia must be accorded some bounds if the concept is not to be so elastic as to become devoid of all meaning: utopias should

exhibit 'some measure of generality, if not universality' so as to exclude 'the personal daydream with its idiosyncratic fixations'.⁵

For their working definition, the envisaged change that utopia represents should be radical, should 'strike at the roots of existence'.⁶ Mere futurology, a projection of present and discernible tendencies, is distinguished from 'the leap into a new state of being in which contemporary values in at least one area - the critical one for the utopian - are totally transformed or turned upside down'.⁷ This, I think, is correct. Though I shall argue that the Manuels have failed to grasp the nature of that transformation of values; as in their interpretation of More's utopia as simply a response to corruption and greed, symbolised in his inversion of the value of gold (used for chamber pots).

Eschewing definitions and typologies, the Manuels have attempted to 'identify historical constellations of utopias with well marked time-space perimeters and common elements that are striking enough to permit framing generalisations, while still respecting the concreteness of the individual experience'.⁸ There is a problem here. The Manuels insist on grounding utopia in personal psychology. This opens the way to twentieth century liberal critiques that to utopianise is to manifest a totalitarian mentality. Though the utopian be unaware of it, the creation of a utopia, so the critics argue, demonstrates a will to impose one's own perspective, one's own values on the world. Undoubtedly, utopias, like all artefacts, reveal much about their creators; but in political theory our concern is primarily with the theory itself, not the psychology thereby revealed. In so far as utopias present us with arguments then it must be these that concern us. Nor, I suggest, should we wander off into the side-streams of such questions as whether or not utopias express a collective sub-conscious yearning in their employment of images and symbols.

However, the Manuels suggest that there have been 'particularly rich utopian moments'⁹ associated with revolutions and the ensuing dictatorships. Thus, in their study of the history of utopias the Manuels adopt a 'constellar' approach, grouping utopian speculations according to their historical proximity. This particular point I shall return to when discussing Sir Thomas More; but I leave the question firmly planted as to whether some circumstances (political, social, economic, whatever) are both

more appropriate for the writing of utopias and also more conducive to their receiving an audience.

In sum, the Manuels are concerned to avoid definition and categorisation. Form, content and meaning have developed, multiplied, reiterated; utopias diverge and reconverge. In capturing this immense richness of thought the Manuels seek no more than to illustrate what they call, borrowing from James, a utopian propensity.

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However, the definitional latitudinarianism adopted by the Manuels, whilst conducive to a project designed to capture the rich variety of utopian thought, provides little analytical purchase since not all places and societies which can be seen to constitute some form of ideal can properly be described as utopias. By way of example, we can focus on a problem area in the definition of utopia and contrast the Manuels' approach with that provided by J C Davis.

The problem is presented by Rousseau's *du Contrat Social*¹⁰ and whether or not it can properly be described as utopian. One of the perennial sources of fascination in Rousseau is the various images of the ideal which he portrays throughout his work. His depiction of the State of Nature in the *Discours sur l'inégalité* is a secular version of the earthly paradise. Each solitary is an Adam or an Eve unto him/herself. Content with the immediacy of their own existence, uncorrupted by insatiate desires, at one with their own capabilities and their environment, not yet bound by the need to labour, and, crucially, unblemished by the social passions derived from *amour-propre*, the obsessive self-love: this surely is a high order of the paradisaical. In the Rousseauian history the fall from this state of grace does not lead directly to a condition of 'sin', but to another ideal: a veritable Golden Age. In this Arcadian existence the primitive social passions, developing from *orgueil* (a proper esteem of one's own capacities and achievements) foster familial ties, and we see a burgeoning of simple and harmonious agricultural communities. The decline and fall of human civilisation commences with the emergence of *amour-propre* and the desire for status in the eyes of others. From here on in Rousseau's ideal states of existence, given his pessimistic history, can only be temporary disruptions

in or seclusions from the course of history. Thus we see his most persistent ideal, the rural idyll and pastoral, surfacing in much the same form at Clarens in *la Nouvelle Heloise*, in the tutoring of *émile* and *émile* and Sophie's early married life (*émile*), in his opera and his ballet. The ultimate escape from actual into ideal existence which Rousseau presents us with is that of the reverie; experienced in a peculiarly heightened form during his period of exile at the Lac du Bienne; though it is a familiar motif throughout his life, as evidenced by his *Confessions*.

Two other ideals appear in Rousseau's *oeuvres*. His earlier fascination with the heroic ideal and military *gloire* finds expression in his *Discours sur les Arts et Sciences* and, though more subdued, in the Spartan tenor of the *Discours sur l'Économie Politique*. And finally, of course, there is his depiction of the ideal political state.

Whilst I would argue that it is only here that the utopian dimension comes into question, the *Manuels* see all of this work as being in the utopian mode. Indeed, they view the whole of what we may term the 'Rousseauian project' as being essentially utopian. Rousseau's secular Garden of Eden is referred to as 'Jean-Jacque's return-to-nature utopia';¹¹ the Golden Age, we are told, might be considered his 'preferred utopia';¹² Clarens is yet another.¹³ There is no question here of a detailed analysis of the structure and content of any of these 'utopias'. Instead, the *Manuels* present an over-arching argument for this approach; viz. that Rousseau was 'the fabricator of a eupsychia, an optimum state of consciousness'.¹⁴ It is this desire of Rousseau to create, if only in his fantasy, a 'monde idéal',¹⁵ a state of harmony with oneself and others, characterised particularly by the absence of conflicts of will and desire, which, they argue, gives to all his work a utopian tone. They continue:

To appreciate Rousseau's eupsychia the usual mechanics of utopias have to be filtered out. The institutional arrangements for achieving and perpetuating the eupsychia are subsidiary exercises that have bedevilled political scientists for two centuries. Those who dwell upon Rousseau's rationalist arguments can, by trimming a few rough edges, produce a reasonably consistent political philosophy, but only at the sacrifice of its essence.¹⁶

Thus, his works are to be read as (and, for the Manuels, have their central value in) an attempt to elaborate this general, eupsychic theme in various situations and against the background of differing personal, social and political problems.

There can be little doubt that the Manuels here provide an illuminating insight to our study of Rousseau; but the strength and ultimate value of this all-embracing approach is questionable. Although the term serves its purpose in allowing them to trace out a development in what they see as utopian modes of thought from the Morean model of eutopia (good place), through eupsychia (good state of mind) to euchronia (good time), the concept of eupsychia as here employed collapses the distinction between the author's state of mind during the composition of the work and the state of mind to be enjoyed by those projected as living in the utopian creation.

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The specific for the Manuel's excessive catholicity in approach is to be found in the work of J C Davis. In his *Utopia & The Ideal Society* Davis notes the absence of a tradition of utopian writing as such. 'Its practitioners' he tells us, 'are not always aware of those utopian writers who have preceeded them. In fact such awareness is very rare indeed. Until very recently utopians have not seen themselves as transmitting, extending or transforming a tradition of thought'.¹⁷ Without such a tradition, he argues, a definition of utopianism becomes problematic. To be sure, one can select the most likely texts as candidates and search for common features; but as Davis recognises, this is to open the lock gates to the floods of prejudice in both the selection and the characterisation of the deemed commonality. To counter this, he adopts a quite different approach.

Davis begins by posing two questions: What is it that particular authors are trying to do when they produce their particular visions of the ideal society? And how is it that, given there is no discernible and continuous tradition, we find 'certain consistencies of internal structure in the resultant blueprints?'¹⁸ Davis adopts the premise that all ideal society literature is concerned with solving the 'collective problem' of the overcoming of deficiencies in the supply of particular satisfactions in a way which ensures that 'social cohesion and the common good are not

imperilled by individual appetite'.¹⁹ Each attempt to solve (imaginatively) this collective problem will need to make, he argues, certain assumptions about 'the nature of man, and of man in society, and of the relationship between men, the natural world and time'.²⁰ It is the character of such background assumptions made by any given author, together with the particular supply-satisfaction problems they choose to address which determines the mode of social idealisation they adopt. Davis identifies five such modes:

Cockaygne;
 Arcadia;
 Perfect Moral Commonwealth;
 Millennium; and
 Utopia.

Each of these modes of the ideal encapsulate a different approach to the collective problem of the harmonisation of needs and desires and their satisfaction. In Cockaygne even the most gross of desires find their satisfaction. In Arcadia nature is magnificently super-abundant whilst human desires are taken to be moderate. The Perfect Moral Commonwealth appeals to a moral reformation within the breast of each and all. The Millennium heralds the complete and apocalyptic transformation of human existence, thereby eliminating the problem of need/want satisfaction. Only in utopias do we find an expressly political solution.

Davis (borrowing from Marcuse) sees a basic division in the scarcities which underlie the problem of the supply of satisfactions: material and sociological scarcity. Material scarcity may be found when there is insufficient land or food to meet demands, or in so far as there is just so many beautiful women in the world. In the first case we have a desire for more; that is, wants quantitatively outstrip the supply of satisfactions. In the second case, there is a qualitative deficiency: there is a desire for better or different. Sociological scarcity also takes two forms, though both are derived from dissatisfaction with the social arrangements for the distribution of goods. These goods may be either material or 'specific socially derived satisfactions (there are only so many places on the committee, only a limited number of holders of a certain title of honour)'.²¹ We might usefully note here that the first two dimensions of scarcity (quantitative and qualitative) are brute: there is a perceived lack common

to all; whereas the second two dimensions of scarcity are contrastive: the problem is one of access to the existing supply of material and socially derived goods and the degree of scarcity is a factor of the holdings of others. Thus we shall not be surprised to find that it is the contrastive rather than the brute scarcities which require the expressly political solution of utopia.

We are now able to examine more closely Davis' typology of modes of social idealisation.²² Cockayne literature flourished in late medieval Europe. In the Land of Cockayne we find the fullest possible satisfaction of gross sensual desires. Appetites are unlimited yet never unfulfilled. The roasted swan on the platter sings of its desire to be eaten; the roasted lark flies, in full song, down open throats; sexuality is unconstrained. Given this spontaneous satisfaction of material needs, there is no work in Cockayne. There is some social and political comment with the inversion of the prevailing hierarchy: entry is free for peasants, the nobility having to wade chin-deep through farmyard mire; the Lord of Mis-Rule may preside over the feast.

In Arcadia, by contrast, man's desires are deemed to be simple and moderate. Man lives in harmony with a benign and super-abundant nature and with his fellow man. Work is light, mainly agricultural and wonderfully fruitful. With the resolution of problems of material scarcity, sociological scarcity and resultant conflict disappears. Arcadian literature is typically nostalgic, harking back to an original golden age; this was certainly the case in classical mythology and the Eden myth may be seen as a variant of Arcadia. However, the arcadian influence can also be traced in related modes of social idealisation such as the pastoral, and in the contemporary Green Movement.

Both Cockayne and Arcadia assume radical changes in the supply of satisfactions but differ markedly with respect to how these satisfactions are supplied. They differ further with respect to the structure of human desires. Whereas Cockayne literature takes human desires as given (or at least, generalises from a recognisable set of desire characteristics) Arcadian modes of idealisation posit a transformation of the structure of desires. The extent of this transformation varies. In Hesiod, the man of the Golden Age is more divine than human; in the American transcendentalists such as Emerson and, in some moods, Thoreau man exists in a mystical and

harmonious relation with the natural world, he becomes imbued with the spirit of peaceful nature. In the related modes of the pastoral and the rural idyll, this transformation of the structure of desires (the desire-profile) is less radical. Harmony is the product of the release from anxiety and social neuroses: nature is the remedy for the ills of civilisation. Here there is a more intentional element: under the influence of nature, man has a desire to achieve peace and understanding with his fellow man, and is prepared to act according to that desire. The emphasis is on an intentional moderation of desires (made possible by the resolution of the problem of material scarcities) rather than on a spontaneous conversion of appetitive desires.

The transformation of the desire profile is yet more radical in the next two modes of social idealisation identified by Davis: the Millennium and the Perfect Moral Commonwealth. The latter envisages no changes in the supply of material and sociological satisfactions, but rather a change in the moral character of each and every individual: the structure of society remains in tact, it is man who changes himself (ie, the character of his desires) to suit his station in life and (typically) in accordance with Christian principles. As Davis points out, the Perfect Moral Commonwealth can be seen as a development from late medieval and renaissance works presenting guides for the perfect prince (the Mirror-of-Princes tradition). The solution of the collective problem is here seen to rely no longer on the virtue of a governor or governing class ('... for from the prince, as from a perpetual well-spring, cometh among the people the flood of all that is good and evil' as the fictional More puts it in *Utopia*²³) but on the free choice by all of the virtuous life.

The political thrust of the Perfect Moral Commonwealth is inherently conservative; that of the Millennium is revolutionary. Although the tradition is complex in its forms,²⁴ central to the millennial vision is the total transformation of man and society resulting from the final, apocalyptic battle in which the forces of evil on earth are vanquished for all time. With the Second Coming of Christ man returns to the pre-lapsarian condition (though the demands of piety tended to inhibit millennarians from giving precise details of this blessed condition.) Crucially, this transformation is brought about not by an act of will by each and all (as in the Perfect Moral Commonwealth) but by an external and transcendent agency, ie.

by divine intervention. The result is not so much a solution of the problem of the supply of satisfactions as a dissolution of those problems. Of the two main strands of millenarian thought, one, the pre-millennarians, accord some role to human agency in hastening the onset of the final battle; the other strand, the post-millennarians, is resigned to waiting for the moment of the Second Coming and only then would battle commence. For both, the outcome is the perfect state of human existence on earth, to be succeeded only by the final assumption into heaven. The resonance with Marxian eschatology will be pursued later.

The utopia, in Davis' view, is fundamentally different from the previous four modes of social idealisation. There is no radical transformation of the desire profile, nor is there any super-natural answer to the problem of material scarcity: 'Utopia ... accepts recalcitrant nature and assumes sinful man'. Material and sociological scarcity are problems to be tackled, though not necessarily solved, by human agency and ingenuity: 'The utopian's concern is rather to control the social problems that the collective problem can lead to - crime, instability, poverty, rioting, war, exploitation, and vice'.²⁵ Utopias are thus seen by Davis as holding operations, sets of strategies designed to contain and control rather than solve the collective problem. This 'solution' represents, Davis claims, the idealisation of organisation; it is achieved '... by the reorganisation of society and its institutions, by education, by laws and by sanctions. [The utopian's] prime aim is not happiness, that private mystery, but order, that social necessity'.²⁶

Before going on to consider Davis' characterisation of utopia I want to argue that whilst his typology of ideal societies is fruitful and has the virtue of elegance, it is incomplete. This is particularly important since Davis will proceed to argue that the utopist's 'rage for order'²⁷ is the germ which grows into the dystopic nightmare.

Davis alludes to but does not develop the division, noted above, between the simple or brute and the contrastive desires and their attendant dissatisfactions which give rise to the 'collective problem'. It is crucial for theorists such as More and Rousseau that the second, contrastive, group of desires be controlled, eliminated, or their effects ameliorated. Thus the key role which the twin concepts of pride and *amour-propre* respectively play in their theories.

Similarly, Davis alludes to but does not develop the difference between the various agencies and mechanisms of solution. I suggest we employ a three-fold division: transcendent, naturalistic and humanistic. *Humanistic* solutions are those within the compass of human agency, requiring a particular act of will (as in the transformation needed to bring about the Perfect Moral Commonwealth) or a sustained and enduring act of will such as that needed to create and support social institutions. *Naturalistic* solutions are external to human agency yet make appeal to the causal interaction of man with forces or qualities deemed to be present in our 'natural' world. However, the *transcendent* solution makes appeal to forces beyond the boundaries of our everyday ('natural') universe. This classification according to the agencies and mechanisms of solution is not without some degree of ambiguity. Arcadia, for instance, might be seen as either a transcendent or a naturalistic solution, depending on whether it is seen as involving some (semi-) mystical union with and transformation by 'nature' or as simply the product of a certain sort of life-style. But this is a gain in precision, rather than a loss; for both versions exist and should properly be distinguished. The boundary between them is present, though ultimately not razor-edged. Rousseau's pastorals (the first communities of *Discours sur l'inégalité*, the early married life of Émile and Sophie) are thoroughly naturalistic in this sense; the romantic appeal to the transforming quality of nature is transcendent. Similarly, if the act of will required to bring about the Perfect Moral Commonwealth is seen as the opening of one's heart to the Grace of God, and it is this alone which sustains the transformation, then the solution is ultimately transcendent. That it may not be immediately obvious in any given author which transforming agency (humanistic, naturalistic, transcendent) is being appealed to, or that more than one type of agency seems to have been assumed, is directive rather than obstructive to our analysis: it delineates the ground for debate. We need to interrogate any social idealisation as to the precise form of its agency of transformation.

The move from humanistic though naturalistic to transcendent agencies represents a move from the active to the passive. Man is passive in the face of transcendent agencies, though he may be able to bring about their intervention (by summoning spirits, by hastening the onset of the apocalyptic battle); man is a participant in the process of transformation

brought about by naturalistic agencies; but man alone has the causal efficacy to bring about the humanistic transformation. The reason for labouring this point about the agencies of transformation is to highlight the distinctive quality of utopia as a humanistic solution to the collective problem.

