Power and sovereignty

The revival of concern with aspects of 'self-government' in Machiavelli; and in Machiavelli's Italy more generally, had a significant influence on eighteenth-century England, France and America. The problem of how civic life was to be constructed, and public life sustained, was a problem faced by diverse thinkers. While the meaning of the ideal of active citizenship was progressively altered – and in many respects denuded of its most challenging implications – threads of this ideal remained, as we shall see, and continued to have an impact. But in the English-speaking world, in particular, these threads, to the extent that they were grasped, were interpreted in the context of powerful indigenous currents of thought dominated by monarchical and religious concepts (see Pocock, 1975, part III). Debate about the nature and scope of the powers of monarchs was a central element in the formation of English liberalism. In this debate, Hobbes (1588–1679) occupies a critical (and ambiguous) place.

In *Leviathan* (1651) Hobbes portrayed human beings as profoundly self-interested, always seeking 'more intense delight' and a strong position from which to secure their ends. Conflicts of interest and the struggle for power define the human condition. Hobbes emphasized 'a generall inclination of all mankind, a perpetuall and restlesse desire of Power after power, that ceaseth onely in Death' (*Leviathan*, p. 161). From this position, the idea that human beings might come to respect and trust one another, honour contracts and cooperate politically, seems remote indeed. However, writing against the backdrop of the English Civil War, Hobbes desired to show that a consistent concern with self-interest does not have to lead, and should not lead, to endless conflict and warfare. In order to prove this and to establish, thereby, the proper form of the state, he introduced a 'thought experiment'. It is worth briefly examining this 'experiment' for it reveals in a most acute form some of the issues that arise when considering the relation between the individual and the state.

Hobbes imagined a situation in which individuals are in a state of nature – that is, a situation without a 'Common Power' or state to enforce rules and restrain behaviour – enjoying 'natural rights' to use all means to protect their lives and to do whatever they wish, against whoever they like, and to 'possess, use, and enjoy all that [t]he[y] would, or could get' (*Leviathan*, part I, chs 13–15). The

result is a constant struggle for survival: Hobbes's famous 'Warre of every one against every one'. In this state of nature individuals discover that life is 'solitary, poore, nasty, brutish, and short' and, accordingly, that to avoid harm and the risk of an early death, let alone to ensure conditions of greater comfort, the observation of certain natural laws or rules is required (part I, ch. 13). The latter are things the individual ought to adhere to in dealings with others if there is sufficient ground for believing that others will do likewise (see Plamenatz, 1963, vol. 1, pp. 122–32, for a clear discussion of these ideas). Hobbes says of these laws that 'they have been contracted into one easie sum, intelligible, even to the meanest capacity; and that is, *Do not that to another, which thou wouldest not have done to thy selfe*' (see *Leviathan*, chs 14 and 15). There is much in what he says about laws of nature that is ambiguous (above all, their relation to the 'will of God'), but these difficulties need not concern us here. For the key problem, in Hobbes's view, is: under what conditions will individuals trust each other enough to 'lay down their right to all things' so that their long-term interest in security and peace can be upheld? How can individuals make a bargain with one another when it may be, in certain circumstances, in some people's interest to break it? An agreement between people to ensure the regulation of their lives is necessary, yet it seems an impossible goal.

Hobbes's argument, in short, is as follows: if individuals surrender their rights by transferring them to a powerful authority which can force them to keep their promises and covenants, then an effective and legitimate private and public sphere, society and state, can be formed. Thus a contract between individuals is essential: a social contract. It consists of individuals handing over their rights of self-government to a single authority – thereafter authorized to act on their behalf – on the condition that every other individual does the same. A unique relation of authority results: the relation of sovereign to subject. A unique political power is created: the exercise of sovereign power or sovereignty, the authorized (hence rightful) use of power by the person or assembly established as sovereign (see Benn, 1955; Peters, 1956).

It is important to stress that, in Hobbes's opinion, while sovereignty must be self-perpetuating, undivided and ultimately absolute, it is established by the authority conferred by the people (*Leviathan*, pp. 227–8). The sovereign's right of command and the subjects' duty of obedience are the result of 'consent', the circumstances individuals would have agreed to if there had actually been a social contract. Although there is little about Hobbes's

of the state which today we would call representative, he argues, implies that the people rule through the sovereign. The sovereign is their representative: 'A Multitude of men, are made *One* Person, when they are by one man, or one Person, Represented' (*Leviathan*, p. 220). Through the sovereign a plurality of voices and interests can become 'one will', and to speak of a sovereign state assumes, Hobbes held, such a unity. Hence, his position is at one with all those who argue for the importance of government by consent and reject the claims of the 'divine right of kings' and, more generally, the authority of tradition. Yet, his conclusions run wholly counter to those who often take such an argument to imply the necessity of some kind of popular sovereignty or democratic representative government (see Peters, 1956, ch. 9).

Hobbes's position stands at the beginning of modern preoccupations with the need to establish both the liberty of the individual and sufficient power for the state to guarantee social and political order. It is a decisive contribution to the formation of the liberal tradition. But it is a contribution that combines, like the thought of Machiavelli, profoundly liberal and illiberal elements. It is liberal because Hobbes was concerned to uncover the best circumstances for human nature to find expression; to explain or derive the most suitable form of society and state by reference to a world of 'free and equal' individuals; and to emphasize, in a novel way, the importance of consent in the making of a contract or bargain, not only to regulate human affairs and secure a measure of independence and choice in society, but also to legitimate, i.e. justify, such regulation. Yet Hobbes's position is also quite illiberal: his political conclusions emphasize the necessity of a virtually all-powerful state to create the laws and secure the conditions of social and political life. Hobbes was not actually asking his fellow countrymen to make a contract; he was asking them to acknowledge the reasonable nature of the obligations that follow if one were to presume that such a contract had been made (*Leviathan*, p. 728; see Macpherson, 1968, p. 45). His conception of these obligations drastically tipped the balance between the claims of individuality on the one hand, and the power of the state on the other, in favour of the latter. The sovereign power of the modern state was established, but the capacity of citizens for independent action – albeit, it must be stressed again, male citizens with 'high standing' and substantial property – was compromised radically. Hobbes sought to defend a sphere free from state interference in which trade, commerce and the patriarchal family could flourish: civil society. But his work failed, ultimately, to articulate either the principles or the institutions necessary to delimit state action.

Citizenship and the constitutional state

John Locke's famous objection to the Hobbesian argument that individuals could only find a 'peaceful and commodious' life with one another if they were governed by the dictates of an indivisible sovereign, anticipated the whole tradition of protective democracy. He said of this type of argument: 'This is to think that Men are so foolish that they take care to avoid what Mischiefs may be done them by *Pole-Cats*, or *Foxes*, but are content, nay think it Safety, to be devoured by *Lions*' (Locke, *Two Treatises of Government*, p. 372, para. 93). In other words, it is hardly credible that people who do not fully trust each other would place their trust in an all-powerful ruler to look after their interests. Locke (1632–1704) approved of the revolution and settlement of 1688 in England, which imposed certain constitutional limits on the authority of the Crown. He rejected the notion of a great state pre-eminent in all spheres. For him, the institution of 'government' can and should be conceived as an 'instrument' for the defence of the 'life, liberty and estate' of its citizens; that is, government's *raison d'être* is the protection of individuals' rights as laid down by God's will and as enshrined in law (see Dunn, 1969, part 3).

Locke thought, as Hobbes had done, that the establishment of the political world followed from the prior existence of individuals endowed with natural rights. Like Hobbes, he was concerned about what form legitimate government should take and about the conditions for security, peace and freedom. But the way he conceived of these things was considerably different. In the important second of the *Two Treatises of Government* (which was first published in 1690), Locke starts with the proposition that individuals are originally in a state of nature, a '*State of perfect Freedom* to order their Actions, and dispose of their Possessions and Persons as they think fit, within the bounds of the Law of Nature, without asking leave, or depending upon the will of any other Man' (*Two Treatises*, p. 309, para. 4). This state of nature – the basic form of human association – is a state of liberty but not 'a state of license'. Individuals are bound by duty to God and governed only by the law of nature. The law of nature (the precise meaning of which is difficult to pin down in the *Two Treatises*) specifies basic principles of morality: individuals should not take

their own lives, they should try to preserve each other and should not infringe upon one another's liberty. The law can be grasped by human reason but it is the creation of God, the 'infinitely wise Maker' (*Two Treatises*, p. 311, para. 6).

Within the state of nature, humans are free and equal because reason makes them capable of rationality, of following the law of nature. They enjoy natural rights. The right of governing one's affairs and enforcing the law of nature against transgressors is presupposed, as is the obligation to respect the rights of others. Individuals have the right to dispose of their own labour and to possess property. The right to property is a right to 'life, liberty and estate' (*Two Treatises*, p. 395, para. 123), though Locke also uses 'property' in the narrower sense to mean the exclusive use of objects (cf. Macpherson, 1962; Plamenatz, 1963; Dunn, 1969).

Adherence to the law of nature, according to Locke, ensures that the state of nature is not a state of war. However, the natural rights of individuals are not always safeguarded in the state of nature for certain 'inconveniences' exist: not all individuals fully respect the rights of others; when it is left to each individual to enforce the law of nature there are too many judges and hence conflicts of interpretation about the meaning of the law; and when people are loosely organized they are vulnerable to aggression from abroad (*Two Treatises*, pp. 316–17, para. 13). The central 'inconvenience' suffered can be summarized as the inadequate regulation of property in its broad sense: the right to 'life, liberty and estate' (p. 308, para. 3 and pp. 395–6, para. 124). Property is prior to both society and the state; and the difficulty of its regulation is the critical reason which compels 'equally free men' to the establishment of both. Thus, the remedy for the inconveniences of the state of nature is an agreement or contract to create, first, an independent society and, secondly, a political society or government (*Two Treatises*, pp. 372–6, paras 94–7; see Laslett, 1963). The distinction between these two agreements is important, for it makes clear that authority is bestowed by individuals in society on government for the purpose of pursuing the ends of the governed; and should these ends fail to be represented adequately, the final judges are the people – the citizens of the state – who can dispense both with their deputies and, if need be, with the existing form of government itself.

In Locke's opinion, it should be stressed, the formation of the state does not signal the transfer of all subjects' rights to the state (*Two Treatises of Government*, pp. 402–3, para. 135 and pp. 412–13, para. 149). The rights of law-making and enforcement (legislative and executive rights) are transferred, but the whole process is conditional upon the state adhering to its essential purpose: the preservation of 'life, liberty and estate'. Sovereign power, i.e. sovereignty, remains ultimately with the people. The legislative body enacts rules as the people's agent in accordance with the law of nature, and the executive power (to which Locke also tied the judiciary) enforces the legal system. This separation of powers was important because:

> It may be too great a temptation to humane frailty apt to grasp at Power, for the same Persons who have the Power of making Laws, to have also in their hands the power to execute them, whereby they may exempt themselves from Obedience to the Laws they make, and suit the Law, both in its making and execution, to their own private advantage, and thereby come to have a distinct interest from the rest of the community, contrary to the end of Society and Government. (*Two Treatises of Government*, p. 410, para. 143)

Thus, the integrity and ultimate ends of society require a constitutional state in which 'public power' is legally circumscribed and divided. Locke believed in the desirability of a constitutional monarchy holding executive power and a parliamentary assembly holding the rights of legislation, although he did not think this was the only form government might take and his views are compatible with a variety of other conceptions of political institutions.

The government rules, and its legitimacy is sustained, by the 'consent' of individuals. 'Consent' is a crucial and difficult notion in Locke's writings. It could be interpreted to suggest that only the continually active personal agreement of individuals would be sufficient to ensure a duty of obedience, i.e. to ensure a government's authority and legitimacy (Plamenatz, 1963, vol. 1, p. 228). However, Locke seems to have thought of the active consent of individuals as being crucial only to the initial inauguration of a legitimate state. Thereafter, consent ought to follow from majority decisions of 'the people's' representatives, so long as they, the trustees of the governed, maintain the original contract and its covenants to guarantee 'life, liberty and estate'. (See Lukes, 1973, pp. 80–1 and Dunn, 1980, pp. 36–7 for a full discussion of the issues involved.) If they do, there is a duty to obey the law. But if those who govern flout the terms of the contract with a series of tyrannical political acts, rebellion to form a new government, Locke contended, might not only be unavoidable but justified.

political activity for Locke is instrumental; it secures the framework or conditions for freedom so that the private ends of individuals might be met in civil society. The creation of a political community or government is the burden individuals have to bear to secure their ends. Thus, membership of a political community, i.e. citizenship, bestows upon the individual both responsibilities and rights, duties and powers, constraints and liberties (Laslett, 1963, pp. 134–5). In relation to Hobbes's ideas, this was a most significant and radical view. For it helped inaugurate one of the most central tenets of modern European liberalism; that is, that the state exists to safeguard the rights and liberties of citizens who are ultimately the best judges of their own interests; and that accordingly the state must be restricted in scope and constrained in practice in order to ensure the maximum possible freedom of every citizen. In most respects it was Locke's rather than Hobbes's views that helped lay the foundation for the development of liberalism and prepared the way for the tradition of popular representative government. Compared to Hobbes, Locke's influence on the world of practical politics has been considerable.

Locke's writings seem to point in a number of directions at once. They suggest the importance of securing the rights of individuals, popular sovereignty, majority rule, a division of powers within the state, constitutional monarchy and a representative system of parliamentary government: a direct anticipation of key aspects of British government as it developed in the nineteenth and early twentieth centuries, and of the central tenets of the modern representative state. But, at best, most of these ideas are only in rudimentary form, and it is certain that Locke did not foresee many of the vital components of democratic representative government, for instance, competitive parties, party rule and the maintenance of political liberties irrespective of class, sex, colour and creed (cf. Laslett, 1963, p. 123). It is not a condition of legitimate government or government by consent, in Locke's account, that there be regular periodic elections of a legislative assembly, let alone universal suffrage. (Locke would almost certainly not have dissented from a franchise based strictly on the property holdings of male adults. Cf. Plamenatz, 1963, pp. 231, 251–2; Dunn, 1969, ch. 10.) Moreover, he did not develop a detailed account of what the limits might be to state interference in people's lives and under what conditions civil disobedience is justified. He thought that political power was held 'on trust' by and for the people, but failed to specify adequately who were to count as 'the people' and under what conditions 'trust'

should be bestowed. He certainly did not think that such power might be exercised directly by the citizens themselves, i.e. in some form of direct or self-government. While Locke was unquestionably one of the first great champions of liberalism – and although his works clearly stimulated the development of both liberal and democratic government, what we may call liberal democracy, especially its 'protective' variant (cf. Dunn, 1980, pp. 53–77) – he cannot, in the end, be considered a democrat without careful qualification.

Separation of powers

It is sometimes said that while Locke advanced consideration of the principles of government, it was the French philosopher and political theorist Charles-Louis de Secondat, Baron de Montesquieu (1689–1755) who understood better the necessary institutional innovations for the achievement of a re-formed representative government. There is some truth in this. Montesquieu never justified at any length his preference for limited government. In broad terms, he was a follower of Locke, an advocate of what he took to be the distinctively 'English' notions of freedom, toleration and moderation which, he claimed, were admirably expressed by the English constitution itself: 'the mirror of liberty'. Against the background of marked dissatisfaction with absolutist government (the government of Louis XIV in particular), he became preoccupied with how to secure a representative regime dedicated to liberty and capable of minimizing corruption and unacceptable monopolies of privilege. Locke wrote little about the desirable characteristics of state power, or about the ways in which public power should be organized, while Montesquieu devoted considerable energy to this question. He analysed a variety of conditions of freedom, but the one which is most notable concerns how constitutions might set inviolable limits to state action.

Montesquieu championed constitutional government as the central mechanism for guaranteeing the rights of the (adult, male, property-owning) individual. Although he believed in a given, unchangeable natural law, his writings indicate as much, if not more, concern with the development of a system of positive law: a formal, explicitly designed legal structure for the regulation of public and private life. He defended urgently the idea of a society in which

'individuals'' capacities and energies would be unleashed in the knowledge that privately initiated interests would be protected. Montesquieu took for granted that there 'are always persons distinguished by their birth, riches or honours' who have 'a right to check the licentiousness of the people' (*The Spirit of Laws*, p. 71 (first published 1748)); and he took for granted that there are many people (among others, labourers and those without substantial wealth) who 'are in so mean a situation as to be deemed to have no will of their own'. None the less, his writings advanced decisively the idea of a constitutional state maintaining law and order at home and providing protection against aggression from abroad. He did not directly use the term 'constitutional state', but the arguments he developed were aimed in part at 'depersonalizing' the state's power structure so that it might be less vulnerable to abuse by individuals and groups.

Montesquieu much admired the classical *polis* (cf. Keohane, 1972). He held in high esteem the ideal of active citizenship, dedication to the life of the political community and the deep sense of civic duty which animated the ancient world. But the general conditions which had led to the florescence of city-states had, he argued, disappeared for ever.

> As in a country of liberty, every man who is supposed a free agent ought to be his own governor; the legislative power should reside in the whole body of the people. But since this is impossible in large states, and in small ones is subject to many inconveniences, it is fit the people should transact by their representatives what they cannot transact by themselves. (*The Spirit of Laws*, p. 71)

The emergence of states controlling substantial territories and the spread of free trade and the market economy had created an irreversible trend towards social and political heterogeneity. The contrast between the ancient and the modern is, according to Montesquieu, one between particular locales, tightly knit communities, a frugal economy, a concern for equality and civic discipline promoting active citizenship, on the one hand, and large nation-states, centralized bureaucratic hierarchies, loosely connected commercial societies, inequality of fortunes and the free pursuit of private interests, on the other (*The Spirit of Laws*, pp. 15–21, 44 ff; Krouse, 1983, pp. 59–60). Under the conditions of modern life, Montesquieu's preferred form of government was a state system modelled on the constitutional monarchy of England.