I have three further points to make regarding Davis' analysis. Yet again, he alludes to but fails to develop the variation in changes in the desire-profile. Thus both the Millennium and the Perfect Moral Commonwealth posit a radical transformation in the desire-profile; in Arcadia the desire-profile is modified (desires become moderate and harmonious); and in the Land of Cockayne and utopia (or so Davis claims) desires are (more or less) as given. Again there may be ground for debate here. (It is not immediately obvious that the desire-profile remains unchanged in utopian speculation.) Secondly, Davis' typology needs completion by consideration of idealisations which posit the complete absence of all desires, eg. heaven. So Davis' typology requires clarification and extension according to the structure of the desire profile, the agency of transformation and the domain and nature of satisfactions (material/sociological; simple/contrastive). Here, Davis makes a serious omission. A crucial domain of satisfactions is that of social goods: justice, peace, education, medical care, and so on. Dissatisfaction over the supply of social goods may be quantitative or qualitative, simple or contrastive. Thirdly, there is the question of the aim of a work of social idealisation. There are two elements to this: What is the fundamental aim of the society portrayed in the idealisation? and what is it that the author hopes to achieve by the work? As to the former, we have already noted that Davis sees the utopist's concern as being order rather than happiness. This I shall dispute in my discussion of More; and will later discuss the latter question of what the author hopes to achieve by way of his social idealisation.

So, a more complete typology of social idealisations can be presented. The following typology is ordered first according to changes in the desire-profile and second according to the particular domain of satisfactions to be met.

A: Reformulation of the Desire-Profile

No Desires

- 1 Heaven [t]

Radical Transformation of the Desire-Profile

- 2 Millennium [t]
- 3 Perfect Moral Commonwealth [n/t?]
- 4 Charismatic exemplars [n/t?]

Modification of the Desire-Profile

- 5 Arcadia [n?/t?]
- 6 Anarchism [n]
- 7 Psycho-sexual liberation [n]
- 8 Pansophism/Enlightenment [h/t?]
- 9 Utopia [h]

B: Desire-Profile as Given

Satisfaction of Quantitative Desires [simple]

- 10 Cockayne [t]
- 11 Technology [h]

Satisfaction of Qualitative Desires [simple]

- 12 Culture of self-development [h]
- 13 Crafting/self-sufficiency movements [h]
- 14 Life of vocational devotion [h]

Satisfaction of Distribution of Material Goods [contrastive]

- 15 Planned economy [h]
- 16 Communism [h]
- 17 Free market [h]
- 18 Welfarism [h]

Satisfaction of the Distribution of Socially-Derived Goods
[contrastive]

- 19 Caste society [h]
- 20 Class society [h]
- 21 Meritocracy [h]
- 22 Egalitarianism [h]

Satisfaction of the Supply of Social Goods
[simple & contrastive]

- 23 Eunomia [h]

Repression of Desires and Discontent

- 24 Dystopia [h]

No Attempt at the Solution of the 'Collective Problem'

- 25 Cacotopia [h]

[h] = humanistic

[n] = naturalistic

[t] = transcendent

As Davis comments, some of these idealisations are not mutually exclusive, though we may expect some tensions where different idealisations are fused.

Some further comments are in order. In the first place, I have included what at first glance may seem somewhat idiosyncratic candidates as social idealisations. Mostly these appear as naturalistic answers to the specific problem of satisfying contrastive desires (both material and socially-derived) where there is no change in the desire-profile. As such, one might argue that these do not present social idealisations *per se* but merely political and economic structures available to the utopist to incorporate in his idealisation. I find myself sympathetic to this view (and it should be noted that in the typology, a system of distribution of material goods does not imply a given political system. Similarly, a particular distribution of socially-derived goods implies no given economic system.) Clearly the problem, hitherto ignored, is one of what is to count as a social *idealisation*. There are three criteria we might look at here:

- (a) The idealisation offers something radically *other* than what is given.
- (b) The 'totality of the change envisaged'.
- (c) Changes in the desire-profile.

(a) That the idealisation provides a view of society radically other than what is: that it offers a radical alternative to existent systems (here) of distribution (of both material and socially-derived goods.) Adherence to this view imposes a historical and ethnocentric constraint. What is alternative one year may become the norm the next. Similarly, what is the norm in one culture may be a radical alternative for another. So the best we can say, given that we want our typology to be as exhaustive as possible, is that the alternatives should be radical with respect to each other and not in the context of any given existing social structure.

(b) The 'totality of the change envisaged': Davis offers this as one of his three criteria characteristic of utopias.²⁸ As it stands, this is highly impressionistic. However, we can sharpen this somewhat and ask three further questions. Is the change envisaged merely marginal, affecting (albeit deeply) some peripheral sphere of social existence? Is it superficial, affecting a major sphere of social existence, but in such a way that it leaves the bulk of the social fabric untouched, unaffected? Or are the ramifications of the change envisaged deeply penetrative of the social

fabric, transforming society beyond immediate recognition? Clearly, opinions will differ as to the role of systems of distribution with respect to this point; and I do not intend to enter that debate here.

(c) One criterion we might employ to assess the totality of the change envisaged is the extent to which it involves a transformation of the desire-profile. A question I shall pursue in the final section of this chapter is whether or not Marxian communism involves such a transformation. The question is crucial in determining the productive requirements of such a society; and indeed, in gaining a grasp of what such a society might be like to live in. We need to know whether there will be a general moderation in desires (such as we find in arcadian idealisations and as we might expect in non-alienated society) or whether socially organised productive capacity will be dedicated to the satisfaction of the most gross of desires (the equivalent of a technological cockayne.) As with the earlier discussion of agencies of transformation, these considerations should be taken as directive, marking out the grounds for interrogation and debate of any given would-be idealisation.

These questions cannot be settled in advance of the critical examination of any given work; and indeed, there is a strong suggestion here that these are questions which might properly be asked of any work of political theory and that the division between social idealisations (and thus utopias) and what we might think of as 'main-stream' political theory is somewhat arbitrary.

Some brief comments on the other inclusions in the typology: Anarchism surely commands a place as an idealisation involving transformation of the desire-profile. In the absence of rulers, government, law, man's aggressive, acquisitive spirit gives way to one of mutuality and responsibility. Something of this sort can be seen in Robert Paul Wolff's theory (see Chapter Four above). The anarchist's view of law as essentially repressive and distortive of a naturally harmonious desire-profile finds a deeper reflection in idealisations involving psycho-sexual liberation; though here 'law' is either public convention or an internalised self-regulation.

Arcadianism, anarchism and psycho-sexual liberation all posit the return to some 'natural' state of harmonious being, specifically through the shedding of the artificiality of 'civilisation'. Utopianism and pansophist and Enlightenment theories (which equate the possession of a final and

complete knowledge with social harmony) reject this nostalgic ethic of return (to some presumed historical state of being or to an underlying human 'nature') but rather focus upon the gains of civilisation as the potential source of solution to the collective problem.

The under-pinning of social reorganisation according to the need to satisfy simple qualitative desires can be found in theorists as diverse as John Stuart Mill (the culture of self-development) and in the craft-production society pictured by Morris in *News from Nowhere*²⁹ and in the self-sufficiency movements.

The inclusion of the charismatic exemplar is crucial to a complete understanding of social idealisations. It is a familiar *leit-motif* throughout the work of Rousseau and in the person of the Law-Giver is central to *du Contrat Social*; and it may be that Machiavelli's *Prince*, as the man of *virtu*, plays a similar role in the founding of the great state.³⁰ The mere presence of such an individual transforms those around him. Clearly there is a religious/prophetic derivative aspect to the role of such exemplars; and this pin-points a further problem. The agency of transformation may be either naturalistic or transcendent (though not properly humanistic), but even if naturalistic the role played may be transcendent: for example, in *du Contrat Social* the role played by the Law-Giver is very much that of *deus ex machina*. The appearance of such quasi-divine individuals cannot be legislated for. Typically, as the law-giver, they provide a transcendent element to an otherwise humanistic solution of social and political reform. Mere mortals, it seems, can sustain but not initiate the virtuous society.

Finally in this section I come to the central question of utopia; and here I distinguish between not only utopia and dystopia, but further between dystopia and cacotopia and between utopia and eunomia. The term 'cacotopia' was coined by Ferguson³¹ to apply to that condition political theorists will recognise as the Hobbesian state of nature, the war of each against all, where no attempt is made to solve the 'collective problem'. The term is derived from the Greek *kakos* ('bad') and is employed to describe the social condition of the Cyclopes, encountered by Odysseus in his travels: '... a fierce, uncivilised people ... [who] have no assemblies for the making of laws, nor any settled customs, but live in hollow caverns in the mountain heights, where each man is a lawgiver to his children and his

wives, and nobody cares a jot for his neighbours'. (Ironically, Homer sets the Cyclopes within an Arcadian context: '[they] never lift a hand to plant or plough but put their trust in Providence. All the crops they require spring up unsown and untilled, wheat and barley and the vines whose generous clusters give them wine when ripened for them by the timely rains'.³²) In cacotopia there is no order, only social chaos. Dystopia, on the other hand, achieves order (or some outward semblance of order) by the active repression of discontent over the supply of satisfactions. The order displayed by dystopia is thus underpinned by fear. Here there is little disagreement. The question is whether the apparent harmony and felicity of utopia is no more than a front for an underlying dystopic regime; ie. that there is no real distinction between the two. The typology assumes at least the possibility of such a distinction; and the matter will be further discussed below.

Davis, as we have seen, asserts that 'Utopia ... accepts recalcitrant nature and assumes sinful man'; that is, in utopia the desire-profile undergoes little or no change. This I find problematic and will examine in some detail in the following sections. However, in order to clarify the grounds of debate I have reserved the term 'utopia' for those appropriate social idealisations in which some modification of the desire-profile is projected and have introduced the term 'eunomia' for those in which there is no such significant change. Plutarch employs the term to describe the request Lycurgus made of the Oracle at Delphi, that his constitutional reforms should be blessed with success and thus result in *eunomia*. Talbert, Plutarch's most recent translator, comments that *eunomia* '... has no one-word equivalent in English. It signifies the condition of a stable state, well organised both socially and politically'.³³ This implied causal connection between constitutional reform and a condition of felicity I take to be central to the utopist's quest.

Before pursuing further the distinction between utopia and eunomia, it should be clear that Davis' approach is analytically more fecund than that employed by the Manuels. To reprise the problem of Rousseau's social idealisations, the Arcadian mode (in the derivative forms of the pastoral,

the rural idyll and the Edenitic quality of the pristine state of nature), the charismatic exemplar and the utopian/eunomian modes are all employed. To subsume them all, with little or no distinction, under the generic term 'utopia' is to obscure rather than clarify the special character of the humanistic and expressly political solution to the 'collective problem': the utopia/eunomia.

Whilst I have no wish to be terminologically pedantic, the Manuels' approach serves to minimise the potential contribution of utopias to political theory. A model is now required which will serve to delineate more fully than I have hitherto attempted the utopian/eunomian from other modes of the ideal. The Manuels cite the birth of utopia as being the point of fusion of the Hellenic myth of the ideal city built by and for man, and the Judaeo-Christian belief in a perduring earthly paradise. This fusion in their view, becomes complete in a particular work of one man: Sir Thomas More's *Utopia*; and it is his model to which I now turn.

(ii) More and the Utopian Model

The coronation of the young Henry VIII was greeted by Thomas More with a cry of celebration and relief: 'This day is the limit of our slavery, the beginning of our freedom, the end of sadness, the source of joy'.¹ Nor was More alone in singing the praises of the new king. Mountjoy, sometime patron of Erasmus, wrote to the latter: 'Heaven laughs and the earth rejoices; everything is milk and honey and nectar. Avarice has fled the country. Our King is not after gold, or gems, or precious metals, but virtue, glory, immortality'.² This resurgence of humanist hopes for a new England was to prove short-lived; though some ten years later Erasmus at least was prepared to continue the prophetic mode: 'I see, I see, an Age truly Golden arising ...'³ The rise and subsequent disappointment of the aspirations of More and his fellow humanists forms the context for our examination of *Utopia*.

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Although for some time More hovered over the choice between the life of *otium* and retreat into the seclusion of the London Charterhouse, and that of *negotium*⁴ and a legal, and most likely, political career, the balance was always in favour of the latter. The maternal grandfather, Thomas Graunger, was a lawyer and was elected Sheriff of London in 1503. John More, Thomas' father, scaled the ranks of the legal profession from the humble but respectable position of butler at Lincoln's Inn (a position his father before him had held), was made a Sergeant of the city of London (in the same year Thomas Graunger was elected Sheriff) and became a Judge of the Common Pleas and ultimately a Judge of the King's Bench; receiving a coat of arms from Edward IV and later a knighthood *en route*.⁵

Thomas More received an education consonant with this legalistic family background. After an early grounding in the *trivium* (Latin grammar, logic and rhetoric) at St. Anthony's School in Threadneedle Street, More was placed, at the age of twelve, as page to the court of Morton, Archbishop of Canterbury, later Cardinal, and already Lord Chancellor to Henry VII. (As

the biographers are quick to note, the practice of securing such placements was by no means uncommon; however, Thomas More's placement does seem to have been particularly prestigious and somewhat felicitous in that it provided much anecdotal material for his writings.) Under Morton's guidance More went up to Oxford two years later to complete his study of the seven liberal arts by taking the *Quadrivium*: arithmetic, music, geometry and astronomy. It seems possible that More was first introduced to the study of Greek while at Oxford (William Grocyn was lecturing on Dionysius the Areopagite's *The Celestial Hierarchy* at that time); but if so, he did not pursue his studies with vigour till later. After a couple of years of parsimonious support by his father, More was sent to study law first at New and subsequently at Lincoln's Inn, becoming a Reader at Furnivall's Inn, and was made a Barrister at about the age of twenty-four.

During this period, though there seems to be no exact dates, More took residence at the London Charterhouse as a *conversus*. Roper tells us that More '... gave himself to prayer and devotion ... religiously living there without vow for about four years'.⁶ The Carthusians formed very much a minority Order in early sixteenth century England.⁷ They were austere ascetics, devoted to a life of contemplation and work. The eremitic influence was strong but incorporated into a communal structure. Each monk had his own cell, in which he celebrated alone all the divine offices except Vespers and Matins; and in which he took his meals alone (meat was forbidden and the Rule prescribed bread and water three days a week) except for Sundays and special occasions of the community calendar when meals would be taken in the refectory. Only in the afternoons of such days was conversation permitted. The spirit of poverty forbade all but the coarsest material for bed-linen and clothing; and further forbade the use of precious metals for all but the chalice. Each monk attended to his own garden plot at the back of his cell (the cells were adjacent, arranged around a central cloister, and the gardens walled); the rest of his time, typically, being given to the copying, illumination and binding of books.

We have no grounds for thinking that the London Charterhouse was anything less than strict in its observance of the Rule; and so the role of someone such as More as a *conversus* or lay-brother would be crucial to the well-being of the monastic community. The monastic seclusion within the city of the Carthusians made it imperative that there be *conversi* to

conduct their day-to-day business with the temporal world: 'It was they who performed the manual tasks, did the necessary buying and selling, and dealt with visitors and guests'.⁸

While at the Charterhouse (and, according to Chambers, before the close of 1501) More studied Greek under William Grocyn; and lectured on Augustine's *City of God* at Grocyn's church of St. Lawrence Jewry.⁹ Unfortunately, we do not know the content of More's lectures; and whilst we may assume that More was a diligent scholar of Augustine, the claim put forward by Marius¹⁰ that More 'would have been saturated with the teaching that those who fall to sensuality will continue their plummeting into hell itself' and thus would have shared Augustine's (eventual) repugnance towards sensuality is mere speculation and without secure grounding. Chambers¹¹ finds evidence in some later writings of Erasmus to suggest that even before his marriage to Jane Colt in 1505 'More's youth had not been altogether blameless'. But in general, a sense of propriety rather than outright prohibition is characteristic of More; and so, Erasmus tells us 'as he could not overcome his desire for a wife, he decided to be a faithful husband rather than an unfaithful priest'.¹² Certainly he took to the role of *paterfamilias*. Jane More bore him three daughters and a son before her death in 1511. He remarried within a month to Dame Alice Middleton who brought him a step-daughter. (In marrying a second time, as Marius points out, More turned his back forever on the possibility of entering the priesthood; for under canon law such a man was deemed to be a bigamist and thus could not take the sacrament of ordination. More would surely have known this; though this is far from establishing this as a principal motive for his remarriage.¹³) In later years he further adopted a daughter, provided a home for William Roper, his future son-in-law, a small domestic staff (including Henry Patenson, his 'domestic fool') and a base for the itinerant humanist scholars of northern Europe.¹⁴

Foremost among these scholars was, of course, Erasmus, whom More first met in 1499 and introduced to the young prince Henry.¹⁵ However, it was not Erasmus but Grocyn, John Colet and Thomas Linacre, the leading figures in England of Christian humanism, who influenced him most during the period of his Charterhouse retreat and early legal career. The Christian humanists, like the more secular 'civic' humanists throughout Europe, rejected the centrality of Aristotelian logic and teleology which characterised

scholasticism, and asserted instead the importance of the active pursuit of the good and virtuous life. 'It is better to will the good' Petrarch had said, 'than to know the truth'.¹⁶ Central to this project were the insights into 'human nature' provided by the classical authors, both greek and latin. But for the Christian humanists, whilst the fusion of these classical insights with Christianity was a major concern, the exemplification of the good life was to found not in the lives of Athenian citizens nor of Roman senators, but in the lives of Christ, the Apostles and the early fathers of the Church. Colet led the way in rejecting the obsessive allegorisation of the scriptures and argued that, whilst the Old Testament may not be entirely literal, the New Testament, except for explicit parables '... has the sense that appears on the surface' and that the Epistles were to be read as '... the real letters of a real man'.¹⁷ But for Grocyn, Linacre and Erasmus this 'humanisation' of the scriptures required a further stage: a return to the original greek texts and the preparation of a new translation (though still in Latin) to replace the corrupted Vulgate version.

More's decision to seek the Christian life whilst remaining fully embedded in the quotidian life of the community is thus fully consonant with the reformist context of Christian humanism. But both marriage and remarriage were in the future when More left the seclusion of the Charterhouse. In 1504 More was elected as a burgess (presumably for the city of London constituency) to the Parliament summoned by Henry VII to supply 'two reasonable aids'. Henry proposed to raise these taxes on the pretext of the costs incurred in knighting Prince Arthur (this having taken place in 1489, Prince Arthur having died two years previously to this Parliament) and for the dowry to be paid for the marriage of his daughter, Margaret, to James IV of Scotland the previous year. The projected revenue, More's son-in-law Roper tells us, was halved; due largely to the arguments of More himself. Word was conveyed to Henry that:

... a beardless boy had disappointed all his purpose. Whereupon the King, conceiving great indignation towards him, could not be satisfied until he had some way revenged it. And, forasmuch as he, nothing having, nothing could lose, his Grace devised a causeless quarrel against his father, keeping him in the Tower until he had made him pay to him a hundred pounds fine.¹⁸

There appears to be no independent evidence for this incident; though More later mentions that he studied in Paris and Louvain some four years later and it is thought that More was either exploring the possibility of, or actively seeking the security of exile. If so, then this would represent More's first direct experience of the problem of tyranny. Thus More's relief on Henry's death in 1509 expressed in his greeting of the new King's coronation: 'This day is the limit of our slavery, the beginning of our freedom, the end of sadness, the source of joy'.

**

'Death, touched by pity, will with violent hand, while the tyrant rages, bring him down'.¹⁹ More's latin poems and epigrams, from which this line is taken, were first published in 1518 by John Frobel of Basel, along with the third edition of his *Utopia*. However, More's first appearance in print had come much earlier. In 1506 More had published with Erasmus a joint translation (from Greek into Latin) of works by Lucian. Amongst these was a parody of a Sophist's defence of tyranny; to which More and Erasmus each appended a refutation of the Sophist's position.²⁰ But More's great and very personal concern with the problem of tyranny found its fullest expression in *The History of King Richard III*.²¹

The *History* is as problematic a work as the *Utopia*. Written about 1514-5 in Latin but with an English version, unfinished, unpublished in his life-time, incorrect in minor details but rich with anecdotal material, More gives to the world the picture of the demonic King which Shakespeare later popularised. It is a drama with a clear five act structure, a moral lesson (though, in this incomplete form, hardly a political one), and the first great history in English prose. Whether, as Chambers²² suggests, More had intended to write a complete history up to the death of Henry VII remains uncertain; as does More's precise thrust in his unrelenting blackening of a King with whom he shared a vital concern: the securing and administration of justice for the common people.

By the time More was engaged in writing the *History* the humanist hopes for a new Golden Age of peace, prosperity and, above all, learning under the new King were dimming fast. Henry VIII, within two years of his accession, had begun a series of diplomatic and military manouevres, only partly at

the instigation of Julius II; and central to which was the reassertion of the claim of the English crown to France. That these military excursions mainly ended in debacle is not to the point: to the humanists they signalled the return to a world they had believed to have been left behind. 'The whole genius of the island' Erasmus wrote of England in 1514, 'is being altered in these preparations for war'.²³ In rejecting Aristotle's view of a purposive world (and thus also Augustinian pre-destination) the humanists had embraced a conception of history as cyclical: the age of learning, which characterised the ancients and was judged to have ended with the sack of Rome in 410, had been re-born ('re-naissance'). The return to militarism threw doubt on the genuineness of that rebirth. The problem of tyranny had simply not evaporated under the torch of learning. For Henry, the focus of humanist aspirations in England, had been tutored in the *bonae litterae*²⁴ and yet sought militaristic *gloire*. More's response seems to have been the analysis in the first instance of the psychological condition of kingship (and what we may call the propensity to tyrannise) rather than that of the political implications of the office of kingship (which was to come later in Book I of the *Utopia*).

Yet, in the *History* More comes close to making Richard a caricature. Edward IV receives a glowing *encomium*:

This noble prince ... so heartily beloved with the
substance of the people ... of heart courageous, politic in
counsel, in adversity nothing abashed, in prosperity rather
joyful than proud, in peace just and merciful ... of visage
lovely, of body mighty, strong, and clean made.

The contrast with Richard could not be sharper:

... little of stature, ill-featured of limbs, crook-backed ...
malicious, wrathful, envious, and from afore his birth, ever
froward.²⁵

Thus begins the picture of a man who is evil incarnate. But such a picture, dramatic and moralising as it is, is in danger of missing the mark. For the question, as More must have realised, is not (or is not solely) what to do in the event of an evil person gaining political power but whether this possibility (and the possibility of a prince such as Henry VIII becoming tyrannical) makes monarchy an imprudent form of government. At some point More did realise this. In one of his Latin poems published in the edition of

1518 ('What Is the Best Form of Government') More debates the respective merits of a king and a senate. Both may be bad: 'But if both are good, then I think that the senate, because of its numbers, is the better and that the greater good lies in numerous good men'. Furthermore: 'A senator is elected by the people to rule; a king attains this end by being born. In the one case blind chance is supreme; in the other, a reasonable agreement'. This short debate has a startling conclusion: 'Stop asking to whom you may give power. The prior question is whether to give it at all'.²⁶

It may be no accident that the *History* ends in mid-scene and that More found himself unable to deal satisfactorily with the first question of the legitimacy of rebellion. Richard has usurped the throne, has had committed a series of judicial murders, and has ordained the 'dolorous end of those babes'.²⁷ At this point the focus changes to the instigation of Buckingham's rebellion; and the role of prime mover is given to John Morton, then Bishop of Ely (and under Buckingham's custody at Brecknock) and later to become chancellor under Henry VII and More's own master. Morton receives an ambivalent depiction at More's hands: 'The Bishop was a man of great natural wit, very well learned, and honorable in behaviour, lacking no wise ways to win favor'.²⁸ Richard and Buckingham are condemned by More for dissembling; if Morton differs from them both ('lacking no wise ways to win favor') it can only be in degree. Morton, despite having been embraced by Edward IV, seems to have remained a staunch supporter of the Lancastrian cause, for which he had fought and accepted exile; and More has him act as spur to Buckingham's dissatisfaction and pride, quickly guessing the tenor of the Duke's mind. More's accuracy in assigning this role to Morton is much in doubt; but this does not detract from the dramatic quality with which Morton expresses the problem:

Surely, my lord, folly were it for me to lie ... but that if the world would have gone as I would have wished, King Henry's son had had the crown and not King Edward. But after that God had ordered him to lose it and King Edward to reign, I was never so mad that I would with a dead man strive against the quick. So was I to King Edward faithful chaplain and glad would have been that his child had succeeded him. Howbeit, if the secret judgment of God have

otherwise provided, I purpose not to spurn against a prick,
nor labor to set up that God pulleth down.

To acquiesce in usurpation was one thing, for the very success of a rebellious enterprise could be construed as evidence of God's will; to 'labor to set up' (that is, against an annointed prince) was quite another. The problem, in contemporary (and secular) parlance, is that of 'dirty hands': someone, it seems, must take upon themselves the commission of a *prima facie* immoral act in order to restore justice.²⁹ Here, Morton gives us the conventional view of the matter: Morton would swim with the tide but would not be an active agent in bringing about change. What More does not give us is a challenge to this view (whereas in the *Utopia* the same device of expounding conventional wisdom is always countered in debate). Morton is later drawn by Buckingham to express his thoughts on Richard:

... as for the late protector, sith he is now king in possession, I purpose not to dispute his title. But for the weal of this realm ... I was about to wish that to those good abilities, whereof he hath already right many little needing my praise, it might yet have pleased God for the beter store to have given him some such other excellent virtues meet for the rule of a realm, as our Lord hath planted in the person of your grace.

And there the *History* ends. The problem is unresolved. Nor is it clear what answer More might have given without either giving licence to the rebellion of each and every malcontent or openly rejecting the office of kingship. We have already seen his muted advocacy of republicanism (in his Latin poem); but within the contextual bounds More set himself in the *History* no such opinion could be expressed. Implicit in this exposition of the *History of King Richard III* is the argument that, even if it was intended as a psychological examination of the propensity to tyranny, it becomes an analysis of the acute, practical and moral problem of what to do about it. No figure in the drama could provide the sort of answer for which More sought without radically disfiguring the historical record in order to change the grounds of debate. That would require another work. This one was incapable of completion.

More may, of course, have had other, more explicit reasons for abandoning the *History*. As Marius (drawing on Pollard) underscores, accusations of a treasonable background (personal or familial) would not rest lightly with many of the contemporary magnates.³⁰ Nor could Henry VIII be expected to receive with pleasure any veiled suggestion that his reign was veering toward tyranny.

By the time More was writing the *History* his public career had advanced. He was elected to the position of Under-Sheriff to the city of London in 1510 whilst continuing his legal practice; he served on royal commissions of the peace; was a member of the Mercer's Company and represented the London merchants in disputes with the Hanseatic merchants of the London Steelyard. His position as Under-Sheriff brought him into contact with, amongst others, William Warham, Archbishop of Canterbury and Lord Chancellor, Cuthbert Tunstall, Warham's own chancellor, and Thomas Wolsey, Archbishop of York and soon to be Lord Chancellor. But it was with Tunstall that More was appointed to a royal commission to Flanders in May 1515 to renegotiate the terms of England's wool trade.

This was only More's second (recorded) excursion abroad; and indeed (especially in comparison with his fellow humanists) it is remarkable how little More travelled. Apart from his time at Oxford and his 'exile' at Paris and Louvain in 1508 there is no record of him having left the immediate vicinity of London prior to this embassy. The embassy lasted six months instead of the expected two; and it was during this unfamiliar situation of separation from family and city that More began work on the *Utopia*.³¹

The *Utopia* reports an apparently factual meeting between More, his friend Peter Giles and the mysterious traveller Raphael Hythloday. The Second Book, apart from the concluding peroration, is devoted to Hythloday's description of the island of Utopia. The First Book, after More's initial contextual remarks, takes the form of a dialogue between, for the most part, More and Hythloday. The latter is claimed to have sailed with Amerigo Vespucci on the three last of his four voyages; but having insisted on being one of the twenty-three put ashore during the last voyage, he then continued voyages of his own. With little further ado the main theme of Book I is then introduced by Peter Giles:

Surely, Master Raphael ... I wonder greatly why you get you not into some king's court. For I am sure there is no prince living, that would not be very glad of you, as a man not only able highly to delight him with your profound learning and this your knowledge of countries and peoples, but also meet to instruct him with examples and help him with counsel. And thus doing, you shall bring yourself in a very good case, and also be of ability to help all your friends and kinsfolk.³²

Thus the problem is set: should a man of wit and learning, ie. in early sixteenth century Europe, a humanist, place himself 'in bondage unto kings'³³ as Hythloday starkly puts it?

The question had become an acutely urgent one for More. On his return from the embassy in the autumn of 1515, already financially straitened, he was offered but refused a royal pension for fear that such patronage would compromise his position as a judge. Yet he seems to have begun to form an aversion to his only other viable alternative, his practice at law; and his position as Under-Sherrif to London no longer provided the financial ease his ever-growing family commitments demanded. His political career was beckoning; and it may have been that Wolsey and Warham had already put their case to More for him to join the royal council. Yet More has Hythloday give the argument from personal profit short shrift - that is not the issue. As this 'Dialogue of Counsel' unfolds, the issue becomes one of personal integrity. If philosophers and kings continue to occupy mutually exclusive classes, then is it not the duty of the philosopher (ie. the humanist) to instruct and advise kings? And as More learned shortly after his return from Flanders, his friend and fellow humanist Erasmus had embraced that duty and become councillor to Arch-Duke Charles of Burgundy.

Hexter, in his *More's Utopia: The Biography of an Idea*³⁴ has clarified the structure of the *Utopia*. It was during the period of enforced idleness as the English delegation waited for a response to their proposals that More took advantage of an introduction from Erasmus to visit Peter Giles at Antwerp; and there he wrote what is now the introductory section of Book I and the main body of Book II, the depiction of the island of Utopia. But it was not until his return to London that More gave point to the whole work by writing (and incorporating as the body of Book I) what Hexter terms the

'Dialogue of Counsel'. Thus the delay to which More refers in his letter to Peter Giles:

I am almost ashamed, right well beloved Peter Giles, to send unto you this book of the Utopian commonwealth wellnigh after a year's space, which I am sure you looked for within a month and a half. And no marvel, for you knew well enough that I was already disburdened of all the labour and study belonging to the invention in this work, and that I had no need at all to trouble my brains about the disposition or conveyance of the matter ...³⁵

More excuses himself solely on the grounds of pressure of work ('I therefore do win and get only that time which I steal from sleep and meat') and at no point suggests that he has been engaged on writing a major section which would transform the nature of the work. However, Hexter's analysis identifies clearly the point of insertion of the Dialogue of Counsel and thus More's silence is not here crucial. Having firmly introduced the character and background of Hythloday, More says:

Now at this time I am determined to rehearse only that he [ie. Hythloday] told of us of the manners, customs, laws, and ordinances of the Utopians.

But this is not what happens in the text; for More immediately continues:

But first I will repeat our former communication by the occasion and (as I might say) the drift whereof he was brought into the mention of that weal-public.

Instead of proceeding straight into the depiction of the island of Utopia, the text digresses into the Dialogue. Again in the immediately preceding passage, More tells us that of 'those fond and foolish laws in those new found lands' he will 'in another place ... entreat'; however, the description of societies other than that of the Utopians is incorporated in the Dialogue which follows. Finally, the tone of the Dialogue is quite at odds with that of the declamation. Whereas the latter is generally calm, reflective, only mildly satirical and given in the uninterrupted flow of Hythloday's voice (until the final peroration from More) the Dialogue is sharply incisive in its critical bite and is urgent in its mood and in the movement of the debate between More, Giles and Hythloday, notwithstanding its setting in a garden in Antwerp.³⁶

This creates some tension in the approach to analysis of the text: should Book I (the Dialogue) be understood only in terms of Book II (the declamation) or vice versa? Which is the prior work? The fact that More wrote the Dialogue after the declamation does not establish that he had not conceived of writing the former work before he reached Antwerp or while he was there. It may be that the problems he was to present in the Dialogue had already taken some rough shape in his mind, perhaps to be committed to some other, later work; and that only on his return to London did he see the essential congruence between the two. We thus have no option but to examine the work as More presented it to the world.

The remaining problem to be confronted at this point is the question of which voice in the Dialogue represents More himself. There is no easy answer to this; and we cannot assume that the opinions offered by the 'More' who appears in the drama are in every or any case those of the author of the work. It may be that all the voices represent different aspects of More's thought as he debated the question with himself. To avoid confusion, therefore, the fictional *persona* of More as he appears throughout *Utopia* will be identified in italics thus: *More*.

As we have seen, on his return to London More discovered that Erasmus had accepted a position as royal councillor. But More was clearly not so sure as his friend. Against the argument from duty which Peter Giles raises, Hythloday opposes objections on the grounds of freedom, of efficacy, and ultimately of honesty.

'Now I live at liberty after mine own mind and pleasure,' Hythloday insists, 'which I think very few of these great states and peers of realms can say'.³⁷ But for a Christian, freedom can be no match for duty; and a quick admonition from *More* that 'though it be somewhat to your own pain and hindrance'³⁸ silences Hythloday on that point. For, he continues, 'this shall you never so well do, nor with so great profit perform, as if you be of some great prince's council, and put into his head ... honest opinions and virtuous persuasions. For from the prince, as from a perpetual well-spring, cometh among the people the flood of all that is good and evil'.

And if he should elect to serve, what hope could he entertain of his advice being acceptable and thus followed? If in any way innovative, other councillors would counter it with an appeal to custom.³⁹ If merely honest in his advice, pointing out that a king's duty is to sue for peace not

launch aggressive foreign campaigns⁴⁰ or that 'the commonalty chooseth their king for their own sake, and not for his sake ... and that therefore the king ought to take more care for the wealth of his people than for his own wealth'⁴¹ then he stands at best to be mocked - at worst, in mortal danger.

This *crise de conscience* was not original to More, though he was perhaps more ruthlessly honest and less self-deceived in his reflections. As Skinner⁴² points out, the acceptance of the value of *negotium* as against *otium*, of the life of virtuous and useful activity over that of pure contemplation, had increased amongst the humanists since the early fourteenth century. A common form in which this desire for *negotium* found expression, other than direct service, was that of the advice book, or 'mirror of princes'.⁴³ Here was the perfect vehicle for the man of learning to expound on what constitutes virtuous and successful conduct for a prince, as well as detailing systems of government, the lessons of history, and so on. It was also, in More's time (and amongst the new educated class), fast establishing itself as the traditional and popular form of moralising and speculating on the political domain. Erasmus was working on his *On the Education of a Christian Prince*⁴⁴ contemporaneously with More's work on the *Utopia*; and Machiavelli wrote *The Prince*⁴⁵ whilst still in political exile at his farm at Sant' Andrea in or about 1513. This was the final great flowering in a generation of such works beginning with Patrizi's *The Kingdom and the Education of the King* and Sacchi's *The Prince* in the 1470's.⁴⁶ After this the genre underwent decline, the focus becoming first the role and conduct of the scholar/soldier at court, of which Castiglione's *The Courtier* ('the most representative book of the Renaissance') is the most famous; and finally degenerating into works on etiquette typified by della Casa's *Il Galateo*.⁴⁷

The common theme of all these works was the detailing of the virtues appropriate to the prince or courtier, how they may be acquired and the benefits to be gained by their practice. Neither the cardinal virtues of temperance, fortitude, wisdom and justice, nor the Christian virtues of faith, hope and charity were disregarded but rather they were supplemented by specific virtues to be cultivated. Although Patrizi had listed some forty virtues the prince should exhibit, three central virtues were adopted from Cicero: liberality, clemency and honesty; the Italian humanists adding

magnificence and the northern humanists emphasising godliness. Castiglione identified variously: 'lively wit and judgment', 'polite conversation and innocent pleasures', 'the most decorous behaviour', 'modesty and nobility' and the combination of 'the sharpest witticisms ... with a gracious and sober dignity' as the distinctive virtues of the court circle at the Palace of Urbino.⁴⁹ Citizens, subjects, priests, merchants: all had their own class of virtues assigned to them in the literature of the period.