Montesquieu's interpretation of the English constitution has been subjected to much criticism; it is often regarded as neither particularly original nor accurate. However, what he had to say about it was influential, especially on some of the founders of new political communities, notably in North America. While classical Greek philosophers, as well as figures like Machiavelli and Locke, had grasped the significance of a 'mixed state' or 'division of powers' for the maintenance of liberty, Montesquieu made it pivotal to his overall teachings. The state must organize the representation of the interests of different powerful 'groups'; that is, it must be a 'mixed regime' balancing the position of the monarchy, aristocracy and 'the people'. Without such representation the law, he argued, will always be skewed to particular interests, governments will stagnate and political order will be vulnerable in the long run. In his view, the aristocracy was essential to the effective maintenance of a balance between the monarchy and 'the people', both of whom, when left to their own devices, inclined to despotism. But the liberty of the individual and moderate government depended, above all, on particular guarantees against oppression:

> constant experience shows us that every man invested with power is apt to abuse it, and to carry his authority as far as it will go . . . To prevent this abuse, it is necessary from the very nature of things that power should be a check to power. A government may be so constituted, as no man shall be compelled to do things to which the law does not oblige him, nor forced to abstain from things which the law permits. (*The Spirit of Laws*, p. 69)

Montesquieu distinguished, in a more precise way than Locke had done, between the executive, the legislature and the judiciary. And he was firmly of the view that there would be no liberty worth its name 'were the same man or the same body, whether of the nobles or of the people, to exercise those three powers, that of enacting laws, that of executing public resolutions, and of trying the causes of individuals' (*The Spirit of Laws*, p. 70). In a famous chapter of *The Spirit of Laws* (Book XI, ch. 6, pp. 69–75), Montesquieu argued that under modern conditions liberty can only be based on the careful creation of an institutionalized separation and balance of powers within the state. Previously, the idea of mixed government had tended to mean limited 'participation' of different estates within the state. By making the case for a constitution based upon three distinct organs with separate legal powers, Montesquieu firmly established an idea that was to be critical in attempts to curtail highly centralized authority, on the one hand, and to ensure that

'virtuous government' depended less on heroic individuals or civic discipline, and more on a system of checks and balances, on the other.

Executive power ought to be in the hands of the monarch; this branch of government 'having need of dispatch', Montesquieu reasoned, 'is better administered by one than by many' (*The Spirit of Laws*, p. 72). Decisive leadership, the creation of policy, the efficient administration of law and the capacity to sustain a clear set of political priorities are marks of a 'glorious executive'. Accordingly, the executive ought to have the power to veto unacceptable legislation (legislation deemed to encroach upon its power), regulate the meetings of the legislative body (their timing and duration) and control, among other things, the army for 'from the very nature of the thing, its business consists more in action than in deliberation' (pp. 70–4). On the other hand, the monarch's powers must be restrained in law. To this end, it is vital that legislative power consist not only of the right to deliberate over policy, amend and alter the law, but also of the right to hold the executive to account for unlawful acts, restrict the executive's scope by retaining control of the fiscal basis of the state and, if necessary, disband the army or control it by the provision of finance on an annual basis (p. 74). All this Montesquieu claimed to glean from the English constitution of his day. From the latter he also found grounds for approving the division of legislative power into two chambers: the one for hereditary nobles and the other for the representatives of 'the people', periodically elected individuals of distinction serving as trustees for the electorate's interests (responsive to the latter, but not directly accountable to them). Between the two chambers the views and interests of all 'dignified' opinion would be respected. The nobles would retain the right to reject legislation while 'the commons' would have the power of legal initiative. Separate from both these bodies must be the judiciary. Locke had thought of the judiciary as an arm of the executive, but Montesquieu thought its independence was crucial to the protection of the rights of individuals. Without an independent judiciary, people could face the awesome power of a combined executor, legislator, judge and jury – and then their rights could certainly not be guaranteed.

Montesquieu's analysis of the separation of powers was neither systematic nor fully coherent. For instance, the precise powers of the executive and legislature were left quite ambiguous. None the less, his explication of the general issues was more penetrating than that of any of his predecessors. As has been aptly remarked,

> Where others before Montesquieu, for the defence of liberty and against the abuse of power, had appealed to natural right and natural law, or to a social contract whose terms oblige rulers and ruled, or to a right of popular revolt against governments which break their trust, he proclaimed the need for constitutional government: for political power so distributed that anyone having a share of it who is tempted to abuse it finds others having power able and willing to use it to prevent or punish him. Liberty does not flourish because men have natural rights or because they revolt if their rulers press them too far; it flourishes because power is so distributed and organised that whoever is tempted to abuse it finds legal restraints in his way. (Plamenatz, 1963, vol. 1, pp. 292–3)

The great significance of Montesquieu's political writings lies in his thesis that in a world in which individuals are ambitious and place their own particular interests above all others, institutions must be created which can convert such ambition into good and effective government (see Krouse, 1983, pp. 61–2). By institutionalizing a separation of powers, and by providing a forum within the state for contending groups and factions to clash, Montesquieu thought he had uncovered a most practical and valuable political arrangement for the modern world: a world properly divided into the 'public sphere' of state politics run by men, on the one hand, and the 'private sphere' of economy, family life, women and children, on the other.

However, in exploring the relation between civil society and state, Montesquieu ultimately failed to establish adequate arguments and mechanisms for the protection of the sphere of private initiative. He spent enormous energy trying to explain variations in political structures by reference to geographical, climatic and historical conditions. The latter determined, in his account, the specific nature of the laws and the customs and practices of nations and states. Political possibilities were circumscribed by geo-climatic factors as well as by the organization of power. This contention is certainly plausible, but it generated a number of difficulties about reconciling, on the one hand, the view that there was considerable scope for constitutional change and, on the other hand, the view that political life was determined by natural and historical circumstances beyond particular agents' control. Secondly, a fundamental difficulty lay at the very heart of his conception of liberty. Liberty, he wrote, 'is the right of doing whatever the law permits'. People are free to pursue their activities within the framework of the law. But if freedom is defined in direct relation to the law, there is no possibility of arguing

coherently that freedom might depend on altering the law or that the law itself might under certain circumstances articulate tyranny. Despite Montesquieu's defence of important institutional innovations, he formally resolved the dilemma of balancing the relation between state and society in favour of the former; that is, in favour of the law-makers. In democratic terms, the position would have been more acceptable if the law-makers had been held accountable to the people. But Montesquieu thought of few people as potential voters; he did not conceive of legislators or representatives as accountable to the electorate, and he ascribed the monarch vast powers including the capacity to dissolve the legislature. In addition, he ignored important issues that had been central to Locke: the right of citizens to dispense with their 'trustees' or alter their form of government if the need arose. In Montesquieu's thought, the governed remained in the end accountable to the governors. He did not anticipate, nor would he have approved of, later developments in democratic theory and practice, although his work had, as we shall see, a significant impact on liberal constitutionalists.

The idea of protective democracy: a résumé and elaboration

Since Machiavelli and Hobbes, a (if not *the*) central question of liberal political theory has been how, in a world marked by the legitimate and reasonable pursuit of self-interest, government can be sustained, and what form government should take. Hobbes was the theorist *par excellence* who departed systematically from the assumptions of classical democracy; only a strong protective state could reduce adequately the dangers citizens faced when left to their own devices. Locke's modification of this argument was decisive: there were no good reasons to suppose that the governors would on their own initiative provide an adequate framework for citizens to pursue freely their interests. In different but complementary ways, Locke and Montesquieu argued that there must be limits upon legally sanctioned political power. But neither of these thinkers developed their arguments to, what at least today seems, their logical conclusion. The protection of liberty requires a form of political equality among all mature individuals: a formally equal capacity to protect their interests from the arbitrary acts of either the state or fellow citizens. It was not until this insight was developed systematically that the protective theory of democracy was fully expressed, although it has been contended here that many of the theory's central elements find their origin and most succinct analysis in the political writings of the seventeenth and eighteenth centuries.

Two classic statements of the protective theory of democracy will be focused upon below: the political philosophy of one of the key architects of the American constitution: James Madison (1751–1836); and the views of two of the key spokesmen of nineteenth-century 'English liberalism': Jeremy Bentham (1748–1832) and James Mill (1773–1836). In their hands, the protective theory of liberal democracy received arguably its most important elaboration: the governors must be held accountable to the governed through political mechanisms (the secret ballot, regular voting, competition between potential representatives, among other things) which give citizens satisfactory means for choosing, authorizing and controlling political decisions. Through these mechanisms, it was argued, a balance could be attained between might and right, authority and liberty. But despite this decisive step, who exactly was to count as an 'individual', and what the exact nature of their envisaged political participation was, remained either unclear or unsettled.