What we see here is a world in a state of flux self-consciously attempting to re-define itself. It is a world in which the old customs and certainties were fast disappearing and in which unsteady efforts were being made to construct bridges between the old and the new. But the new was itself ambivalent: rooted in and proclaiming itself the continuation of a classical heritage and yet confronting the emergence of a new political form: the nation state. Machiavelli captured this ambivalence by adopting the now traditional form of the *speculum*, the mirror of princes, for *The Prince* and yet subverting the convention by arguing that the princely virtues (as adopted from Cicero) rather than providing the bulwark against the vicissitudes of *fortuna* as the humanists had believed, left the prince prey to the goddess's caprice. Adaptability and boldness are required of the prince if he is to conquer *fortuna* for 'being a woman, she favours young men, because they are less circumspect and more ardent, and because they command her with greater audacity'.⁴⁹ The *vir virtutis* is not exemplified by the man who slavishly follows maxims of virtue or justice but who, sure of his goals, pursues his enterprise with vigour.

Thus in his comedy *The Mandrake Root* (*la Mandragola*) Machiavelli shows Callimaco winning his way to Lucrezia's bed (against the jealous precautions of her husband) by his belief that:

Nothing is ever so impossible that there isn't a way to do it. Even though such hope may be fragile and vain, a man's desire and determination to accomplish a difficult task will blind him to the chances of failure.⁵⁰

Callimaco is prepared to deceive and adopt disguise, and to enlist the aid of distinctly unsavoury figures, to realise his desire: one which, at best, is of a dubious moral character. Yet, Machiavelli implies, Callimaco's scheme has a virtue of its own. Callimaco is not by nature an adulterer. Simply, he has fallen in love with a woman who is married and whose

reputation is jealously guarded. Neither his own dissembling nor his use of dissemblers, Machiavelli suggests, morally disfigures the intrinsic virtue of his plan. Callimaco's triumph is unbesmirched by the means adopted. The nobility of the end (the triumph of love) and the ardour with which it is pursued not only legitimises the means but attracts others to participate in its realisation.

In *The Prince* Machiavelli identifies three noble ends for a prince to pursue: the maintenance of the state, the achievement of great things, and to cover himself (and by reflection, the state) in glory, honour and fame; and again, the pursuit of these ends legitimises such means as may be necessary. Thus, whilst it is useful for a prince to gain the *reputation* for liberality, clemency and honesty, he should be prepared to abandon these 'virtues' should the circumstances so demand. Not all means are consonant with these ends; and not all ends are noble. Agathocles became king of Syracuse by a *coup d'état* in which the senators and leading citizens of Syracuse were killed. Machiavelli comments:

... he maintained his position with many audacious and dangerous enterprises. Yet it cannot be called prowess [virtú] to kill fellow citizens, to betray friends, to be treacherous, pitiless, irreligious. These ways can win a prince power but not glory.⁵¹

Power is essential if a prince is to maintain his own position and secure the state and achieve great things; but pursued for its own sake it is 'criminal' and cannot win the prince (and thus the state) the noble ends of honour, glory and fame.⁵²

Machiavelli thus subverts the *speculum* genre by lauding the ways of the fox over those of the lion: dissimulation, where necessary, carries a greater guarantee of success than integrity.⁵³ We have already seen More's attitude to dissimulation in his characterisation of Richard III and Buckingham in the *History*. In the *Utopia* he treats of it again and returns us to the problematic figure of his old master: (the now Cardinal) John Morton.

Hythloday dismisses More's belief that, by becoming a member of 'some great prince's council', he might put into that prince's head 'honest opinions and virtuous persuasions'.⁵⁴ As proof of the futility of such a position Hythloday offers his recollections of the table-talk at Morton's

court. An array of almost comic figures raise the issues of the day, only to have their bumptious views demolished by Hythloday: the criminal justice system, which demands the death penalty for theft, the which nonetheless is on the increase; the idle rich and their excessive retinues; the enclosure movement with its dispossession and consequent vagabondage of ex-tenants; and to this list of wretched beggary and miserable poverty⁵⁵ Hythloday adds the symptoms of *luxuria*: 'great wantonness, importunate superfluity, and excessive riot ... proud newfangledness in their apparel, and too much prodigal riot and sumptuous fare at their table'. In his cataloguing of the evils of his time, More is at his very best: incisive, witty, damning. His swingeing attack on the values of Tudor England has never been equalled.

Yet Morton's response to Hythloday's diagnosis and remedy is far from convincing. Pursuing the question of criminal justice More offers us, through the mouth of Hythloday, the example of a fictional society, the 'Polylerites' who operate a system of penal slavery for theft. Hythloday makes the case for the justice, humanity, and public utility of the system. The lawyer at Morton's table objects that 'this could never be so stablished in England but that it must needs bring the weal-public into great jeopardy and hazard.' Morton's initial response is eminently reasonable. The system could be tried and 'if then the proof should declare the thing to be good and profitable, then it were well done that it were established.' If, on the other hand, the lawyer's forebodings were shown to be accurate then 'the condemned and reprieved persons may as well and as justly be put to death after this proof as when they were first cast.' However, the Cardinal continues: 'Yea, and methinketh that these vagabonds may very well be ordered after the same fashion'.⁵⁶ Morton has either missed or willfully disregarded Hythloday's point. The problem addressed was one of criminal justice. Morton seizes the opportunity for public utility; and in doing so, his suggestion is contrary to natural justice.

Hythloday had diagnosed the cause of vagabondage and theft in terms, principally, of the dispossessions brought about by the enclosures. (Famously, that '[the] sheep ... be become so great devourers and so wild, that they eat up and swallow down the very men themselves. They consume, destroy, and devour whole fields, houses, and cities'.⁵⁷) More, doubtless as a result of his association with the London wool trade, adds a wealth of

detail and identifies oligopolistic practices as exacerbating the situation. The critical onslaught is not merely implied:

Doubtless unless you find a remedy for these enormities you shall in vain advance yourselves of executing justice upon felons. For this justice is more beautiful in appearance and more flourishing to the shew than either just or profitable.

'[W]hat other thing do you do' Hythloday cries, 'than make thieves and then punish them?'⁵⁸

Morton, then, has ignored the prior question of the cause of vagabondage and felony, has given a tempered response to the question of punishment, and has been shown to favour the adoption of a mode of punishment for dealing with a social rather than a criminal problem. We should note, however, that the first act against vagrancy was passed at the Parliament of 1495, while Morton was still Chancellor. The encounter between Hythloday and Morton took place 'not long after the insurrection that the western Englishmen made against their king' (in 1497).⁵⁹ So whilst vagrancy was properly subject to legal sanction (and Hythloday does not dispute this) the question of its conformity to natural justice remains. What More intends us to infer from Morton's response cannot be fathomed with any certainty. On the one hand, we might be expected to admire the wit and sagacity of one with high political responsibility in seeing the utility of such a system for dealing with a serious social problem; on the other, we might be expected to disapprove of a man who, as senior legal officer of the realm, has so little concern for natural justice.

More gives few clues. This part of the conversation ends with Morton's comment; the various courtiers assembled (having scoffed at him hitherto) find themselves in agreement with Hythloday's sentiments now that Morton has endorsed them; and 'most of all was esteemed that which was spoken of vagabonds, because it was the cardinal's own addition'.⁶⁰ Morton has surrounded himself with a court of fools and flatterers; and although he (Morton) seems to be under no illusions about their worth, there can be no doubt that the passage as a whole is offered as a critique of court life. If the character of Morton as presented here is intended to be held up for our admiration, then we can readily imagine how much worse the courts of less sagacious dignitaries, magnates and princes must be. If, however, Morton is

presented to us as (at best) a morally ambiguous figure or (at worst) a dissembling hypocrite, prepared to swim with the tides of fortune and lacking sincerity, then Hythloday's point goes through: such people are the focus of corruption and good advice will be mocked and/or corrupted in its turn.

Hythloday concludes by discounting the possibility that he too might join the growing tradition by writing a *speculum* of his own in which his knowledge and understanding might be expressed. However, *More* eventually proposes a solution which, for once, Hythloday does not knock down but rather glances aside. Hythloday has argued at length that not only is it futile to proffer advice to kings but is incompatible with maintaining his own integrity. To this *More* retorts: 'This school philosophy is not unpleasant among friends in familiar communication, but in the councils of kings, where great matters be debated and reasoned with great authority, these things have no place'. Precisely, Hythloday responds, '... philosophy has no place among kings'. *More* then continues:

Indeed ... this school philosophy hath not, which thinketh all things meet for every place. But there is another philosophy more civil, which knoweth, as ye would say, her own stage, and thereafter, ordering and behaving herself in the play that she hath in hand, playeth her part accordingly with comeliness, uttering nothing out of due order and fashion. And this is the philosophy you must use.⁶¹

The point is that the humanists had clearly not learned their own lessons and that the naive view of the demands of integrity and honesty that Hythloday has been espousing simply won't do. The study of rhetoric had been at the heart of the development of the humanist tradition⁶² and it is rhetoric, the appropriate form of expression for a given context, that is implicitly appealed to here. It is not inexact of *More* to term it a philosophy, calling as it does for a deep understanding of the 'passions', of modes of communication, and of appreciation of the salient features of context. Abused, it becomes a device for flatterers and deceivers; respected, it is the mark of a sincere desire to communicate, persuade, convince.

But instead of now clinching his argument by directly suggesting that Hythloday should join the rank of councillors *qua* rhetorician (though he is

allowed to draw that inference), *More* prevaricates somewhat. After developing the analogy of the play, he continues:

So the case standeth in a commonwealth, and so it is in the consultations of kings and princes. If evil opinions and naughty persuasions cannot be utterly and quite plucked out of their hearts, if you cannot even as you would remedy vices which use and custom hath confirmed, yet you must not leave and forsake the commonwealth. You must not forsake the ship in a tempest because you cannot rule and keep down the waves.⁶³

One must not give up, *More* is saying; but he does not explicitly say that one must belong to the inner council.

No, nor you must not labour to drive into their heads new and strange information which you know well shall be nothing regarded with them that be of clean contrary minds. But you must with a crafty wile and a subtle train study and endeavour yourself as much as in you lieth, to handle that matter wittily and handsomely for the purpose.⁶⁴

We have already been given some indication of this 'crafty wile' and 'subtle train' at the beginning of the Dialogue of Counsel:

But as for monsters, because they be no news, of them we were nothing inquisitive. For nothing is more easy to be found than be barking Scyllas, ravening Celaenos, and Laestrygons, devourers of people, and such like great and incredible monsters. But to find citizens ruled by good and wholesome laws, that is an exceeding rare and hard thing.⁶⁵

The rhetoric, then, is expressly designed to extend the limits of the conceivable; for if the narrator (here, Hythloday) can convincingly portray a 'fabulous' society (whose citizens are ruled by good and wholesome laws) then so far do we admit it to the outer limits of the possible. It is a rhetoric aimed at establishing plausibility. To do so, the distancing effect of the hypothetical must be broken down: the society must be capable of being accepted as, in some sense, existing. A description couched in terms of "Let us imagine" or "Just suppose" makes no attempt to ground its plausibility. On the other hand, a description presented as factual (even if it pertains to times past or future rather than time present) invites us to

believe in the possibility of its existence. Should we find ourselves believing, or at the very least, able to suspend our disbelief, then we have made an initial grant of plausibility; and our horizons of the possible have been extended.

This, then, is More's resolution of the problem of counsel. Should one find the political climate unpropitious to any direct counsel one might be able to give, then rather than forsake the commonwealth one should resort to 'subtle trains' and 'crafty wiles' in the hope of changing that climate. It is not enough merely to cry out against the evils and oppressions of the time: custom or sheer despair will always prove effective counters. A clear vision of a better alternative must be on offer.

The philosophy More propounds in his utopian model is civil not only in its rhetorical ambition but also in its central concern: the optimal civil, ie. political, society. Utopia is not a perfect society. Crime persists, wars are fought, neighbours and relatives quarrel; though none of this amounts to a social malaise. But in contrast to his own Tudor society, More has no doubt that we will view it as a better society. And he has drawn the contrast between these two states so forcefully as to have been nigh-irresistible to his contemporaries.

The portrait More has drawn of Tudor society is one of a society in the grips of untrammelled vice and rank injustices. One vice in particular More identifies as being at the heart of this malaise: pride, 'the princess and mother of all mischief'. 'This hellhound creepeth into men's hearts and plucketh them back from entering the right path of life, and is so deeply rooted in men's breasts, that she cannot be plucked out'.⁶⁶

The point is of the first importance. Augustine tells us that 'The beginning of all sin is pride'. It was Lucifer's belief in the sufficiency of his own judgment which was the cause of his original turning from God: 'This was the first defect, the first impoverishment, the first fault of that nature, which was so created that it did not exist in the supreme degree'. 'What other name is there for this fault than pride?'⁶⁷ An evil will, Augustine argues, has no efficient cause; rather it is a defect, a lack: a lack of awe, humility and obedience to God's will. To assert that an evil

will has an efficient cause would be to assert that God, as the author of all things, is ultimately the author of evil. An evil will, then, can have no cause but is a voluntary act, though a non-arbitrary one; for it is grounded in the confidence of its own judgment:

And what is pride except a longing for a perverse kind of exaltation? For it is a perverse kind of exaltation to abandon the basis on which the mind should be firmly fixed, and to become, as it were, based on oneself, and so remain. This happens when a man is too pleased with himself: and a man is self-complacent when he deserts that changeless Good in which, rather than himself, he ought to have found his satisfaction.⁶⁸

Thus:

Pride is not something wrong in the one who loves power, or in the power itself; the fault is in the soul which perversely loves its own power, and has no thought for the justice of the Omnipotent.⁶⁹

It was this perversion, this self-complacency, Augustine argues, which opened the minds of Eve and Adam to the seductions of the serpent and led to their fall from the state of grace; and it is thus pride which is the mark of original sin. Man 'bears about him the mark of death, the sign of his own sin, to remind him that you *thwart the proud*'.⁷⁰

We may safely assume that More, having lectured on the *City of God* while at the Charterhouse, would have been fully conversant with Augustine's doctrine; and thus it is that pride 'cannot be plucked out'. Neither the citizens of Utopia nor anyone else can undergo a complete moral transformation. The solution to the 'collective problem' cannot, for More, take the form of a Perfect Moral Commonwealth; there can be no transformation of the desire profile. The best we can hope for is that pride may be subdued: thus More's own resort to the wearing of a hair-shirt.⁷¹ Yet, as More's own self-disciplining testifies, we might ordinarily think of the struggle against pride as a matter for personal effort and salvation. Hexter's conclusion on the argument of the *Utopia*, whilst seductive, is thus incomplete: 'The disciplining of pride ... is the foundation of the best state of the commonwealth. And more than that, it is pride itself that prevents actual realms from attaining to that best state'.⁷² We need to

know why it is that the problem of pride should be seen as a *political* problem.

There are two connections we can make here to ground pride as a political problem. In the first place, we have the first epistle of Paul to Timothy in which Paul declares:

There is great gain in godliness with contentment; for we brought nothing into the world, and cannot take anything out of the world; but if we have food and clothing, with these we shall be content. But those who desire to be rich fall into temptation ... For the love of money is the root of all evils ...⁷³

If pride is 'the beginning of all sin' and the love of money 'the root of all evils' then a first step in tempering the worst ravages of pride might be to control or even eliminate the use of money. If so, then we have already crossed the divide from the personal to the political.

A second, though more tentative, connection is this. In the *City of God* Augustine addressed, albeit briefly, the question of 'The true felicity of Christian emperors'. Their felicity resides not in their long reigns, nor in their successes in conquest or suppressing insurrections; for all these rewards were enjoyed by pagan rulers. Rather:

We Christians call rulers happy, if they rule with justice; if amid the voices of exalted praise and the reverent salutations of excessive humility, they are not inflated with pride, but remember that they are but men ...⁷⁴

Augustine proceeds to list the virtues of the Christian emperor which guarantee his felicity: he is slow to punish and ready to pardon; takes vengeance on wrong not to satisfy personal animosity but to protect the state; seeks the 'amendment of the wrong-doer'; tempers the severity of justice with mercy; restrains 'self-indulgent appetites'; has as his goal not 'a burning desire for empty glory, but ... the love of eternal blessedness'; and above all, puts his power 'at the service of God's majesty' and offers to God 'the oblation of humility, compassion, and prayer'.

Here, in what O'Meara recognises as a mirror of princes⁷⁵ Augustine contrasts not only the sin of pride with the virtue of humility; but also contrasts the *rule* of pride with that of justice. Only the humble and pious

can rule with justice; and only a rule of justice can help subdue (though never eliminate) the promptings of pride.

We can construct, then, a plausible link (and one with which More would certainly have been familiar) between the problem of pride and social and political organisation. Furthermore, the doctrine of the church was precisely that belief in the efficacy of the individual in his struggle against sin, unaided by the church and the intercession of its saints and martyrs, was itself the mark of pride. The escape from pride is not after all a matter of personal salvation. It requires collective effort and support. But More makes two radical departures from what we might expect of his own solution. First, that escape is accomplished as nearly as can be (though never perfectly) in the non-Christian society of Utopia. The church of late-medieval and early-renaissance Europe had come to be seen as the very embodiment of pride; upon which both More in the *Utopia* (particularly the depiction of the court of Cardinal Morton) and Erasmus in the *Praise of Folly* employed the full range of their scathing and satirical wit. Secondly, More seems to have found no solution to the propensity to tyranny among princes: although founded by a conquering prince, Utopian society is resolutely republican. It is not a *speculum principii* as such which More presents to us in Book II of the *Utopia* but a *speculum mundi*, a mirror of the world.

Indeed, the island of Utopia is very much the mirror of More's England. Hythloday had crossed the equator, passed beyond 'great and wide deserts and wildernesses', eventually finding 'the air soft, temperate, and gentle' and 'people, cities, and towns wherein is continual intercourse and occupying of merchandise and chaffare [trade]'.⁷⁶ Utopia is a large island (some 200 miles wide at its broadest) and consists of 54 city states⁷⁷ (none more than a stout day's walk from its neighbour) of which one, Amaurote, is acknowledged to be 'the chief city because there is the council house'.⁷⁸ Amaurote (the only city Hythloday describes since 'whoso knoweth one of them knoweth them all') is clearly modelled on London. It is an inland port lying alongside a tidal river (the Anyder), is cut by another river running down to the Anyder, is walled, and has four large hospitals

just outside the city walls.⁷⁹ The Utopians have twice been ravaged by 'a great pestilent plague'.⁸⁰ They trade and are prepared to wage war with their mainland neighbours.

There the resemblance ends. The Utopians fight only what they deem to be just wars and not wars of aggression and expansion (except where land which they need is left in a state of neglect and dereliction by neighbouring states; and even then they offer first to purchase the land); and they refuse to enter into 'leagues' or be signatories to treaties since, they argue, such measures presuppose a state of animosity whereas the Utopians prefer to assume friendship in the absence of hostilities. War is not a source of glory: there is no trace of chivalric ideals; rather, mercenaries are employed as front-line troops (a citizen militia being held in reserve) and craft and stealth are used wherever possible so as to gain a quick victory and thereby minimise bloodshed. They trade at moderate prices, distributing free a seventh of their goods to the poor of the district, and are slow to call in their debts.

In all of this More is heavily satirical of the codes of honour and the military and merchant practices of his contemporary Europe.⁸¹ The church also is further satirised in the depiction of Utopia. The Utopians, Hythloday tells us, had not been granted the revelations of Christianity prior to his arrival; such religious tenets as they held being derived from a natural theology. A variety of religions and sects flourished (proselytisation, though not discussion, being prohibited on pain of death) with a highly ecumenical form of common worship, administered by an elective clergy. The clergy are generally devout (exceptions occur, since 'man's nature is mutable and frail'⁸²); the order of ascetics revered and the lay order respected. ('The Utopians count this sect the wiser, but the other the holier'.⁸³)

The absence of divine revelation leaves the Utopians ignorant of the specifically Christian virtues of faith, hope and charity.⁸⁴ In so far as they practice these virtues it is by the light of natural reason. The conception of virtue which the Utopians explicitly espouse is that of 'life ordered according to the prescript of nature' and that 'he doth follow the course of nature, which in desiring and refusing things is ruled by reason'.⁸⁵ Although reason counsels a life of pleasure this is not a life of satisfaction of gross appetites: 'they think not felicity to rest in all

pleasure, but only in that pleasure that is good and honest'.⁸⁶ Their hedonism is heavily Epicurean: the senses and 'right reason' coincide in identifying 'whatsoever is naturally pleasant' as excluding injury to others and wrong-doing in general, the consequent loss of an equal or greater pleasure, or resultant pain to oneself. This theory of intrinsic pleasure allows the Utopians to draw a distinction between natural and 'counterfeit' pleasures ('For what natural or true pleasure dost thou take of another man's bare head or bowed knees?'⁸⁷) and between mental and bodily pleasures:

To the soul they give intelligence and that delectation that cometh of the contemplation of the truth. Hereunto is joined the pleasant remembrance of the good life past.

The Utopians distinguish between two forms of bodily pleasures 'The first is when delectation is sensibly felt and perceived' and the second

... is that which consisteth and resteth in the quiet and upright state of the body. For this, if it be not letted nor assaulted with no grief, is delectable of itself, though it be moved with no external or outward pleasure ...[and] many take it for the chiefest pleasure. All the Utopians grant it to be a right sovereign pleasure and, as you would say, the foundation and ground of all pleasures, as which even alone is able to make the state and condition of life delectable and pleasant; and it being once taken away, there is no place left for any pleasure.⁸⁸

Just as health is the foundation for the enjoyment of pleasure, so is justice the foundation for the practice of virtue. The virtue 'most peculiarly belonging to man' is that of sympathetic aid and comfort to those in distress 'and by taking from them the sorrow and heaviness of life to restore them to joy'.⁸⁹ But, as Hythloday declares in the peroration which concludes his depiction of Utopia, 'in other places they still speak of the commonwealth, but every man procureth his private gain' and 'knoweth not that he shall starve for hunger, unless he make some several provision for himself', so he finds himself 'compelled even of very necessity to have regard to himself rather than to the people, that is to say, to other'.⁹⁰ Without a foundation of justice there can be no commonwealth and thus no practice of virtue.

Utopia is a rigorously egalitarian society. With the exception of the priesthood and the higher political offices, there is a common obligation on all to work (though the working day is rarely more than six hours). Sons are trained to a craft, usually that of their father. Daughters too learn a craft, though 'as the weaker sort [they] be put to the easier crafts, as to work wool and flax'.⁹¹ All spend two years in their youth working on the land and learning the arts of 'husbandry' as part of their general education. Meals form a central expression of Utopian commonality, being taken together in dining halls (one for every thirty families, the women of each family taking it in turns to prepare the food). The elderly are served first, and the only social distinction observed is that of a high table at which, normally, the syphogrant and priest and their wives would sit. The infirm and the aged are cared for in hospitals (though voluntary euthanasia is encouraged for the terminally ill). There is no system of public 'honours'. There is no great distinction in cloth and clothes. There is no inherited wealth since there is no private property. Even the houses, each with its well-tended garden, are changed by lot once every ten years so that a sense of possession is not allowed to develop.

This is the heart of Utopian justice: its thoroughgoing communism. All production is for the common stores, from which each head of the household may take freely as required

... without money, without exchange, without any gage, pawn or pledge. For why should anything be denied unto him, seeing there is abundance of all things, and that it is not to be feared lest any man will ask more than he needeth? For why should it be thought that that man would ask more than enough which is sure never to lack?⁹²

In the absence of an exchange economy (gift, barter or monetary), we are told, superfluity and the 'vain ostentation of things' can have no place. The abundance of goods results in part from there being no idle class to have to sustain, from the common obligation of all to work, from the absence of ostentation and status-seeking, and from the distribution of surpluses between the cities so that 'the whole island is as it were one family or household'.⁹³

Laws are few: 'For all laws ... be made and published only to the intent that by them every man should be put in remembrance of his duty.' '[T]he

simple, the plain, and gross meaning of the laws is open to every man⁹⁴ and so each pleads his own case thereby obviating the need for 'all attorneys, proctors and sergeants at the law, which craftily handle matters, and subtly dispute of the laws'.⁹⁵ Magistrates, elected officials, sit in judgment. Conviction results in slavery or, in extreme cases, in death. '[M]ost commonly the most heinous faults be punished with the incommmodity of bondage. For that they suppose to be to the offenders no less grief, and to the commonwealth more profit, than if they should hastily put them to death'.⁹⁶

There are three classes of 'bondsmen' in Utopia: those in penal servitude, both those condemned to death in other countries (whom they either purchase or receive free) and their own convicted ('whom they handle hardest'); prisoners captured in battle (though only those fought by the Utopians themselves); and voluntary immigrants 'when a vile drudge being a poor labourer in another country doth choose of his own free will to be a bondsman among them'.⁹⁷ These last are treated 'almost as gently as their own free citizens', though worked somewhat harder, and are not held in Utopia against their will. The condition of bondage ceases with the individual and is not imposed upon the off-spring.

There is one other class denied full citizenship in Utopia, those who deny the existence of God and/or *post-mortem* sanctions:

For you may be sure that he will study either with craft privily to mock, or else violently to break, the common laws of his country, in whom remaineth no further fear than of the laws nor no further hope than of the body.⁹⁸

Otherwise, all adults are citizens in Utopia's republican society.

The political organisation is that of a representative democracy. Each ward of thirty households/farms elect annually a *syphogrant* to a popular assembly. For every ten *syphogrants*, a *tranibore* is elected to sit in the senate; though More fails to make clear who elects or appoints these *tranibores*. Neither is it clear whether the *syphogrants* are elected on a universal suffrage or by the heads of households only. The latter is the most likely interpretation, given More's patriarchal inclinations; and that it is the *syphogrants* who elect from amongst themselves the *tranibores*.

The *tranibores* normally hold office for life; as does the governor⁹⁹ who heads the senate and is chosen by secret ballot from among four

candidates (one for each quarter of the city) by the syphogrants. Each city state is thus governed by a popular assembly comprising 200 syphogrants and a senate of 20 tranibores and the governor; and the family structure of Utopian cities is thus fully reflected in its government. (We may also note that since the syphogrants hold office for one year only, and since they represent and are chosen by thirty families, each household head might reasonably expect to serve as a syphogrant at least once in his life.)

The senate meets at least once every three days, and includes in its number two of the syphogrants. (Thus rarely would a syphogrant attend the senate more than once, given approximately 100 senate meetings.) The syphogrants therefore act as a check on the powers of the senate; though these powers, given that laws are few, are not fully detailed in Hythloday's depiction. As a further check, 'it is provided that nothing touching the commonwealth shall be confirmed and ratified unless it have been reasoned of and debated three days in the council [senate] before it be decreed'.¹⁰⁰ Nor can any matter be fully discussed on the first day that it is introduced at a senate meeting so as to encourage a studied response among the tranibores and thereby avoid gut-reactions; and to reduce the risks of tyranny or sedition, it is a capital offence to discuss matters of state outwith the senate and the popular assembly.

The fifty-four city states of Utopia ('agreeing all together in one tongue, in like manners, institutions, and laws') maintain a federal structure by means of an island council which meets annually at Amaurote and consists of 'three old wise men and well experienced' (presumably the governor and two senior tranibores from each city, though More does not say so) 'there to entreat and debate of the common matters of the land'.¹⁰¹

Utopia, then, is a well-ordered, constitutional state which embodies justice as the founding principle of its social, economic and political organisation. It is *eunomia*: that state, as Hythloday declares:

which verily in my judgment is not only the best, but also
that which alone of good right may claim and take upon it
the name of a commonwealth or public weal.¹⁰²

And it is justice which is 'the strongest and surest bond of a commonwealth'.¹⁰³

More's debt to Plato's *Republic* is made explicit throughout the work. Early in Book I Hythloday is compared to 'the ancient and sage philosopher

Plato'.¹⁰⁴ Plato's opinion that philosophers should be kings is referred to in the Dialogue of Counsel; as are his metaphors of the ship of state and the futility of offering advice to a people who cannot be induced to keep out of the rain.¹⁰⁵ Plato's works come first in the catalogue of works Hythloday cites as having introduced to the Utopians.¹⁰⁶ More even gives us what may have been intended as the equivalent of Plato's founding myth: Utopus severed the original connecting isthmus, some fifteen miles to the mainland, by having it dug up.

Yet More is no slavish follower of Plato. Whilst it is the case that the communism practiced among the philosopher-kings in Plato's Republic has become the organising principle of the entire Utopian society; but knowledge, the exercise of reason and intellectual pleasures are not the preserve of a governing class; political power is radically democratised; and the family is accorded pride of place in social and productive life.

Justice is seen by both More and Plato as the prime virtue underpinning social, economic and political organisation; but this does not exclude other virtues. For More, justice facilitates the exercise of the Christian virtues among this non-Christian people: charity is reflected in the care extended to all in need (though that need would rarely, if ever, be of a material kind); hope and faith are expressed in the prayers of the ecumenical service; and although the princely 'virtues' so favoured by the renaissance authors (liberality and magnificence, honour and glory) are derided throughout the text, clemency is deemed 'the gentlest affection of our nature'.¹⁰⁷

But the Utopians remain fully human: sin has not been eliminated, only much reduced. Crimes of passion can still occur, government is not left unchecked, priests can fail to live up to the high expectations held of them; yet what we may call *systemic* crime (principally those of political faction and sedition, of arbitrary arrest and punishment, those rooted in religious disputes, and theft) are virtually unknown. And the sin of pride, along with 'the superfluous and vain ostentation of things', if not quite fully 'plucked out' is the 'kind of vice [which] among the Utopians can have no place'.¹⁰⁸ And it is pride alone, 'the princess and mother of all mischief'¹⁰⁹ which prevents us attaining the felicity of that eunomic state which 'alone of good right may claim and take upon it the name of a commonwealth or weal public'.

In the end, Utopia is a Christian commonwealth; one in which the Christian virtues are practiced notwithstanding the absence of divine revelation. The belief in *post-mortem* sanctions is crucial in underpinning the structures of justice. It is this conjunction of Christian and political virtue which gives the *Utopia* its peculiar force.

Yet More once again introduces a note of ambiguity. Hythloday having completed his peroration, *More* endorses what he has heard but concludes:

In the mean time, as I cannot agree and consent to all things that he said, being else without doubt a man singularly well learned and also in all worldly matters exactly and profoundly experienced, so must I needs confess and grant that many things be in the Utopian weal-public which in our cities I may rather wish for than hope for.¹¹⁰

We can share *More's* hesitation here, though on different grounds. For despite these strictures and the institutional bulwarks against infection by pride, the Utopians yet seem to be a proud people. However, their pride is not individual but intensely patriotic in character. They refuse to enter into treaties yet will undertake what they and they alone deem to be a just war; they despise the mercenaries whom they will nonetheless place in the front-line of their battles; they dispense free one seventh of their trading goods to the poor of the host nation (regardless, we must assume, of the political consequences for that nation); and they are prepared to annex the under-utilised land of other nations should they require it to meet their own population pressures. In short, despite their openness to new ideas (such as the Christian revelations and the Greek texts Hythloday introduced to them) their relations with neighbouring states is nothing short of arrogant. The piety of the Utopian's prayer seems somewhat hollow:

[Every man] thanks Him for all the benefits received, particularly that by the divine favor he has chanced on that commonwealth which is the happiest and has received that religion which he hopes to be the truest. If he errs in these matters or if there is anything better and more approved by God than that commonwealth or that religion, he prays that He will, of His goodness, bring him to the knowledge of it, for he is ready to follow in whatever path he may lead him.¹¹¹

The humility and note of scepticism expressed here as to the foundation of their own commonwealth does not square with the fierce pride with which they regard themselves and as revealed by their external relations. Even if not fully convinced of the ultimate rectitude of their commonwealth, they express no doubts as to its superiority when compared against the social systems of their neighbouring states. Their pride has not been eliminated - the Utopians remain fully human, their desire-profile has not been radically transformed - simply it has been transposed into patriotism.

(iii) Utopianism, Liberalism & Socialism

Within a couple of years of his return from the diplomatic mission to Flanders More finally resolved or put to one side such doubts as he may have had and joined the royal council. Although Henry had proved something of a disappointment to the humanists' over-inflated hopes, Wolsey was now Chancellor and engaged upon a programme of reform of the judicial process. It may have been this, the chance to apply his learning and humanist principles to the practical business of reform rather than serve out his days as no more than an advisor, which tempted More into royal service. Indeed, More's first appointment was to the Court of Requests, the 'Court of Poor Men's Causes' as it was known (and ironically for More, a court established by Richard III to provide quick settlement for the poor in disputes against the magnates), a principal focus of Wolsey's reform.

This is the one option More does not canvass throughout the *Utopia* as a solution to the humanists' dilemma presented in the Dialogue of Counsel: engagement at the cutting-edge of reform. We can construct an explanation for this with some degree of confidence. The direct impetus for reform can come only from those acknowledged to hold power, or by way of concession to those challenging for power. More (and the humanists in general) belonged to neither category; nor would there have been sufficient grounds in 1515 for believing that a project of reform emanating from the royal court was a serious prospect. In such a situation, the only option (other than withdrawal into the life of *otium* or the instigating of rebellion) for the would-be reformer is to attempt, indirectly, to stimulate the impetus for reform.

This, I suggest, is the argument presented by More's *Utopia*. In the face of intransigent political authority (or dogmatic political ideology) which nullifies all direct attempts at stimulating reform, the would-be reformer must first create a conceptual climate within which reform can be embraced as a possibility.

Satire, as a mode of ridicule and denunciation, is clearly a central element in this, the utopian project. The mockery of established customs, institutions, practices and even identifiable holders of authority invites the question of who or what to put in their place. In the absence of any plausible suggestions, the force of satire quickly pales. It is the particular task of the utopian project to go beyond this first stage, of criticism and satire, and to offer plausible alternatives. This project has two levels: the first, typically, is the construction of a model which serves as an alternative to existing practices. It offers a radical restructuring of elements of social organisation, with attendant gains in social utility, but fails to go beyond this. The second level, however, posits not simply a change in customs, institutions etc., but a transformation of values which goes hand-in-hand with and underpins the structural changes. It is this fundamental critique of society alone which challenges existing authority and the prevailing ideology. To put it bluntly, utopia challenges both our conception of the 'natural' in social organisation and our conception of human 'nature'. For this challenge to be secure rather than absurd, it must induce us to grant a degree of plausibility. It is this, the attempt to ground as plausible these competing conceptions, which I shall describe as *the utopian project*.

In order for the utopian project to achieve its aim of plausibility it must present itself as factual and thus be distanced from a hypothetical mode. This further suggests that it must be distanced from history. Not in the sense that the eunomic state must be static, an eternal now. There is no inner necessity that dictates the suppression of development in utopia. (In More's own model, the Utopians are introduced to the works of the classical authors, learn book-printing and are converted to Christianity.) Utopia does not presume a condition of perfection. Furthermore (and as I shall argue below) a perfect state would not be a political state at all. In the absence of crime, of conflict and war, of disputes over need and values, of corruption and vice; in the absence of these familiar items of experience there would be no political domain. This blissful condition pertains to the Millennial visions, to a restoration of paradise on earth. And although More might stretch our credulity a little in his portrayal of the good life, it remains firmly outside paradise and within the political domain.