The problem of factions

In a series of extraordinary writings in *The Federalist* (published in 1788), Madison translated some of Hobbes's, Locke's and Montesquieu's most notable ideas into a coherent political theory and strategy. He accepted, in the tradition of Hobbes, that politics is founded on self-interest. Following Locke, he recognized the central importance of protecting individual freedom through the institution of a public power that is legally circumscribed and accountable ultimately to the governed. And following Montesquieu, he regarded the principle of a separation of powers as central to the formation of a legitimate state. But his own position can perhaps best be grasped in relation to his assessment of classical democracy.

Unlike Montesquieu, who admired the ancient republics but thought their 'spirit' undermined by the forces of 'modernization', Madison was extremely critical both of the republics and their spirit. His judgement is similar to Plato's, and sometimes seems even more severe, underpinned as it is by Hobbesian assumptions about human nature. In Madison's account, 'pure democracies' (by which he means societies 'consisting of a small number of citizens, who assemble and administer the government in person') have always been intolerant, unjust and unstable. In the politics of these states a

common passion or interest, felt by the majority of citizens, generally shapes political judgements, policies and actions. Moreover, the direct nature of all 'communication and concert' means invariably that 'there is nothing to check the inducements to sacrifice the weaker party or an obnoxious individual' (Madison, *The Federalist Papers*, no. 10, p. 20). As a consequence, pure democracies 'have been spectacles of turbulence and contention' and have always been 'incompatible with personal security or the rights of property'. It can come as no surprise that 'they have in general been as short in their lives as they have been violent in their deaths'. Madison is scathing about 'theoretic politicians' who have 'patronized this species of government and have erroneously supposed that by reducing mankind to a perfect equality in their political rights, they would, at the same time, be perfectly equalized and assimilated in their possessions, their opinions, and their passions' (*The Federalist Papers*, no. 10, p. 20). History testifies that such suppositions are far from the truth.

Dissent, argument, clashes of judgement, conflicts of interest and the constant formation of rival and competing factions are inevitable. They are inevitable because their causes 'are sown in the nature of man' (*The Federalist Papers*, no. 10, p. 18). Diversity in capacities and faculties, fallibility in reasoning and judgement, zeal for a quick opinion, attachment to different leaders, as well as a desire for a vast range of different objects – all constitute 'insuperable obstacles' to uniformity in the interpretation of priorities and interests. Reason and self-love are intimately connected, creating a reciprocal influence between rationality and passion. Where civic virtue has been proclaimed, it has been a mask generally for ceaseless self-interested motion. The search for preeminence, power and profit are inescapable elements of the human condition which have constantly

> divided mankind . . . inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other than to co-operate for their common good. So strong is this propensity of mankind to fall into mutual animosities, that when no substantial occasion presents itself, the most frivolous and fanciful distinctions have been sufficient to kindle their unfriendly passions and excite their most violent conflicts. (*The Federalist Papers*, no. 10, p. 18)

But the most common and durable source of antagonism and factionalism, Madison argued, has always been 'the various and unequal distribution of property'. Those who hold property and

those who are without have consistently formed 'distinct interests in society'. This emphasis on the role of property was shared by many of the most prominent political theorists from Plato onwards. (It is intriguing, though, that it has been rejected most frequently by twentieth-century liberals and liberal democrats.) In Madison's hands, it led to an appreciation that all nations are divided by classes founded on property, 'actuated by different sentiments and views'. Unlike Marx, Engels and Lenin, who later sought to resolve the political problems posed by class conflict by recommending the removal of their cause (i.e. the abolition of private ownership of property), Madison contended that any such ambition was hopelessly unrealistic. Even if 'enlightened statesmen' could radically reduce the unequal possession and distribution of property – and it is very doubtful that they could for human beings always recreate patterns of inequality – a homogeneity of interests would not follow. Thus, Madison concluded, 'the inference to which we are brought' is that relief from factional disputes 'is only to be sought in the means of controlling its *effects*' (no. 10, p. 19). The formation of factions is inescapable; and *the* problem of politics is the problem of containing factions.

By a faction, Madison understood, 'a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse or passion, or interest, adverse to the rights of other citizens, or the permanent and aggregate interests of the community' (no. 10, p. 17). The task he set himself was to find ways of regulating 'the various and interfering interests' in such a way that they become involved in the 'necessary and ordinary operations of government'. Madison argued for a powerful American state as a safeguard against tyranny and as a means to control 'the violence of faction', but it was to be a state organized, in his view, on 'republican principles', with government facing the judgement of all citizens on a regular basis; that is, facing the electoral power of citizens to change their representatives. Madison's arguments sometimes suggest that he thought of citizenship as a universal category, applying to all adults irrespective of sex, colour and the possession of property. But while he thought of the franchise as legitimately extending to more people than Locke or Montesquieu would have ever found acceptable, it is very improbable indeed, given the time at which he was writing, that he would have supported the extension of the vote to women and non-propertied working people. Certainly, a much more restrictive view of the scope of the voting population is outlined in some of his

writings (see Madison, in Meyers, 1973; and Main, 1973). None the less, he clearly thought that a form of 'popular government' with a federal structure and a division of powers would not only ameliorate the worst consequences of factions, but crucially involve citizens in the political process of protecting their own interests.

The political difficulties caused by minority interest groups can be overcome by the ballot box 'which enables the majority to defeat their sinister views by regular vote' (*The Federalist Papers*, no. 10, p. 19). The major difficulties posed by factions, however, occur when one faction forms a majority. For then there is a danger that the very form of popular government itself will enable such a group to sacrifice to its ruling passions or interest both the public good and the rights of other citizens'. The 'tyranny of the majority', as it has often been called, can only be forestalled by particular constitutional arrangements. Of these, a system of political representation and a large electoral body are essential.

Political representation involves the delegation of government to 'a small number of citizens elected by the rest' (no. 10, p. 21). Such a system, Madison argued, is important since public views can be 'refined and enlarged' when 'passed through the medium of a chosen body of citizens'. Representative government overcomes the excesses of 'pure democracy' because elections themselves force a clarification of public issues; and the elected few, able to withstand the political process, are likely to be competent and capable of 'discerning the true interest of their country', i.e. the interests of all citizens. But representative rule alone is not a sufficient condition for the protection of citizens: it cannot in itself stop the elected from degenerating into a powerful exploitative faction. At this point, Madison offered a novel argument, contrary to the whole spirit of 'pure democracies', about the virtue of scale in public affairs. An 'extended republic', covering a large territory and embracing a substantial population, is an essential condition of non-oppressive government. Several reasons are given. In the first instance, the number of representatives must be raised to a certain level 'to guard against the cabals of a few' (while not being too numerous, Madison quickly added, to risk 'the confusion of a multitude') (no. 10, p. 21). More importantly, if the proportion of 'fit characters' is constant in both a small and large republic, the latter will possess a far greater number from whom the electorate can choose. Further, in a large state representatives will be chosen by an extended electorate who are more likely to spot 'unworthy candidates'. And in a large state with an economy based on the pursuit of private wants, there is inevitably great social diversity and, therefore, less chance of a tyrannous majority forming either among the electorate or elected. Social diversity helps create political fragmentation which prevents an excessive accumulation of power.[3] Although representatives might become progressively more remote and impersonal in a large state, a federal constitution can offset this: 'the great and aggregate interests being referred to the national, the local and particular to the State legislatures' (no. 10, p. 22). If, finally, the respective legal powers of the executive, legislature and judiciary are separated both at national and local levels, freedom can best be protected.

Madison's extended republic is a far cry from the classical ideals of civic life and the public realm. The theoretical focus is no longer on the rightful place of the active citizen in the life of the political community; it is, instead, on the legitimate pursuit by individuals of their interests and on government as, above all, a means for the enhancement of these interests. Although Madison sought clear ways of reconciling particular interests to 'the republic', his position signals the clear interlocking of republican with liberal preoccupations (cf. Wood, 1969; Pocock, 1975, pp. 522–45). He conceived of the federal representative state as the key mechanism to aggregate individuals' interests and to protect their rights. In such a state, he believed, security of person and property could be sustained, and politics could be made compatible with the demands of large, modern nation-states with their complex patterns of trade, commerce and international relations. To summarize his views, in the words of one commentator:

> only . . . a sovereign national government of truly continental scope, can assure non-oppressive popular rule. A republican leviathan is necessary to secure life, liberty, and property from the tyranny of local majorities. The extended republic is not simply a means of adapting popular rule to new political realities, but an inherently desirable corrective for deep intrinsic defects in the politics of the small popular regime. (Krouse, 1983, p. 66)

Madison's preoccupation with faction and his desire to protect individuals from powerful collectivities was an ambiguous project. On the one hand, it raised important questions about the principles, procedures and institutions of popular government and the necessity to defend them against impulsive, unreasonable action, whatever its

[3] This argument had a profound influence on the 'pluralist' tradition after the Second World War (see chapter 6).

source. Critics of democracy have frequently raised this matter: how 'popular' regimes remain stable, how representatives are held to account, how citizens understand the 'rules of the political game' and in what ways they follow them are all legitimate considerations. On the other hand, if these questions are pursued at the expense of all others, they can readily be associated with an unjustified conservative desire to find a way of protecting, above all, 'the haves' (a minority) from the 'have nots' (the majority). Madison insisted, as have all critics of democracy and nearly all theorists of protective democracy, on a natural right to private property (in practice, a right to an unequal share of private property). The basis of this right remains mysterious and it was precisely this mystery (as we shall see) that Marx and Engels sought to disentangle. Madison was in favour of popular government so long as there was no risk that the majority could turn the instruments of state policy against a minority's privilege. Despite the considerable novelty and significance of his overall arguments, Madison was unquestionably a reluctant democrat. He shared this in common with Jeremy Bentham and James Mill who, for our purposes here, can be discussed together.