Utopia is divorced from history in a more conventional sense. Utopus, on conquering the land 'caused fifteen miles space of uplandish ground, where the sea had no passage, to be cut and digged up, and so brought the sea round about the land'.¹ By severing the isthmus, Utopus thereby cut the umbilical cord by which it was connected not only to the mainland but also to the tide of historical events. From that time on it has its own independent history. The point is crucial given the rhetorical strategy of *Utopia*. Freed from the constraints of our history, located in another historical time, utopia is a field for free speculation. Free, that is, within the limits of plausibility. We must be able to recognise its inhabitants as people at heart like ourselves. A complete transformation of human nature contradicts the project of persuasion. If people in Utopia are transformed, are, in some sense, better than we are or could previously have imagined being, then we must be able to see the link. We must be able to identify the causal connections not in the developmental history but in how the social structure supports and maintains that transformation. Once we can see that link then we are well on the way to granting plausibility.

Yet, it is not part of the utopist's project to provide us with instructions to get there. The precise whereabouts of Utopia remains a mystery. More 'recalls' in his letter to Peter Giles that '... neither we remembered to inquire of him, nor he to tell us, in what part of the new world Utopia is situate'.² In any case, Hythloday assures us that the approach is hazardous:

The forefronts or frontiers of the two corners [of the island], what with fords and shelves and what with rocks, be very jeopardous and dangerous ... Other rocks there be lying hid under the water, which therefore be dangerous. The channels be known only to themselves, and therefore it seldom chanceth that any stranger unless he be guided by an Utopian, can come into this haven ...³

The utopist's role, to pursue the metaphor, is not that of furnishing us with a chart for the voyage but that of stimulating our desire to undertake the journey. Yet that journey is not to any one specific land but to a region, a continent of possibilities: in addition to the Utopians, Hythloday mentions the Polylerites and their humane system of penal slavery, the Achorians who forced their king to abandon a second kingdom to which he

had laid claim and then conquered to the ruin of his own people, and the Macarians who bind their kings with a solemn coronation oath that they 'shall never at any time have in [their] treasury above a thousand pound of gold or silver'.⁴ Among the various peoples to be found on this continent there may be one which 'alone of good right may claim ... the name of commonwealth'⁵ but they are all worth exploring and we can learn from them all.

What then of the problem of Rousseau's *du Contrat Social*? Is it 'utopian'? Certainly it is concerned with *eunomia* in the form of the Just State. But it is not presented in a fictional mode, it makes no claim about its existence.

The fictional mode has bedevilled definitional attempts: how essential is it to the genre? I want to suggest a qualification to the emphasis I have placed on the rhetorical structure. Let us assume that all governing ideologies will make some claim to justice - perhaps not perfect, but sufficient to counter criticism. Anyone convinced of present injustices would need to adopt one of three approaches. First, a call for a moral transformation with no substantial change in the social arrangements: the Perfect Moral Commonwealth. Clearly this is no *challenge* but rather an *endorsement* of the existing institutions and their ideology. The second approach is to call for reform. This presents a challenge to aspects of the social structure, but not to the fundamental concepts and values embedded in its ideology. The utopian project, I have argued, is precisely that of initiating a radical challenge to the prevailing ideology: the reformulation of the under-pinning of the state. But we should not expect the first efforts to be exact, consistent or even coherent. Their purpose is fulfilled if they create a climate of interest and thus ground the possibility of reform. Others can then revise and polish the details in the light of objections, but without having to resort to the grand rhetorical design. A new conception of *eunomia* would thus require the fictional mode in order to invite our belief, but a reworking and further development of that conception would have no such requirement. The argument, then, is that Rousseau's *du Contrat Social* is a derivative not an initiating utopia.

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Rousseau's *du Contrat Social*, along with Plato's *Republic* and More's *Utopia* have become targets for a series of liberal critiques which coalesce around a central charge: that the over-riding concern for justice and social order which such works manifest involves a disregard of individual rights and liberties. One of the more thoughtful of these critiques is that presented by J C Davis, to which I now turn.

Davis levels three central charges against utopias. First, in accepting man's fallibility, utopia becomes 'a holding operation, a set of strategies to maintain social order and perfection'.⁶ He thus shares Kateb's view that utopias exhibit 'a rage for order'; and adds that the utopist's 'prime aim is not happiness, that private mystery, but order, that social necessity'.⁷ This leads to an emphasis on bureaucratic government and the regulation of all aspects of life, private and public. And thirdly, whilst the intended aim is one of 'moral efficiency', utopias de-humanise man by effectively depriving him of the opportunity to exercise moral choice. His moral character is to be fully determined by the social structure and its intensive systems of regulation and supervision such that moral recidivism becomes impossible. The project may not be capable, quite, of completion: man's nature remains, at the last, 'frail' in its egocentric tendencies. Nonetheless, the utopist's desire is to push to the furthestmost limit the possibilities of social and moral change. Utopia, then, is characterised by the triad 'totality, order, perfection.'⁸

But the thrust of Davis' argument is more than this. The utopist's 'vision of a total, perfect, ordered environment'⁹ reflects a search for unity; not merely the unity of purpose which gives cohesion to any co-operative enterprise, but a harmonisation of values and functions such that the state comes to represent a perfectly integrated organism. Thus Davis approvingly cites Dahrendorf to the effect that 'utopia's greatest enemy is pluralism'. If the political domain is primarily the forum for the expression of the clash of values then it follows that 'one of the utopian's deepest urgings is to end politics'.¹⁰ This further implies, though Davis does not pursue the point, that not only must all dissent be suppressed, but also that there can be no change from within utopia which transcends and transforms the existing value system. If change there is, it must come from without.

This accounts for the situation Hythloday describes in Book II of *Utopia*. Hythloday introduces three elements of change, all of which are embraced by the Utopians: the works of classical authors and the Greek language; the arts of paper-making and printing; and the revelations of Christianity. Any of the three might have posed a threat to any given value system and thus have exerted a de-stabilising influence; yet all are congruent with Utopian values. The Utopians are committed to learning and have a system of well-attended public lectures; they pride themselves in their technological abilities ('[their] wits ... be marvellous quick in the invention of feats helping anything to the advantage and wealth of life.''); and they express faith in God and hope for revelation in their prayers, and practice charity in their social lives. Thus the introduction of neither the Greek texts nor the art of printing conflicts with, let alone transforms, the Utopian's values. Whether the introduction of Christianity, congruent as it is with their religious beliefs, could be said to have transformed their values beyond what was already latent in them is doubtful. A change in religious observance, in the form of ritual and the specific content of belief, is heralded. But it does not seem to go beyond this. So, such change as is initiated by Hythloday's visit seems to represent the development of what was latent within, rather than a transformation of, the existing value system.

More's Utopia, as Davis points out, is anything but a closed society and in this is held up as a contrast to More's contemporary Europe.¹² The Utopian system displays that religious thirst for knowledge of the natural world which was to inspire so much of the early scientific enquiries: 'therefore He beareth (say they) more goodwill and love to the curious and diligent beholder and viewer of His work ... than He doth to him which, like a very brute beast without wit and reason ... hath no regard to so great and so wonderful a spectacle'.¹³ But its 'openness' is relative to a given set of values. In this case, those values are thoroughly 'modern' in so far as they are reflected in the Utopian spirit of learning and enquiry; though it need not have been so.

We may conclude, then, that the utopia is not necessarily static, unchanging; but that the internal dynamic for change is a factor of the particular values embraced. We can put this differently: it is a question of whether the values held in any given field are of a first- or a second-

order. Both piety and the pursuit of learning have an established place in Utopian society. Yet there is extensive religious toleration (limited only by the prohibition on both 'vehement' and 'fervent' proselytisation and the denial of *post-mortem* sanctions); and although it is 'a solemn custom ... to have lectures daily early in the morning' there is no compulsion on the individual to attend any particular lecture, or even to attend at all. Nor is there any direct indication of any given field of study being proscribed.¹⁴ Piety and learning, then, have the status of second-order values in Utopian society. Both are encouraged and respected, but each is accorded a high degree of toleration allowing individuals to exercise their choice as to the specific content and role of each in their daily lives.

The same cannot be said of other matters, both the apparently trivial and those central to Utopian life. The hours of the working day are fixed and there is a common obligation on most (with but few exceptions) to work; the forms of dress are standard; houses are exchanged by lot every ten years; there is a limited degree of choice with respect to one's occupation; but the communist economy admits of no exceptions. Nor should this surprise us, for Utopia is presented to us as a customary society; one which, at the time of Hythloday's visit, had been in existence for some 1760 years since Utopus' conquest and which subsequently had undergone little or no change in its laws, customs or economic practices. The reported longevity of Utopian society is surely mythic, indicating a settled, stable society.¹⁵ That so many elements of quotidian existence should thus assume the status of 'givens', ie. of first-order values, is hardly surprising. Indeed, even in comparatively 'new' pluralist societies (ie. those of the western liberal democratic states) there are a number of such 'givens' which can be quickly identified. Social taboos on sexual display and congress in public and matters of personal hygiene remain strong. Even in the private sphere some taboos, one assumes, remain firmly entrenched: the vast majority of the population wear some form of underclothing; toilets and not, say, kitchen sinks are used for defecation; plates, knives, forks, spoons, cups, glasses are still the standard utensils for the dining table or breakfast bar.

There are two points to be made here. In the first place, in all three examples we can refer to a certain *rationale* grounded in comfort, hygiene and general utility for these practices. That is to say, they conform not

merely to established custom but to standards of reason which seem, at least at first glance, to be incontrovertible. They seem to us to be self-justifying and to defy such practices would certainly be deemed odd, if not (in one case) tantamount to madness. It does not require a massive leap of imagination to see that in a customary society a more extensive range of such first-order values would exist. And to be sure, More provides us with the Utopian *rationale* which invites us to accept their practices as similarly self-justifying; particularly, the Utopian account of pleasure, and the distinction drawn between 'natural' and 'counterfeit' or artificial pleasures.

The second point to be made is this. Although (to take but one of the examples) dining utensils are standard household items in the western world, the variety of forms these may take, of design and materials used, is enormous. There is no agreed sub-first-order standard to which such items are required to conform. Aesthetic values, especially those of a purified and a utility-based aesthetic sensibility, conflict and contend in the market place. What we don't know from More is whether such a conflict of values at a sub-first-order level might be tolerated in his Utopia. The point is crucial if a defence of the utopian project is to be constructed. For, at the heart of the liberal critique of utopianism, as in that offered by Davis, is the belief that utopias suppress all expressions of individuality.

To explore this, let us construct the case of a carpenter living in Amaurote, the 'head city' of Utopia. His home is his work-shop, his two sons have trained under him and are carpenters too. His speciality is chairs, wonderfully carved, ornate, beautifully finished chairs, all of which go into the common stores when completed for anyone to take. His sons prefer to make tables, the sort used in the parish dining halls, and plain and simple affairs by comparison. Across the street lives an old friend of our carpenter who also specialises in chairs, but he prefers to make chairs which are elegant but plain. The two men live in the same street, wear the same forms of dress, are obliged to work the same minimum of six hours daily, perhaps have each been elected syphogrants at some stage, and have fought side by side in the same wars. Yet, if they differ in nothing else (though we could have them adhere to different religions and one, say our maker of ornate chairs, not attend the public lectures, as would be his

right), yet their respective individualities would be firmly and richly expressed through their work.

More places great value on 'profitable occupations'¹⁶ in the *Utopia*, but we cannot go much beyond this. The most we can ask is whether such expressions of individuality through labour would be at odds with the Utopian system of values. It would be unlikely to cause a problem in terms of the supply of chairs, assuming the production of the ornate chairs to require much longer. The Utopians keep good stocks of everything and have an ethic of careful use and repair.¹⁷ Besides, the syphogrants (whose main function seems to be that of over-seeing the productive enterprise in general) would doubtless keep them informed if stocks were running low. Nor, I suggest, is the question simply one of a pluralism in matters of taste. It is a question of whether such expressions of individuality would give rise to a sentiment of pride and a perception of social distinctions. If our carver of ornate chairs were to deem himself better as a person, and not just more skilled as a carpenter, because of his expertise, and if some social standing were to accrue to him as a result, then there can be no doubt that More would not allow such 'vain ostentation'.¹⁸ Chairs would be the same as clothes: uniform.

That is as far as we can follow More on this. The point is endlessly debatable and *Utopia* does not provide us with sufficient clues to settle the matter. But the example is merely illustrative and does not need finalising. If we can take it that expressions of taste through one's labour is permissible, that individuality may be expressed at this sub-first-order level of values, then utopia is not, or is not necessarily, as repressive as the liberal critique suggests.

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The above argument takes us further in the construction of a defence against Davis' critique. The 'rage for order' whereby the content of many values is specified in detail at a first-order level is, as I have suggested, what we may expect of a long-established customary society. As such it typifies a high degree of conservatism but not necessarily of repression. There is indeed a strong emphasis on organisation throughout utopian works; and this implies a central focus on bureaucratic control. But

this, at least in the Morean model, does not seem as problematic as Davis suggests. Priests and bishops, syphogrants, tranibores and the governor: these are all elective posts. There is a class of academics (no more than 300 per city-state¹⁹) who are exempted from labour, and it is from this grouping alone that the elective officials (except the syphogrants) are chosen. However, the status of academic is open to all and is determined by secret ballot of the syphogrants. Indeed, if there is a central figure of authority and key to the efficient organisation in More's utopia it is that of the patriarch. It is the latter who administers the household and determines the children's occupations, who hears confessions, chastises and punishes (in less than heinous cases) wife and children, and who is most likely to be elected as syphogrant.²⁰ The bureaucracy in the Morean model is thus democratised to a considerable extent.

Nor does it seem that the citizens of Utopia are effectively denied moral choice. Whilst it is the case that if the laws, institutions, social customs and economy of Utopia can be said to be just then the virtuous citizen needs only to follow those established practices; yet, the field of moral choice still exists. There are the two holy orders which anyone may join and both of which, inspired by the fervour of their faith, take upon themselves 'whatsoever unpleasant, hard, and vile work is anywhere from the which labour, loathsomeness, and desperation doth fray other'.²¹ There are the sick and the elderly to be cared for. Adultery is a temptation to be resisted, though the innocent partner of an adulterer may choose to share the punishment of slavery in the hope of earning a pardon for their spouse. Patriarchs are to exercise their discretion in chastising and punishing wives and children. Citizens are not conscripted but must volunteer for wars fought on the mainland. In all these cases (and many others which we might construct from the text) there is a question of moral choice. They are, generally speaking private and personal in nature, rather than public and official, but that does not dissolve their moral character. Public pressure through the established customs and the just design of the institutional structure facilitate the life of virtue, but they neither eliminate nor replace the need for moral choice.

It may be that Davis has a deeper concern. The embodiment of a particular conception of virtue (or specific mix of virtues) in the institutions and social practices of the state, effectively channels the

individual's moral vision. The choice becomes straightforwardly that between virtue and vice, as opposed to a choice between competing conceptions of virtue (and between any of these and vice). There is no existential moment to individual morality; no point at which, here, the Utopian citizen must choose the content of the good. The most extreme choice which confronts them is that of following or not following the good (with its embodied, pre-given content). It is not that we need place a special value attached to the individual choice of the moral content of their lives, rather that the absence of this field of choice leaves little room for either a healthy scepticism with regard to all values or for those who find themselves unable to concur with them. For these reasons, main-stream liberal political thought has held back from endorsing a 'thick' conception of the good, one which details moral content at a first-order level, and insists on the state's role as being no more than that of neutral arbiter in cases of first-order disputes. At most, the state is to embody a 'thin', second-order, conception of the good; typically enshrining the values of toleration, freedom and rights, constrained by some form of the harm principle.²² Individuals are thus seen as free to choose their own first-order values within the limits set and administered by the state. Hence, liberal pluralists argue, by embodying and imposing first-order values the (utopian) state not only de-moralises man but also de-politicises him.

Either way, so the argument runs, utopia gets it wrong. Either it posits a transformation of the desire-profile such that no disputes occur (in which case it is simply unrealistic) or there is no transformation of the desire-profile and disputes over first-order values are actively repressed so that they fail to emerge (in which case utopia not only provides an illusory and delusory picture of the harmonious society, but is also implicitly tyrannical). In fact, utopia (in its economic form) attempts to escape the horns of this dilemma by insisting on the possibilities of a common agreement on a central core of (though not necessarily all) first-order values and the non-transformation of the desire-profile. People remain at heart as we understand them, ie. ourselves, to be.

Before pursuing in more detail this, the heart of the debate, the claim that only a pluralist society can be considered to be 'political' must be challenged.²³ If allowed to stand the claim serves to de-legitimise all but the pluralist conception of the state. It glosses over crucial distinctions

between the different forms of social idealisation, especially that between eunomia and the other utopic forms. It is precisely because eunomias share some central assumptions of the liberal state that they present themselves as radical challenges to the liberal pluralist conception. Two aspects of the eunomic strain (as typified by the Morean model) are distinctive: the form is that of the state, a unit of organisation transcending in size, population and complexity those of the family, the village or small community and the city (Utopia is a federal state); and secondly, the solution of the 'collective problem', that failure to supply sufficient satisfactions to both simple and contrastive desires, is achieved by the restructuring not of those desires but of the institutional arrangements for the production and distribution of material and social goods.

By their emphasis on the pluralist conception of the state, this now dominant strand of liberalism turns away from not only competing, non-liberal conceptions of the political domain but from a distinguished part of its own heritage. That heritage focused not on the individual pursuit of happiness, with its attendant need for guarantees won by the legislature from the executive of freedom and rights, but on the role of the citizen and the development of civic consciousness:

It is a central irony of the intellectual life of our times that one of the effects of the enormous growth of political science has been the displacement of the concept of citizenship, and the theory of the state, from the centre of political theory.²⁴

That conception of citizenship seeks, as Plant and Vincent put it, to connect an understanding of political life, action and experience with a conception of man, his needs, capacities and powers, in an attempt to throw mutual light on each and to provide some concrete detail for the worn platitude that man is a political animal.²⁵

It is this belief, that there is 'an expressive and moral character' to political life, which has underwritten the primacy of both the role and the status accorded to the citizen in liberal political thought until recent times. The burden of citizenship has been traditionally one of duties and an internalised commitment to the political entity, ie. the community.