Accountability and markets

Bentham and Mill were impressed by the progress and methods of the natural sciences and were decidedly secular in their orientations. They thought of concepts like natural right and social contract as misleading philosophical fictions which failed to explain the real basis of citizens' interests, commitment and duty to the state. This basis could be uncovered, they argued, by grasping the primitive and irreducible elements of actual human behaviour. The key to their understanding of human beings lies in the thesis that humans act to satisfy desire and avoid pain. Their argument, in brief, is as follows: the overriding motivation of human beings is to fulfil their desires, maximize their satisfaction or utility and minimize their suffering; society consists of individuals seeking as much utility as they can get from whatever it is they want; individuals' interests always conflict with one another for 'a grand governing law of human nature' is, as Hobbes thought, to subordinate 'the persons and properties of human beings to our pleasures' (see Bentham, *Fragment on Government*). Since those who govern will naturally act in the same way as the governed, government must, if its systematic abuse is to

be avoided, be directly accountable to an electorate called upon frequently to decide if their objectives have been met.

With these arguments, the protective theory of democracy received its clearest explication (see Macpherson, 1977, ch. 2). For Bentham and Mill, liberal democracy was associated with a political apparatus that would ensure the accountability of the governors to the governed. Only through democratic government would there be a satisfactory means for generating political decisions commensurate with the public interest, i.e. the interests of the mass of individuals. As Bentham wrote: 'A democracy . . . has for its characteristic object and effect . . . securing its members against oppression and depredation at the hands of those functionaries which it employs for its defence' (Bentham, *Constitutional Code*, Book I, p. 47). Democratic government is required to protect citizens from despotic use of political power whether it be by a monarch, the aristocracy or other groups. Only through the vote, secret ballot, competition between potential political representatives, a separation of powers and freedom of the press, speech and public association could 'the interest of the community in general' be sustained (see Bentham, *Fragment on Government* and James Mill, *An Essay on Government*).

Bentham, Mill and the Utilitarians generally provided one of the clearest justifications for the liberal democratic state, which ensures the conditions necessary for individuals to pursue their interests without risk of arbitrary political interference, to participate freely in economic transactions, to exchange labour and goods on the market and to appropriate resources privately. These ideas were at the core of nineteenth-century 'English liberalism': the state was to have the role of umpire or referee while individuals pursued in civil society, according to the rules of economic competition and free exchange, their own interests. Periodic elections, the abolition of the powers of the monarchy, the division of powers within the state, plus the free market would lead to the maximum benefit for all citizens. The free vote and the free market were *sine qua non*. For a key presupposition was that the collective good could be properly realized in many domains of life only if individuals interacted in competitive exchanges, pursuing their utility with minimal state interference.

Significantly, however, this argument had another side. Tied to the advocacy of a 'minimal' state, whose scope and power was to be strictly limited, there was a strong commitment in fact to certain types of state intervention, for instance, the curtailment of the behaviour of the disobedient, whether individuals, groups or classes (see Mill, 'Prisons and prison discipline'). Those who challenged the

security of property or the market society threatened the realization of the public good. In the name of the public good, the Utilitarians advocated a new system of administrative power for 'person management' (cf. Foucault, 1977, part 3; Ignatieff, 1978, ch. 6). Prison systems were a mark of this new age. Moreover, whenever *laissez-faire* was inadequate to ensure the best possible outcomes, state intervention was justified to re-order social relations and institutions. The enactment and enforcement of law, and the creation of policies and institutions were legitimate to the extent that they all upheld the principle of utility; that is, to the extent they contributed directly to the achievement, by means of careful calculation, of the greatest happiness for the greatest number – the only scientifically defensible criterion, Bentham and Mill contended, of the public good. Within this overall framework government ought to pursue four subsidiary goals: 'to provide subsistence; to produce abundance; to favour equality; to maintain security' (see Bentham, *Principles of the Civil Code*). Of these four, the last is by far the most critical; for without security of life and property there would be no incentive for individuals to work and generate wealth: labour would be insufficiently productive and commerce could not prosper. If the state pursues this goal (along with the others to the extent that they are compatible), it will be in the citizen's self-interest to obey it.

Utilitarianism, and its synthesis with the *laissez-faire* economic doctrines of Adam Smith (1723–90), had a most radical edge. First, it represented a decisive challenge to excessively centralized political power and, in particular, to hitherto unquestioned regulations on civil society. Liberalism's constant challenge to the power of the state has in this respect been of enduring significance. Secondly, utilitarianism helped generate a new conception of the nature and role of politics; for it provided a defence of selective electorally controlled state *intervention* to help maximize the public good. Bentham, for instance, became a supporter of a plan for free education, a minimum wage and sickness benefits. The utilitarian legacy has had a strong influence on the shaping of the politics of the welfare state (see chapters 3 and 6). On the other hand, it has to be stressed, Bentham's and Mill's conception of the legitimate participants in, and scope of, democratic politics has much in common with the typically restrictive views of the liberal tradition generally: 'politics', the 'public sphere' and 'public affairs' remained synonymous with the realm of men, especially men of property. From Machiavelli and Hobbes to Bentham and James Mill the patriarchal structure of public (and private) life, and its relation to the distribution of property, was persistently taken for granted. For instance, in considering the extent of the franchise, Bentham and Mill found grounds at one time for excluding, among others, the female population and large sections of the labouring classes, despite the fact that many of their arguments seemed to point squarely in the direction of universal suffrage. (Bentham became more radical on the question of the suffrage than Mill and, in later works abandoned his earlier reservations about universal manhood suffrage, though he retained some reservations about the proper extent of women's political involvement.) Their ideas have been appropriately referred to as a 'founding model of democracy for a modern industrial society' (Macpherson, 1977, pp. 42–3). Their account of democracy establishes it as a logical requirement for the governance of a society, freed from absolute power and tradition, in which individuals have unlimited desires, form a body of mass consumers and are dedicated to the maximization of private satisfaction. Democracy, accordingly, becomes a means for the enhancement of these ends, not an end in itself for, perhaps, the cultivation and development of all people. As such, Bentham's and Mill's views represent at best, along with the whole tradition of protective democracy, a very partial form of democratic theory (see Pateman, 1970, ch. 1).

What is democratic politics? While the scope of politics in Athenian democracy extended to all the common affairs of the city-state, the liberal tradition of protective democracy (summarized in model II) pioneered a narrower view: the political is equated with the world of government or governments and with the activities of individuals, factions or interest groups who press their claims upon it. Politics is regarded as a distinct and separate sphere in society, a sphere set apart from economy, culture and family life. In the liberal tradition, politics means, above all, governmental activity and institutions. A stark consequence of this is that issues concerning, for instance, the organization of the economy or violence against women in marriage (rape) are thought of as non-political, an outcome of 'free' private contracts in civil society, not a public issue or a matter for the state (see Pateman, 1983).[4] This is a very restrictive view, and one that will be subsequently rejected. None the less, the liberal idea of protective democracy has had profound effects.

The idea of freedom *from* overarching political authority ('negative freedom', as it has been called) shaped the attack from the

[4] Despite the broader conception of politics in Greek thought, it is not at all clear that the Greeks would have addressed themselves to these particular questions.

In sum: model II
Protective Democracy

Principle(s) of justification

Citizens require protection from the governors, as well as from each other, to ensure that those who govern pursue policies that are commensurate with citizens' interests as a whole

Key features

Sovereignty ultimately lies in the people, but is vested in representatives who can legitimately exercise state functions

Regular elections, the secret ballot, competition between factions, potential leaders or parties and majority rule are the institutional bases for establishing the accountability of those who govern

State powers must be impersonal, i.e. legally circumscribed, and divided among the executive, the legislature and the judiciary

Centrality of constitutionalism to guarantee freedom from arbitrary treatment and equality before the law in the form of political and civil rights or liberties, above all those connected to free speech, expression, association, voting and belief

Separation of state from civil society, i.e. the scope of state action is, in general, to be tightly restricted to the creation of a framework which allows citizens to pursue their private lives free from risks of violence, unacceptable social behaviour and unwanted political interference

Competing power centres and interest groups

General conditions

Development of a politically autonomous civil society

Private ownership of the means of production

Competitive market economy

Patriarchal family

Extended territorial reach of the nation-state

Note: The model presents, as do the others in this volume, a general summary of a tradition; it is not an attempt to represent accurately, nor could it, the particular positions and the many important differences among the political theorists examined.

late sixteenth century on the old state regimes of Europe and was the perfect complement to the growing market society; for freedom of the market meant in practice leaving the circumstances of people's lives to be determined by private initiatives in production, distribution and exchange. But the liberal conception of negative freedom is linked to another notion, the idea of choosing among alternatives. A core element of freedom derives from the *actual capacity* to pursue different choices and courses of action ('positive freedom'). This notion was not developed systematically by the liberal tradition we have considered, although some pertinent issues were pursued by James Mill's son, John Stuart Mill (1806–73), whose work is examined in chapter 3. None the less, the liberal idea of political equality as a necessary condition of freedom – the formally equal capacity of citizens to protect their own interests – contains an implicitly egalitarian ideal with unsettling consequences for the liberal order (see Mansbridge, 1983, pp. 17–18). If individuals' interests must have equal protection because only individuals can decide in the end what they want and because, hence, their interests have equal weight in principle, then two questions arise: should not all mature individuals (irrespective of sex, colour, creed and wealth) have an equally weighted way of protecting their interests, i.e. a vote and equal citizenship rights more generally? Should not one consider whether in fact individual interests can be protected equally by the political mechanisms of liberal democracy, i.e. whether the latter creates an equal distribution of power?

The first of the above considerations was at the centre of the struggle for the extension of the franchise. It was left by and large to the extensive and often violently repressed struggles of working-class and feminist activists in the nineteenth and twentieth centuries to achieve in some countries genuinely universal suffrage. Many of the arguments of the liberal democrats could be turned against the status quo to reveal the extent to which democratic principles remained in practice unapplied. The second consideration became central to Marxist, feminist and other radical traditions. While each step towards formal political equality is an advance, 'real freedom' is undercut by massive inequalities which have their roots in the social relations of private production and reproduction. The issues posed by this standpoint require careful examination, but they are not confronted directly in model II. This is hardly surprising, given the model's preoccupation, ultimately, with the legitimation of the politics and economics of self-interest.

3

The Formation of Developmental Democracy

For and against the state 2

The notions of government that emerged in the works of political theorists since Machiavelli and Hobbes have exercised enormous influence, especially on the Anglo-American world. However, these traditions of thinking, and the model of protective democracy in particular, stand in contrast to an alternative position: a position which sought to combine a new conception of the relation between citizens and state with a broad concern for the conditions of individuals' moral and social development. This concern, which found one of its earliest expressions during the English Revolution in the programmes of the Levellers and Diggers (cf. Macpherson, 1962; MacIntyre, 1966), was given its most forceful articulation in the eighteenth and nineteenth centuries. The historical upheavals which occurred in the second half of the eighteenth century, and reached their most dramatic climax in the French Revolution, not only placed debate about the 'rights of man' firmly on the political agenda, but also stimulated a rich array of positions.

With the decline in the efficacy of old political and religious traditions, the nature and consequences of citizens' involvement in government became a special concern. Interest was shown, by some thinkers at least, in how democracy itself might become a (if not *the*) central mechanism in the development of a people. In this context, the idea of 'developmental democracy', which emphasized the indispensability of democratic institutions for the formation of an active, involved citizenry, received both a radical and a liberal interpretation While Thomas Paine (1737–1809) wrote one of the most important statements in support of self-determination in *The Rights of Man*

(1791), it was Jean-Jacques Rousseau (1712–78) who, perhaps more than anyone else, developed the most novel account of democracy, seeking to link the latter to a new view of the rights and duties of citizens. The theory of what can be called 'radical developmental democracy' had one of its clearest exponents in Rousseau. It is important to examine Rousseau's views, not only because of the significance of his thought, but because he had a direct influence on, according to some writers at least, the development of the key counterpoint to liberal democracy: the Marxist tradition, discussed in chapter 4 (see, for example, Colletti, 1972).

Rousseau's work set out a number of issues of major significance to the theory of democracy. His treatment of these issues inspired, among others, Mary Wollstonecraft, whose pioneering inquiry into the nature of the interconnections between the public and private realms is also discussed below. Wollstonecraft's work did not issue in a new model of democracy, but it is properly understood as a central contribution to the analysis of the conditions for the possibility of developmental democracy. In marked contrast to the democratic radicalism of both Rousseau and Wollstonecraft, John Stuart Mill, however, gave the idea of developmental democracy its most liberal expression. Mill's conception of democracy does not stand to protective democracy as the latter does, for instance, to Athenian democracy; it is not a wholly new model. But his thought represents an important extension of the liberal tradition, an exploration of ideas which directly connect to protective democracy but which also go beyond it in some part. In addition, Mill's model, like that of Rousseau's, confronts a range of moral questions, ignored or marginalized by the theorists of protective democracy.

The republic and the general will

Rousseau has been referred to as 'the Machiavelli of the eighteenth century' (Pocock, 1975, p. 504).[1] This comparison is useful in so far as it locates him among the general movement of thinkers who sought to re-articulate aspects of the political theories of the ancient world. Indeed, he referred to his preferred political system as 'republicanism', stressing the centrality of obligations and duties to

[1] Rousseau appears to have both admired Machiavelli – ' a gentleman and a good citizen' – and regarded his works as something of a compromise with the power structures of the actual republics of his age (Rousseau, *The Social Contract*, p. 118).

the public realm. However, Rousseau's interpretation of the proper form of 'the republic' was, in many respects, unique.[2] Rousseau was critical, it should be pointed out, of the notion of 'democracy', which he associated with classical Athens. In his view, Athens could not be upheld as a political ideal because it failed to incorporate a clear division between legislative and executive functions and, accordingly, became prone to instability, internecine strife and indecision in crises (Rousseau, *The Social Contract*, pp. 112–14, p. 136ff). But it is hard not to see elements of continuity with the Athenian heritage in his own quest for a defensible form of government, although he himself tended to emphasize continuity – not wholly consistently – with the legacy of republican Rome.

The distinctiveness of Rousseau's views becomes apparent in his assessment of key aspects of the liberal tradition. The idea that the consent of individuals legitimates government and the state system more generally was central to both seventeenth- and eighteenth-century liberals as well as to nineteenth-century liberal democrats. The former regarded the social contract as the original mechanism of individual consent, while the latter focused on the ballot box as the mechanism whereby the citizen periodically conferred authority on government to enact laws and regulate economic and social life. Rousseau was dissatisfied, for reasons which can only be briefly alluded to here, with arguments of both these types. Like Hobbes and Locke, he was concerned with the question of whether there is a legitimate and secure principle of government (*The Social Contract*, p. 49). Like Hobbes and Locke, he offered an account of a state of nature and the social contract. In his classic *The Social Contract* (published in 1762), he assumed that although humans were happy in an original state of nature, they were driven from it by a variety of obstacles to their preservation (individual weaknesses, common miseries, natural disasters) (*The Social Contract*, p. 59). Human beings came to realize that the development of their nature, the realization of their capacity for reason, the fullest experience of liberty, could be achieved only by a social contract which established a system of cooperation through a law-making and -enforcing body. Thus there is a contract, but it is a contract which creates the possibility of self-regulation or self-government.

[2] The originality of Rousseau's work makes it to a degree unclassifiable within political and social theory. While I have interpreted Rousseau as a radical exponent of the idea of developmental democracy, it would have been quite possible to approach his work from a number of different perspectives (cf. Shklar, 1969; Colletti, 1972; Pateman, 1985).

In Hobbes's and Locke's versions of the social contract, sovereignty is transferred from the people to the state and its ruler(s), although for Locke the surrender of the rights of self-government was a conditional affair. By contrast Rousseau was original, as one commentator aptly put it, 'in holding that no such transfer of sovereignty need or should take place: sovereignty not only originates in the people; it ought to stay there' (Cranston, 1968, p. 30). Accordingly, not only did Rousseau find the political doctrines offered by Hobbes and Locke unacceptable, but those of the type put forward by the liberal democrats as well. In a justly famous passage he wrote:

> Sovereignty cannot be represented, for the same reason that it cannot be alienated . . . the people's deputies are not, and could not be, its representatives; they are merely its agents; and they cannot decide anything finally. Any law which the people has not ratified in person is void; it is not law at all. The English people believes itself to be free; it is gravely mistaken; it is free only during the election of Members of Parliament; as soon as the Members are elected, the people is enslaved; it is nothing. (*The Social Contract*, p. 141)

Rousseau saw individuals as ideally involved in the direct creation of the laws by which their lives are regulated. The sovereign authority is the people making the rules by which they live. Like John Stuart Mill after him, Rousseau celebrated the notion of an active, involved citizenry, but he interpreted this in a more radical manner: all citizens should meet together to decide what is best for the community and enact the appropriate laws. The ruled should be the rulers. In Rousseau's account, the idea of self-rule is posited as an end in itself; a political order offering opportunities for participation in the arrangement of public affairs should not just be a state, but rather the formation of *a type of society*: a society in which the affairs of the state are integrated into the affairs of ordinary citizens (see *The Social Contract*, pp. 82 and 114, and for a general account, Book 3, chs 1–5). Rousseau set himself firmly against the post-Machiavellian and post-Hobbesian distinctions between state and civil society, government and 'the people' (although he accepted, and this will be returned to below, the importance of dividing and limiting both access to 'governmental power' and governmental power itself).