Davis does indeed make some recognition of this:

What has to be acknowledged is the surprising capacity of early modern thinkers to see society as a system of interrelated parts which might be based on a common, even a single set of principles, as evidenced by the utopian writers.²⁶

It is this capacity which is termed 'civic consciousness' by Davis (borrowing from Hanson) and central to it is the perception of society as a network of 'shared problems and purposes' which is accorded primacy in 'political ideas and conduct'. The eunomic strain of utopianism thus serves to remind us that the liberal pluralist conception of politics and the state is but one such conception.

Has the nature of human desires undergone a radical transformation in More's utopic vision? Do we find, as Rousseau claimed for his own utopian work, 'men as they are, and laws as they might be'?²⁷ Or are the citizens of Utopia demi-saints, virtually unrecognisable to us as human?

There are a few clues in More's text to suggest that no such radical transformation of the desire-profile has been brought about. We are told that crimes of passion do occur; that there is a competitive spirit, though somewhat muted; that in war the Utopians, though they seek to minimise bloodshed, do not hesitate to place mercenaries, whom they despise, at the forefront of the battle, nor themselves to kill where necessary; when the Island of Utopia itself is under attack, they place those deemed to be cowards on the city walls or in their navy so that they may not flee the battle.²⁸ These are small though not insignificant strands of straw at which to clutch; more revealing, in this context, is the comment that to cities on the mainland which they have conquered in the course of their just wars, the utopians 'send forth some of their citizens as lieutenants, to live there sumptuously like men of honour and renown'.²⁹ This is in marked contrast to the plain living native to Utopia.

Davis is not the only commentator to grasp that what More envisages is not the transformation of desires but, through the transformation of the institutional structure, the relocation of man's interests; and through this,

a change in what constitutes appropriate conduct.³⁰ The point is never far from the surface of the *Utopia*. In the Dialogue of Counsel, Hythloday stresses that neither a Christian nor a more secularly reasonable counsel would be met among courts typified by flattery and self-seeking. The Utopians resort to 'Machiavellian' strategies of deceit which would be more than frowned upon in their own land. Ambassadors to Utopia, initially bedecked in gold, jewels and finery, quickly 'laid away all that gorgeous array whereof they were so very proud' on discovering that the Utopians mocked such ostentatious display and 'counterfeit' pleasure and regarded them as fools.³¹

The heart of More's argument is disarmingly intuitive: in the first instance, one's interests equate with doing what is appropriate in the particular social context, and that the appropriateness of conduct is a function of the customs, *mores* and social practices of any given society or of any given situation. The point is so familiar to us from our daily lives that it barely needs expansion. Conduct which may not be out of place in the home or at a party would be so out of place in the school-room or the church as to rarely occur in such situations. Language used with hardly a second thought in one's local bar is effortlessly disregarded in front of a favourite aunt. To queue orderly for bus or train when no-one else does so is an irrelevant gesture of *politesse*, and so on. Thus it would be an idle hope on the part of the Utopians to expect those of their citizens who go abroad as 'lieutenants' to maintain the simplicity of the Utopian way of life. Instead, they live abroad 'sumptuously', as expected of them.

There are two reservations we must air. It is sometimes thought that our interests lie in appropriate conduct only in the first instance; and that all too often our interests may be furthered by breaking the social conventions governing appropriateness, given that we can do so without too great a risk of incurring subsequent penalty. That everyone else pays their taxes, so it is argued, is not of itself a sufficient reason for me to do so, given I believe I can get away with it. How great a problem would these 'free-riders' pose in More's Utopian society?

More provides us with three responses to this. The economic system minimises the possibilities for illicit gain and reduces both the need and the attractiveness of such non-appropriate conduct; and positions of power are elective and regulated to the same effect. Utopian life is closely

supervised by the heads of households, the sypogrants and the clergy, with little that is private and thus secret. And lastly, Utopians are required to espouse the doctrine of the immortality of the soul and *post-mortem* rewards and punishments. These three elements, in minimising the possibilities for and advantages of non-appropriate conduct, serve to create a framework of trust. Within this framework, interest and appropriateness of conduct coincide as nearly as is possible. It does not eliminate fully the possibility of 'free-riding', but it does serve as a brace for those who would otherwise be tempted to pursue their interest in non-appropriate conduct. Outwith this framework of trust, where there can be little confidence that others will identify their interests with the conventions of appropriate conduct, these conventions rapidly lose their force and become merely the outward show of appropriate conduct.

This brings us to the second reservation. The point about the appropriateness of conduct with respect to manners, etiquette and social conventions is relatively uncontroversial. But does it apply with equal force to moral character? Are we really to believe that the moral character of the Utopian citizens is such that, on living outside Utopian society (as in the case of the 'lieutenants') they do not fall prey to the vices now suddenly tempting them, even though it would no longer be 'appropriate' to resist them?

An intriguing example we can construct here is that of the Utopian merchant navy. The Utopians trade extensively with the mainland peoples, are skilled in navigation and are prepared to wage war at sea. They must thus retain a naval fleet. Sailors, of course, have long had a quite understandable reputation for riotous living during their time ashore; and ports world-wide have developed amenities to cater for this. Though not in Utopia, for we may assume that, even in the ports:

Dice-play and such other foolish and pernicious games they
know not³²

and that:

there be neither wine-taverns, nor ale-houses, nor stews,
nor any occasion of vice and wickedness, no lurking corners
...³³

Yet such and more would be available to the Utopian sailors on reaching ports on the mainland. If moral conduct is merely a function of the

conditions of appropriateness, then we would expect the Utopian sailors to enjoy their pleasures whilst in port abroad and to re-adapt their conduct on returning to Utopia. That image, it must be said, is somewhat absurd and lacks credibility. In which case, the Utopian mariners presumably maintain their stoic distinction between natural and counterfeit pleasures, and can be expected to abjure the temptations offered to them when ashore. But if so, must we concede that their moral character is so altered as to amount to a transformation of the structure of their desires, thereby impaling More's utopic vision on one horn of the dilemma?

There are two last points we can make to conclude this part of the discussion. We have been discussing the matter in terms of particular acts at particular moments whereas what is at stake is a particular life-style with all its habits and internalised values. This is not something which is easily abandoned for short periods of time. So we need not assume that a spell in port would constitute a serious moral threat to the Utopian sailors. (Besides, we may properly assume that a syphogrant would be master of each ship: the supervisory system would continue.) But for those posted overseas as 'lieutenants', living in sustained isolation from the Utopian community, the dangers of moral slippage would be so much greater; though, paradoxically, these dangers are lessened by allowing them to live 'sumptuously' in so far as the Utopian values are not then exposed to ridicule through their manifest inappropriateness.

So much of this is constructed from little more than half-hints in More's text that we cannot regard the treatment of it as conclusive. In the end, we are dealing with deeply held beliefs about moral character and which are not ultimately open to persuasion through argument. The most I can hope to have done is to have extended the ground of plausibility for More's original case for a solution to the collective problem which escapes both horns of the dilemma: one in which there is no irreversible transformation of the structure of our desires and in which the absence of conflict is not the product of suppression. Utopia is a political society; and as such, stands as a radical challenge to the liberal pluralist conception of the state.

Given the argument as presented here, the absence of a strong and influential utopian tradition within Marxian socialism is all the more surprising; for both take as central the possibility of a humanistic solution to the collective problem. It is not the question of either/or, of socialism or utopianism, which is to be considered here, but of the possible role of a utopic strain within socialism. Indeed, I shall argue that there is a positive need for a series of economic conceptions of socialist society if socialism is to complete its self-appointed task of furnishing the leading critique of liberal pluralism.

The position towards utopianism adopted by Marx and Engels has been subject to serious misinterpretation, as Geoghegan has shown in his recent *Utopianism and Marxism*.³⁴ The polemical attack is directed against the movements established by the followers of the utopian socialists Saint-Simon, Owen and Fourier in particular. In part this is to be understood in terms of competition in the political market of the time; in part, it stems from their analysis of the work of the utopian socialists as necessarily primitive: rich in insight but, since produced at a time when the class relations of the bourgeois epoch were still developing, lacking a fundamental grasp of the role of class struggle.

The founders of these systems see, indeed, the class antagonisms, as well as the action of the decomposing elements in the prevailing form of society. But the proletariat, as yet in its infancy, offers to them the spectacle of a class without any historical initiative or any independent political movement.³⁵

Thus the adherents of the utopian socialists failed to grasp what was vital in this body of work:

They hold fast by the original views of their masters, in opposition to the progressive historical development of the proletariat. They therefore endeavour ... to deaden the class struggle and to reconcile the class antagonisms.³⁶

In so doing they form 'mere reactionary sects'.

Ultimately, however, the dispute is methodological. There are three strands to this, all interconnecting: utopianism is claimed to be unscientific in its approach; is futuristic, lacking a firm grasp of the historical process and especially of the role of class struggle in that

process; and utopianism lacks an understanding of the centrality of *praxis*³⁷ As a result of these methodological deficiencies, utopianism (whilst acute in its critical perceptions) tends to be quietist or gradualist, rationalist and idealist in its abstractions, and paternalistic in its approach to the working class. I shall comment only briefly on these before moving on to consider the central question of the nature of post-revolutionary society.

The claim that utopianism is unscientific is part of the larger claim that Marxism alone is scientific. As with the claim advanced by the liberal pluralists for their conception of 'politics' so too this conception of 'science' (itself not unproblematic) is unacceptably restrictive. It serves to obscure and de-legitimise, rather than clarify, the competing conceptions. As I have already argued, utopianism manifests the fundamental belief in the causal connections between social and political organisation, broadly construed, and both the structure of our desires and conduct and the source and possible resolution of the conflicts which give rise to the 'collective problem'. To be sure, this is science of a low order; rarely if ever displaying a systematic collection of data and the generation of falsifiable hypotheses which have become the characteristic of empirical science. (Though one might attempt an argument to the effect that the utopia is itself a crude form of hypothesis.³⁸) Nevertheless, utopias fall within that humanistic project of attempting to explore and explain the world in terms of causal mechanisms.

Of course, Marxism grounds its special claim to scientific status in its comprehension of the materialist dialectic, the subtle interplay of the tensions within and between those elements which form the productive core of society and its systems of regulation and expressions of justification; in short, the materialist conception of history. Yet not all utopias have been a-historical in the sense of the Morean model: the historical schema presented by Rousseau, Saint-Simon and Fourier (and Hegel) form the basis for the Marxian analysis of historical development. There is a tension in this theory which has been much commented upon. It turns on whether the transition from bourgeois to communist society which Marx posits as bringing to a close 'human pre-history' is fully within the compass of human agency, or whether it is to be the product of some ineluctable law of social development or the realisation of the essence of the social

organism.³⁹ My understanding of Marx on this, which I state without much further argument, inclines towards an activist, humanistic interpretation in which choices are constrained but not determined by historical (ie. materialistic) factors.

Yet Marx's theory of human social development is ultimately teleological: the *telos* of all human 'pre-history' is the classless, communist society in which there is no unjust appropriation of the product of labour (as in the present form of surplus value). With the harnessing for the benefit of all of the productive powers developed by the capitalist economy, man passes from the realm of necessity to that of freedom; ie. man becomes free to enjoy and express himself in his labour.⁴⁰ Production and distribution will (famously) be organised on the principle of 'From each according to his abilities, to each according to his needs!'⁴¹ But beyond this sort of broad, sweeping statement we are given desperately little indication of what life would be like in the post-revolutionary society. This is largely accounted for by Marx's humanism, centred on the concept of *praxis*: that knowledge is gained only through our interaction with the world, and the consequent revealing of the limits of our capacities and understanding; and that our capacities and understanding, our needs and aspirations, are themselves shaped by that process of interaction. Human existence is to be understood only through this process of interaction, which is always interrogatory. Thus, the argument runs, we cannot know in advance the precise nature of the post-revolutionary society, since its form will in large part be determined by the process of creating it. Furthermore, to construct a blue-print to be realised would be to constrain the freedom of that creative process, thereby inviting a reign of terror in the attempt to force the development into this pre-determined mould. The most that can safely be done is to sketch the broad outlines and the fundamental principles of that society.

This, I think, misconstrues the role of utopianism and also fails to fully comprehend the concept of *praxis*. Utopias, once published and set free in the public domain, are no longer the property of their authors. How we choose to regard, interpret and use them is for us to decide. The author may regard his work as a unity, a work of art complete unto itself and in which no one part may be set aside without destroying its essential harmony. We, on the other hand, may regard it as a prototype, an

illustration, an exploration of possibilities within given constraints from which we may draw some interesting ideas and deepen our understanding of the problems it confronts. Utopianism presents a threat to the Marxian schema of historical development only if it is regarded in this first way: as a work of art, a blue-print. But if regarded in the second way, as a heuristic device which serves to illustrate, educate and stimulate (specifically, here, to stimulate the desire for change) then utopias would seem to present no such threat.

This is to cast utopianism in a benign but ancillary and optional role. There is, however, a more forceful point to make. *Praxis* is a function of human intentionality. The active interrogation of the world (and the 'world' here includes the mental furniture of desires, values, memory, etc.) through the attempt to bring about change requires that such activity be purposeful, goal-directed. It is not clear to me what, say, a sculptor can learn about his skills and values, or about the qualities of the stone he is working upon, unless he has some initial conception of what it is he is seeking to create. That initial conception will undergo change during the interrogatory process of sculpting, perhaps resulting in a piece which bares only the most distant relation to the initial conception. Without that starting point, the work is formless and aimless. It lacks any concrete element of intentionality and thus, in this sense, does not constitute practical activity.

If this admittedly brief analysis holds, then revolutionary activity without some clear though initial conception of the goal to be achieved would lack the element of *praxis* and, in Marx's own terms, be not fully human activity. That there is an absence of such an initial conception is, I think, abundantly clear. One only has to ask such apparently trivial yet deep-cutting questions as: What would life be like on our local shopping streets (would there still be shops, cars and buses, pubs)? or, Would there still be cricket, football, snooker? to discover that absence. It is not that any of these or any other precise questions need to be given a definitive answer, rather that these questions are embedded in a nexus of desires, values and traditions. Without some indication of which of these elements would be retained, which discarded and which transformed; without some grasp of how we might approach answering the precise questions; without some clear understanding of the possibilities, the alternatives, the

implications of each and how they may be sorted, then the process of change will be blind and thus not fully humanistic.

It may also be that the failure to address these questions (both precise and general) reveals a deeper problem. Without the utopian conception of life after the revolution, the Marxian theory remains uncomfortably millennial in form. The revolution heralds the end of injustice and oppression; it is final, ushering in the *telos* of all human social development. The revolution itself is transformative, restoring man to an unalienated state of being; and in which the 'collective problem' is irreversibly solved. And so we must ask the question we put to More's depiction of Utopia: how is the collective problem to be solved?

At first sight, Marx gives two independent answers: the productive powers created by the development of capitalist industry is sufficient (in a classless society) to satisfy all material desires; and the non-alienated condition of social existence removes the egocentric, competitive sources of conflict.

The first response, attractive as it must have seemed to Marx, is now far from conclusive. It is less than clear that post-industrial society can satisfy limitless material desires; nor is it clear that it could ever have done so. This is not a question of productive capacity, but of the structure of desires. The belief that quantitative desires could be met without limit amounts to a technologically-based Cockayne. It is a fantasy; and one which comes surprisingly close to the surface of Marx's thoughts and is revealed in his use of such similes for the productive powers developed by capitalism as that of 'the sorcerer, who is no longer able to control the powers of the nether world whom he has called up by his spells'.⁴² The implication is that we need only to master the spells ourselves to be able to summon up these magical powers. The resonance with the cockayne literature requires no further comment.

It would seem implausible, then, that our appetitive desires are to remain unchanged and be fully met. Some re-structuring of the desire-profile is envisaged. It is possible that the condition of non-alienation is quasi-arcadian in structure: that it represents a return to our 'natural' selves. Our material desires would be met (here by a super-productive technology as opposed to a super-abundant nature) but only as a result of having become moderated and harmonised. There is a certain credibility to

this interpretation of Marx. Central to his analysis is the argument that there is no fixed and immutable structure to human desires (or 'human nature') but that it is a product of the social condition of his existence. Given the revolutionary change in those conditions (and the consequent emergence of non-alienated being), the transformative experience of the revolution itself, and the capacity of the productive system to meet all moderate desires, then the structure of desires *must* undergo a radical change.

We cannot travel much further along this road. Although Marx furnishes us with a characterisation of alienated being, and thus of non-alienated existence (of which the central features are the full integration of the individual within the productive and regulatory processes and the appreciation of that common bond which unites all humanity, the species-being) we cannot be precise:

The communist revolution is the most radical rupture with traditional property relations; no wonder that its development is the most radical rupture with traditional ideas.⁴³

A final point can be drawn from this discussion. The Marxian solution to the collective problem, with its reliance on a somewhat mysterious and unspecifiable transformation of the desire-profile, is less thoroughly humanistic than that provided by More in his *Utopia*. In so far as that transformation is fully determined by the interaction with a causal process (though here it is a social rather than a 'natural' process) then we may classify this solution as naturalistic mode of social idealisation.

Frankly, I doubt that this discussion finally settles the matter of Marx's theory. Nor do I think it vital that it should be settled. If the transition from pre- to post-revolutionary society is to be so radical, then we cannot spell out in advance the precise changes in the desire-profile. But that does not necessarily imply that we have no field of choice. The question is not finally predictive but aspirational: it is a question of what sort of society we want, which of our desires we wish to satisfy. The field of choice may be prove to be greater or narrower than we had anticipated. Until such time as the limits of choice can be established, speculation as to the structure of our desires and how they may be met remains not only appropriate but also vital.

There is then, a double role for the utopian project within Marxian socialism. Not only is there a need for utopias which will ground the plausibility of the solution to the collective problem presented by post-revolutionary society, thereby stimulating the desire for change; but also there is a need for the utopian spirit of exploration to make some attempt to cash out the various implications of changes in the desire-profile.

That there is a need for the utopian project is slowly becoming accepted within Marxian socialism. The utopic strain is no longer identified with lone voices from the past such as Bloch and Marcuse but is now self-consciously advanced under the pressure of social change which challenges two key elements in Marxian orthodoxy. The exhaustion of the earth's natural resources and the accumulation of toxic long-term waste, together with the increase in the world's population, bring into question the capacity of the productive enterprise to provide satisfaction for all of a full range of material desires. Scarcity rather than abundance threatens to be the condition of the post-revolutionary state. And secondly, there is the emergence of the post-industrial society and its consequent erosion of an urban proletariat.

These developments have issued in radical critiques of the Liberal Democratic State independently of orthodox socialist thought. Critiques from both the 'New Right' and the Green movement have challenged socialism's self-acclaimed primacy as the leading critic of bourgeois society. Under this double pressure (of social change and the emergence of non-socialist critiques of liberal democracy) a vigorous utopian response has attempted to regain for socialism its former position. I shall not here review that response, but note a serious gap in this strain of thought; a gap which Frankel also notes:

[A]part from Jones who sees the post-industrial transition [to the 'new society'] being assisted by conventional parties, unions, businesses and social movements, in a slowly evolving 'mixed economy', the post-industrial theorists appear to have no real sense of the political dimension. That is, one can read much in their writings about the need for new social relations, organizations and practices, one can also read much about how existng

societies fail to work properly; but one reads very little about how to get there from here.⁴⁴

The reflective model of medial democracy has been offered partly as an attempt to supply such gaps in present utopian speculation.

Although the model of medial democracy as popular assent is offered as a reflective model, serving as a focus for reflection upon the nature and value of democracy, it also represents a transformative step, a next-move in the democratisation of the expressly political mechanisms of society. If part at least of the utopian project is the desire to stimulate reform (or more properly, to stimulate the desire for reform) and if the eunomic strain of utopian thought is that concerned with the humanistic transformation of the political environment, then this work may properly be seen as being within that (eunomic) tradition of utopianism.

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1976)
4 J S Mill: *Considerations* (*op cit*) p 299
5 *ibid* p 300
6 C Pateman: *The Problem of Political Obligation* (*op cit*)
7 *Considerations* pp 280-281
8 Lord Hailsham: *The Dilemma of Democracy* (Collins 1978) ch XX
9 *Hansard* for 9.2.88, cols 194-201
10 J Rawls: *A Theory of Justice* (O U P, 1980)
11 *ibid* ch 24
12 *ibid* p 303
13 *Considerations* p 282
14 the discussion of the tension between the twin demands of democratic
utility and democratic equality largely follows that in:
D F Thompson: *John Stuart Mill and Representative Government* (Princeton
1979)

However, I have preferred not to use Thompson's terms (the 'principles of competence and equality'). These may be appropriate specifically to Mill's arguments; but fail to capture the broader problem.¹⁵ H J N Horsburgh: 'The Ethics of Trust' in Philosophical Quarterly 1960

16 *ibid* p 348

17 M I Finley: *Democracy Ancient and Modern* (*op cit*) pp 51-53

CHAPTER SIX

ON CITIZENSHIP

1 J S Mill: *On Liberty* (Dent, 1977)

2 R Nozick: *Anarchy, State & Utopia* (Blackwell, 1980)

3 J S Mill: *Considerations* (*op cit*) p 177

4 *ibid* p 178

5 *ibid* p 178

6 *ibid* p 178

7 *ibid* p 179

8 *ibid* p 208

9 *ibid* p 281

10 A Ryan: *J S Mill* (RKP, 1974) p 210

11 *Considerations* p 204

12 *ibid* p 203

13 *ibid* p 212

14 J S Mill: *Utilitarianism* (*op cit*) p 35

15 *ibid* pp 32-33

16 J S Mill: *Autobiography* (*op cit*) pp 85-86

17 *ibid* pp 85-86

18 *Utilitarianism* p 9

19 Plato: *Apology* in *The Last Days of Socrates* (trans: Tredennick, Penguin 1969) pp 50-52

20 *Utilitarianism* p 11

21 *ibid* p 15

22 *ibid* p 12

23 C Pateman: *Participation and Democratic Theory* (*op cit*) pp 68-71

24 *Considerations* p 347

- 25 A Vincent & R Plant: *Philosophy, Politics & Citizenship* (*op cit*)
p3 & p 164
- 26 T H Green: *Lectures on the Principles of Political Obligation*
(eds: Harris & Morrow, CUP, 1986) p1
- 27 C Pateman: *The Problem of Political Obligation* (*op cit*) p172-178
- 28 The discussion here follows the excellent treatment to be found in:
R Beiner: *Political Judgment* (Methuen, 1983) ch 5

CHAPTER SEVEN

UTOPIA

(1) The Definitional Problem: Utopia and Other Places

- 1 F E & F P Manuel: *Utopian Thought in the Western World* [UTWW]
(Blackwell 1982) p 5
- 2 quoted in *UTWW* p 2
- 3 *ibid* p 5
- 4 *ibid* p 7
- 5 *ibid* p 7
- 6 *ibid* p 8
- 7 *ibid* p 8
- 8 *ibid* p 13
- 9 *ibid* p 14
- 10 For the works by Rousseau see the biblioiography
- 11 *UTWW* p 429
- 12 *ibid* p 446
- 13 *ibid* p 440
- 14 *ibid* p 439
- 15 *ibid* p 436
- 16 *ibid* p 439
- 17 J C Davis: *Utopia & the Ideal Society* [UIS] (CUP 1983) p 3
- 18 *ibid* p 4
- 19 *ibid* p 19
- 20 *ibid* p 6
- 21 *ibid* p 19
- 22 The following discussion is drawn from Davis [UIS] ch 1

- 23 Sir Thomas More: *Utopia* (Dent 1985) p 20
- 24 See further N Cohn: *The Pursuit of the Millennium* (Paladin 1970)
- 25 *UIS* p 37
- 26 *ibid* p 38
- 27 G Kateb: *Utopia* (quoted *ibid* p 369)
- 28 *ibid* p 19
- 29 The reference to the 're-structuring of the desire-profile' is not original to my work; whilst I cannot presently trace the original coinage, I trust it is a sufficiently familiar concept for this not to be problematic.
- 30 W Morris: *News from Nowhere* (ed: Briggs, Penguin 1986)
- 31 N Machiavelli: *The Prince* (*op cit*)
- 32 J Ferguson: *Utopias of the Classical World* (Thames & Hudson 1975) p 13
- 33 Homer: *The Odyssey* (trans: Rieu, Penguin 1986) p 142
- 34 Plutarch: *Lycurgus* in *Plutarch on Sparta* (trans: Talbert, Penguin 1988) pp 13-14 & p 14 f/n 1

(ii) More & the Utopian Model

- 1 Sir Thomas More: *The History of King Richard III and selections from the English and Latin Poems* (ed: Sylvester, Yale 1976) p 130
- 2 R W Chambers: *Thomas More* (Harvester 1982) p 100
- 3 *ibid* p 168
- 4 see Q Skinner: *The Foundations of Modern Political Thought Vol I* (CUP 1979) p 108
- 5 on the different biographical sources of More's life see the survey in Chambers (Prologue: the Sources)
- 6 R Marius: *Thomas More* (Collins 1986) p 34
- 7 on the Carthusians in general, see
C H Lawrence: *Medieval Monasticism* (Longman 1987) pp 133-137 & ch 13
- 8 *ibid* p 135
- 9 Marius p 34-43
- 10 *ibid* p 37
- 11 Chambers p 86
- 12 A Kenny: *Thomas More* (OUP 1983) p 11
- 13 Marius pp 42-43

- 14 Chambers p 175-191. The picture of More's home life is skillfully drawn in Robert Bolt's stage play: *A Man For All Seasons* (Heinemann 1960)
- 15 Chambers p 70-71
- 16 *Foundations Vol I* p 107
- 17 Chambers pp 79-80
- 18 in Chambers p 87
- 19 *History* p 136
- 20 Marius pp 83-87
- 21 Doubts have been expressed about the authorship of the *History*. Rastell's 1557 edition was prepared from a holograph manuscript, but it has been suggested that More translated this from the Latin text by another author. Morton is the favourite amongst those who doubt More's authorship. As I argue in this section, the *History* is fully consonant with More's concerns and its incompleteness follows from the dramatic logic of the text and More's moral/political position. I have thus not pursued the authorship debate but have regarded the work as More's.
- 22 Chambers p 116
- 23 *ibid* p 114
- 24 see comments by Betty Radice in her translation of D Erasmus: *In Praise of Folly* (Penguin 1971) p 230 n12
- 25 *History* p 3-9
- 26 *ibid* p 152-153
- 27 *ibid* p 85
- 28 *ibid* pp 92-96
- 29 see Sartre's elucidation of the problem in his stage play: *Crime Passionnel (Les Mains Sales)* (trans: Black, Methuen 1961)
- 30 Marius pp 118-119
- 31 my preference has been to use the best known translation of More's original Latin text, that by Robinson in 1551; however, without doubt the best available translation (correcting and clarifying many errors and obscurities in Robinson's version) is that prepared for the Yale edition, re-printed from the *Collected Works* in paperback. The 'modern language' version by Paul Turner (Penguin) manages to lose completely the mood of the renaissance which is so central to the *Utopia*. These editions are:
- Sir Thomas More: *Utopia* (trans: Robinson, Dent 1985)

Utopia (trans unknown, Yale 1964)

Utopia (trans: P Turner, Penguin 1965)

The Dent edition is the one referred to unless otherwise stated.

32 *Utopia* p 19

33 *ibid*

34 J H Hexter: *More's Utopia: The Biography of an Idea* (Princeton 1952)

35 *Utopia* p 6

36 Thus, using the Dent edition, the text can be divided as follows:

Introduction: pp 13-18 ('... ordinances of the Utopians')

Dialogue of Counsel: pp 18-50 ('But first I will repeat ...' - '... the folly of the people.')

Exordium: pp 50-54 ('Howbeit, doubtless, Master More ...' - '... thus he began to speak.')

Declamation: pp 55-130 ('The island of Utopia ...' - '... exercise of chivalry.')

Peroration: pp 130-139 ('Now I have declared ...' - '... wish for than hope for.')

37 *Utopia* p 19

38 *ibid* p 20

39 *ibid* p 21

40 *ibid* p 20

41 *ibid* p 44

42 *Foundations Vol I* pp 108-112

43 *ibid* pp 113-128

44 D Erasmus: *The Education of a Christian Prince* (trans: Born 1965)

45 N Machiavelli: *The Prince* (*op cit*)

46 *Foundations Vol I* pp 113-128

47 B Castiglione: *The Book of the Courtier* (trans: Bull, Penguin 1976)

della Casa: *Il Galateo* (trans: Pyne-Coffin, Penguin 1968)

48 *The Courtier* pp 40-41

49 *The Prince* p 133

50 N Machiavelli: *La Mandragola* in *The Portable Machiavelli* (trans: Bondanella & Musa, Viking Press/Penguin 1983) p 438

51 *The Prince* pp 62-63

52 see Skinner's treatment of Machiavelli on this theme in:

Q Skinner: *Machiavelli* (OUP 1981) pp 25-41; and the introduction to:

- N Machiavelli: *The Prince* (ed: Skinner, trans: Price, CUP 1988)
- 53 *The Prince* pp 99-102
- 54 *Utopia* p 20
- 55 *ibid* pp 23-29
- 56 *ibid* p 35
- 57 *ibid* p 26
- 58 *ibid* p 29
- 59 *ibid* p 21
- 60 *ibid* p 36
- 61 *ibid* p 47
- 62 *Foundations Vol I* pp 106-107; &
M Fleisher: *Radical Reform and Political Persuasion in the Life &
Writings of Sir Thomas More* (Geneva 1973)
- 63 *Utopia* p 47
- 64 *ibid* p 48
- 65 *ibid* p 18
- 66 *ibid* p 134
- 67 Augustine of Hippo: *The City of God* (trans: Bettenson, Penguin 1984)
p 477
- 68 *ibid* pp 571-572
- 69 *ibid* pp 481
- 70 Augustine of Hippo: *Confessions* (trans: Pine-Coffin, Penguin 1961) p 21
- 71 Chambers p 86
- 72 Hexter p 108
- 73 Paul; I Timothy, 6, 10
- 74 *City of God* pp 219-220
- 75 *ibid* p xxiv
- 76 *Utopia* p 17
- 77 ie. 53 counties plus London; see Yale edition, p 61 n7
- 78 *Utopia* p 59
- 79 Chambers p 260
- 80 *Utopia* p 70
- 81 on this see S Avinieri: 'War and Slavery in More's *Utopia*' in
International Review of Social History 7 (1962)
- 82 *Utopia* p 125
- 83 *ibid* p 124

- 84 on More's strategy here, and the role of virtue on Utopian life see the discussions in Chambers and Skinner (op cit)
- 85 *Utopia* p 85
- 86 *ibid* p 84
- 87 *ibid* p 88
- 88 *ibid* pp 90-91
- 89 *ibid* p 85
- 90 *ibid* pp 130-131
- 91 *ibid* p 64
- 92 *ibid* p 71
- 93 *ibid* p 76
- 94 *ibid* p 104
- 95 *ibid* p 103
- 96 *ibid* p 101
- 97 *ibid* p 98
- 98 *ibid* pp 120-121
- 99 Robinson's use of the term 'prince' to render a literal translation of the text's *principis* has led to much confusion as to the political structure of Utopia. I have preferred the term 'governor' as used by the Yale edition.
- 100 *Utopia* p 62
- 101 *ibid* p 57
- 102 *ibid* p 130
- 103 *ibid* p 105
- 104 *ibid* p 15
- 105 *ibid* pp 48 & 50
- 106 *ibid* p 95
- 107 *ibid* p 71
- 108 *ibid* p 71
- 109 *ibid* p 134
- 110 *ibid* p 135
- 111 *Utopia* (Yale) p 145

(iii) Utopia, Liberalism & Socialism

- 1 *Utopia* p 56
- 2 *ibid* p 8
- 3 *ibid* pp 55-56
- 4 *ibid* p 32, p 41, p 46
- 5 *ibid* p 130
- 6 Davis *UIS* p 37
- 7 *ibid* p 38 & G Kateb: *Utopia (op cit)*
- 8 *ibid* p 38
- 9 *ibid* p 39
- 10 *ibid* p 372
- 11 *Utopia* p 96
- 12 see: J C Davis: 'More, Morton & the Politics of Accommodation' in Journal of British Studies 9:2 (1970)
- 13 *Utopia* p 96
- 14 *Utopia* p 65
- 15 *Utopia* p 61; the Yale edition, p 66n, suggests the dating refers back to the Spartan King Agis IV and his redistribution of land holdings. Although the tale is related by Plutarch (in: *Plutarch on Sparta (op cit)*) this would seem to be one of the more improbable allusions to be found in the text. It is surely enough that the text refers us back to something equivalent to 'the dawn of time' or a place 'light years away'.
- 16 *Utopia* (Dent) p 66
- 17 This is a generalisation drawn from the text, *ibid* p 68
- 18 *ibid* p 71
- 19 *ibid* p 67. Note that the class of 500 who are exempted from work includes the 200 siphogrants, thus the academics number no more than 300.
- 20 see section (ii) above.
- 21 *Utopia* p 123
- 22 cf J S Mill: *On Liberty (op cit)*
- 23 I am indebted to Dr. C J Berry of the University of Glasgow for making plain to me the importance of this point.
- 24 A Vincent & R Plant: *Philosophy, Politics & Citizenship (op cit)* p 5

- 25 *ibid* p 162
- 26 Davis, *UIS* p 162
- 27 J J Rousseau: *The Social Contract* (*op cit*) p 49
- 28 *Utopia* ps 101, 61, 111, 113
- 29 *ibid* pp 116-117. The Yale edition (p 129) gives the more correct translation as 'Financial Agents' who, yet more sinisterly, live abroad 'in great style and ... play the part of magnates'.
- 30 Davis *UIS* pp 56-58
- 31 *Utopia* pp 80-81
- 32 *ibid* p 65
- 33 *ibid* p 76
- 34 V Geogheghan: *Utopianism and Marxism* (Methuen 1987) ch 2
- 35 K Marx & F Engels: *Manifesto of the Communist Party* in *The Political Writings Vol 1* (ed: Fernbach, Penguin 1973) p 95
- 36 *ibid* p 96
- 37 K Marx: *Theses on Feuerbach* in *The Early Writings* (ed: Colletti, Penguin 1975) pp 421-423
- 38 see B Goodwin & K Taylor: *The Politics of Utopia* (Hutchinson 1982) p 82
- 39 K Marx: *Preface, A Contribution to the Critique of Political Economy* in *The Early Writings* pp 424-428
- 40 see, for instance, the passages on 'Estranged Labour' and 'Private Property and Communism' in *The Economic and Philosophical Manuscripts* in *The Early Writings* pp 322-334 & pp 345-358
- 41 K Marx: *Critique of the Gotha Programme* in *The Political Writings Vol 3* (ed: Fernbach, Penguin 1974) p 347
- 42 *Manifesto* (*ibid*) p 72
- 43 *ibid* p 86
- 44 B Frankel: *The Post-Industrial Utopians* (Polity 1987) p 227

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