The role of the citizen is the highest to which an individual can aspire. The considered exercise of power by citizens is the only legitimate way in which liberty can be sustained. The citizen must

both create and be bound by 'the supreme direction of the general will', the publicly generated conception of the common good (*The Social Contract*, pp. 60–1). Rousseau recognized that opinions may differ about the 'common good' and he accepted a provision for majority rule: 'the votes of the greatest number always bind the rest' (p. 153). But the people are sovereign only to the extent that they participate actively in articulating the 'general will'.

In order to grasp Rousseau's position, it is important to distinguish the 'general will' from the 'will of all': it is the difference, according to him, between the sum of judgements about the common good and the mere aggregate of personal fancies and individual desires (pp. 72–3, 75). Citizens are only obligated to a system of laws and regulations on the grounds of publicly reached agreement, for they can only be genuinely obligated to a law they have prescribed for themselves with the general good in mind (p. 65, cf. p. 82). Hence, Rousseau draws a critical distinction between independence and liberty:

> Many have been the attempts to confound independence and liberty: two things so essentially different, that they reciprocally exclude each other. When every one does what he pleases, he will, of course, often do things displeasing to others; and this is not properly called a free state. Liberty consists less in acting according to one's own pleasure, than in not being subject to the will and pleasure of other people. It consists also in our not subjecting the wills of other people to our own. Whoever is the master over others is not himself free, and even to reign is to obey. (From Letter 8, *Oeuvres Complètes de J. J. Rousseau*, quoted in Keane, 1984a, p. 255)

Liberty and equality are inextricably linked. For the social contract 'establishes equality among the citizens in that they . . . must all enjoy the same rights' (*The Social Contract*, p. 76, cf. p. 46).

By 'the same rights' Rousseau did not simply mean equal political rights. However equal political rights may be in law, they cannot be safeguarded, he maintained, in the face of vast inequalities of wealth and power. Rousseau regarded the right to property as sacred, but he understood it as a limited right to only that amount of property commensurate with an individual's need for material security and independence of mind. Free of economic dependence, citizens need not be frightened of forming autonomous judgements; for citizens can, then, develop and express views without risk of threats to their livelihood. Rousseau desired a state of affairs in which 'no citizen shall be rich enough to buy another and none so poor as to be forced to sell himself' (*The Social Contract*, p. 96). Only a broad similarity in economic conditions can prevent major differences of interest developing into organized factional disputes which would undermine hopelessly the establishment of a general will. But Rousseau was not an advocate, as he is sometimes taken to be, of absolute equality; for equality, he made clear, 'must not be taken to imply that degrees of power and wealth should be absolutely the same for all, but rather than power shall stop short of violence and never be exercised except by virtue of authority and law' (*The Social Contract*, p. 96).

Rousseau argued in favour of a political system in which the legislative and executive functions are clearly demarcated. The former belong to the people and the latter to a 'government' or 'prince'. The people form the legislative assembly and constitute the authority of the state; the 'government' or 'prince' (composed of one or more administrators or magistrates) executes the people's laws (Book 3, chs 1, 11–14, 18).[3] Such a 'government' is necessary on the grounds of expediency: the people require a government to coordinate public meetings, serve as a means of communication, draft laws and enforce and defend the legal system (*The Social Contract*, p. 102). The government is a result of an agreement among the citizenry and is legitimate only to the extent to which it fulfils 'the instructions of the general will'. Should it fail to so behave it can be revoked and changed; for its personnel are chosen either directly through elections or by lot (*The Social Contract*, pp. 136–9, 148).

Rousseau's work had a significant (though ambiguous) influence on the ideas current during the French Revolution as well as on traditions of revolutionary thought, from Marxism to anarchism. His conception of self-government has been among the most provocative, challenging at its core some of the critical assumptions of liberal democracy, especially the notion that democracy is the name for a particular kind of state which can only be held accountable to the citizenry once in a while. But Rousseau's ideas, summarized in model IIIa, do not represent a completely coherent system or recipe for straightforward action. He appreciated some of the problems created by large-scale, complex, densely populated societies, but did not pursue these as far as one must (for example, *The Social Contract*, Book 3, ch. 4). He too excluded all women from 'the people', i.e. the

[3] There are additional institutional positions set out by Rousseau, for instance, that of 'the Lawgiver', which will not be elaborated here. (See *The Social Contract*, pp. 83–8, 95–6.)

In sum: model IIIa

A Radical Model of Developmental Democracy

Principle(s) of justification

Citizens must enjoy political and economic equality in order that nobody can be master of another and all can enjoy equal freedom and dependence in the process of collective development

Key features

Division of legislative and executive functions

The direct participation of citizens in public meetings constitutes the legislature

Unanimity on public issues desirable, but voting provision with majority rule in the event of disagreement

Executive positions in the hands of 'magistrates' or 'administrators'

Executive appointed either by direct election or by lot

General conditions

Small non-industrial community

Diffusion of ownership of property among the many; citizenship depends on property holding, i.e. a society of independent producers

Domestic service of women to free men for (non-domestic) work and politics

citizenry, as well as, it seems, the poor. Women are excluded because, unlike men, their capacity for sound judgement is clouded by 'immoderate passions' and, hence, they 'require' male protection and guidance in the face of the challenge of politics (see Rousseau, *Emile*, esp. Book V; Pateman, 1985, pp. 157–8). The poor appear to be outcasts because citizenship is conditional upon a small property qualification (land) and/or upon the absence of dependency on others (see Connolly, 1981, ch. 7).

There are other notable difficulties. Rousseau has been portrayed as advocating a model of democracy with, in the end, tyrannical

implications (see, e.g., Berlin, 1969, pp. 162–4). At the root of this charge is a concern that, because the majority is all-powerful in the face of individuals' aims and wishes, 'the sovereignty of the people' could easily destroy 'the sovereignty of individuals' (Berlin, 1969, p. 163). The problem is that Rousseau not only assumed that minorities ought to consent to the decisions of majorities but also posited no limits to the reach of the decisions of a democratic majority. (In *The Social Contract*, Book 4, ch. 8 he discusses the need to enforce common beliefs through a 'civil religion'.) While these difficulties do not pose fatal objections to all aspects of Rousseau's vision (see Pateman, 1985, pp. 159–62), it is hard to avoid the conclusion that he failed to reflect adequately upon the threats posed by 'public power' to all aspects of 'private life'. (This issue will be returned to in later sections of this chapter and in subsequent chapters.)

Rousseau's overriding concern was with what might be thought of as the future of democracy in a non-industrial community, that is, a community like his native 'republic of Geneva', which he greatly admired. His vision of democracy was evocative and challenging; but it was not connected to an account of politics in a world faced by rapid political change and by change of an altogether different kind: the industrial revolution, which was gathering pace at the end of the eighteenth century and beginning to undermine traditional community life. It was left to others to think through the nature of democracy in relation to these developments. In doing so, many came to see Rousseau's thought as utopian and/or irrelevant to 'modern' conditions. But this was – and is – by no means the judgement of all democratic theorists.

The public and the private

Reflecting on the significance of the French Revolution and the spread of radicalism to England and other parts of Europe, Mary Wollstonecraft (1759–97) found much in Rousseau's work to admire. Partly inspired by those events and the issues posed by Rousseau, Wollstonecraft wrote one of the most remarkable tracts of social and political theory, *Vindication of the Rights of Woman* (written in 1791 and published in 1792). While the text was received with considerable enthusiasm in the radical circles in which she moved (circles which included William Godwin and Thomas Paine), it was treated with the utmost scorn and derision in others (see Kramnick, 1982; Taylor, 1983; Tomalin, 1985). In fact, the latter reaction has

largely characterized the reception of *Vindication of the Rights of Woman* since its inception. The reasons for this lie at the very heart of its argument, an argument barely considered in political theory again until the work of John Stuart Mill and, then, along with his work on the subjection of women, much neglected thereafter. Mary Wollstonecraft is rarely considered one of the key theorists of developmental democracy, but she ought to be.

Wollstonecraft accepted the argument that liberty and equality were interwined. Like Rousseau, she was of the view that all those who are 'obliged to weigh the consequences of every farthing they spend' cannot enjoy liberty of 'heart and mind' (*Vindication*, p. 255). Like Rousseau, she argued that from excessive respect for property and the propertied flow many 'evils and vices of this world'. The possibility of an active, knowledgeable citizenry depends on freedom from poverty as well as freedom from a system of hereditary wealth which instils in the governing classes a sense of authority independent of any test of reason or merit. Wollstonecraft was firmly of the view that while poverty brutalizes the mind, living off wealth created by others encourages arrogance and habitual idleness (*Vindication*, pp. 252–3, 255). Human faculties can only be developed if they are used, and they will seldom be used 'unless necessity of some kind first set the wheels in motion' (*Vindication*, p. 252). And Wollstonecraft maintained, like Rousseau, that more equality must be created in society if citizens are to gain an enlightened understanding of their world, and if the political order is to be governed by reason and sound judgement. In a typically bold passage, she declared:

> The preposterous distinctions of rank, which render civilization a curse, by dividing the world between voluptuous tyrants and cunning envious dependents, corrupt, almost equally, every class of people, because respectability is not attached to the discharge of the relative duties of life, but to the station, and when the duties are not fulfilled the affections cannot gain sufficient strength to fortify the virtue of which they are the natural reward. (*Vindication*, pp. 256–7)

However, unlike Rousseau, Wollstonecraft could not accept the powerful strand in traditional political thinking which subsumed the interests of women and children under those of 'the individual', that is, the male citizen. Wollstonecraft was critical of any assumption of an identity of interests among men, women and children, and deeply critical of Rousseau's portrait of the proper relation between men

and women which denied women a role in public life (see *Vindication*, ch. 5). Although not the first to ask the question why it was that the doctrine of individual freedom and equality did not apply to women, she offered a more far-reaching analysis of this question than anyone before her and, indeed, after her for several generations to come (cf. Mary Astell, *Some Reflections upon Marriage*, first published 1700). For Wollstonecraft, the very failure to explore the issue of women's political emancipation had been detrimental not only to the equality of the lives of individual women and men, but also to the very nature of reason and morality themselves. In her view, relations between men and women were founded on largely unjustified assumptions (about natural differences between men and women) and unjust institutions (from the marriage contract to the direct absence of female representation in the state). In Wollstonecraft's words, this state of affairs was 'subversive' of human endeavours to perfect nature and sustain happiness (*Vindication*, pp. 87, 91). If the modern world is to be free of tyranny, not only must 'the divine right of kings' be contested, but 'the divine right of husbands' as well (p. 127). Given this standpoint, it is scarcely surprising, then, that *Vindication of the Rights of Woman* was treated with such alarm by so many people.

Against the widely accepted portrait of women as weak, volatile, 'unable to stand alone' and passive, 'insignificant objects of desire', Wollstonecraft argued that to the extent that women were pitiful creatures this was because of the way they had been brought up (*Vindication*, pp. 81–3). What was at issue was *not* women's natural capacities, but marked inadequacies in their education and circumstances. Isolated in domestic routines and limited by restricted opportunities, women's abilities to become full citizens were constantly attacked and undermined. Women *learned* a 'feminine ideal' which they were pressured on all sides to uphold; they were taught to be delicate, well mannered and uninterested in worldly affairs. Women's rank in life *prevented* them from performing the duties of citizens and, as a result, profoundly degraded them (*Vindication*, pp. 257–8). The position and education of 'ladies', for example, appeared to be designed to develop the necessary qualities for 'confinement in cages': 'like the feathered race, they have nothing to do but to please themselves, and stalk with mock majesty from perch to perch. It is true they are provided with food and raiment, for which they neither toil nor spin; but health, liberty and virtue are given in exchange' (p. 146). In short, what women are and can become is a product of human and historical arrangements, not a matter of natural differences.

It is necessary, therefore, Wollstonecraft contended, for political relations to be re-thought in connection with 'a few simple principles', accepted by most thinkers who have sought to challenge arbitrary and despotic powers (*Vindication*, p. 90). The pre-eminence of human beings over 'brute creation' consists in their capacity to reason, to accumulate knowledge through experience and to live a life of virtue. Humans can – and have a right to – order their existence according to the dictates of reason and morality. Human beings are capable of understanding the world and seeking the perfection of their nature (*Vindication*, p. 91). What distinguishes Wollstonecraft's invocation of these classic liberal tenets, however, from that of nearly all her predecessors is that she turned them against the 'masculine' assumptions of liberal and radical thinkers alike. Both men and women are born with a God-given capacity to reason, a capacity too often denied 'by the words or conduct of men' (*Vindication*, p. 91). 'If the abstract rights of men will bear discussion and explanation', Wollstonecraft avowed, 'those of women, by a parity of reasoning, will not shrink from the same test' (p. 87). And she concluded, if women are to be effective both in public *and* private life (as citizens, wives and mothers), they must, first and foremost, discharge their duties to themselves as rational beings (p. 259).

In order for women to be in a position to discharge their duties as well as possible, it is not enough merely to reform their position by, for instance, altering the nature of their education, as some seventeenth- and eighteenth-century figures had held. For the rule of reason is stifled by arbitrary authority in many forms. It is, in particular, 'the pestiferous purple', she says in a memorable phrase, 'which renders the progress of civilization a curse, and warps the understanding' (p. 99). Wollstonecraft directs most of her criticism at all those whose power and authority derive from inherited property and/or a system of titles. Three institutional groupings are singled out for especially harsh comment: the nobility, the Church and the army. Their privileges, idle lives and/or ill-thought-out projects – the corrupt relations which 'wealth, idleness, and folly, produce' – not only oppress women, but also 'a numerous class' of hard-working labourers (pp. 260, 317). Accordingly, it is the whole system of politics – 'if system it may courteously be called, consisting in multiplying dependents and contriving taxes which grind the poor to pamper the rich' – which must be altered if the rule of reason is to be firmly created (p. 256). Only when there is 'no coercion *established* in society', Wollstonecraft declared, will 'the sexes . . . fall into their proper place' (p. 88).

For women and men to enjoy liberty requires that they enjoy the conditions and opportunities to pursue self-chosen ends as well as social, political and religious obligations. What is especially important about Wollstonecraft's statement of this position is, it should be stressed, the deeply rooted connections it sets out between the spheres of 'the public' and 'the private': between the possibility of citizenship and participation in government, on the one hand, and obstacles to such a possibility anchored heavily in unequal gender relations, on the other. Her argument is that there can be little, if any, progressive political change without restructuring the sphere of private relations, and there can be no satisfactory restructuring of 'the private' without major transformations in the nature of governing institutions. Moreover, she endeavoured to show that private duties (to those closest to one, whether they be adults or children) 'are never properly fulfilled unless the understanding [reason] enlarges the heart' and that public virtue cannot properly be developed until 'the tyranny of man' is at an end; for 'public virtue is only an aggregate of private [virtue]' (*Vindication*, pp. 316, 318). The emancipation of women is, then, a critical condition of liberty in a rational and moral order.

Among the practical changes Wollstonecraft sought were a national system of education, new career opportunities for women ('women might . . . be physicians as well as nurses') and, though 'I may excite laughter', a 'direct share' for women in 'the deliberations of government' (p. 252ff). With such changes women might come to enjoy the opportunity to make a major contribution to society: 'she must not, if she discharge her civil duties, want individually the protection of civil laws; she must not be dependent on her husband's bounty for her subsistence during his life, or support after his death; for how can a being be generous who has nothing of its own? or virtuous who is not free?' (*Vindication*, p. 259). Given the financial wherewithal to sustain themselves and to contribute to the well-being of others, women would at last be in a position to become equal members of the polity. The social and political order would be transformed to the benefit of both women and men: order might then be based on no authority other than reason itself.

Wollstonecraft's work makes a significant contribution to the illumination of the interrelation between social and political processes and, thus, to a new appreciation of the conditions of democracy. Until the twentieth century, there were few, if any, writers who traced as perceptively as she did the relation between public and private spheres and the ways in which unequal gender

relations cut across both to the detriment of the quality of life in both. The radical thrust of her argument posed new questions about the complex conditions under which a democracy – open to the participation of both women and men – can develop. After Wollstonecraft, it is hard to imagine how political theorists could neglect the study of the different conditions for the possibility of male and female involvement in democratic politics. Yet after Wollstonecraft, relatively few did pursue such a line of inquiry. The reasons for this no doubt lie mainly in the dominance, as Mary Wollstonecraft would have understood it, of men in political and academic institutions; but a contributing factor lay in ambiguities in her thought itself.

To begin with, Wollstonecraft's work did not issue in a clear alternative model of democracy as, for instance, Rousseau's did before her or John Stuart Mill's after her. Wollstonecraft's arguments hovered uneasily between liberal principles familiar since Locke's *Second Treatise* and the more radical principles of a direct or participatory democracy. In *Vindication of the Rights of Woman* she indicated that an additional volume was soon to be written which would pursue the political implications of her analysis, but it never appeared (*Vindication*, p. 90). Wollstonecraft's exact view of the proper role of government and the state is regrettably unclear. Although she often speaks of the need to extend the participation of women (and labouring men) in government, and argues clearly for the extension of the franchise, the implications of these views for the forms and limits of government are not spelt out in any detail. To the extent that implications are drawn, they point in different and sometimes competing directions: to a model of liberal democracy, on the one hand, and to quite revolutionary democratic ideas, on the other (cf. Taylor, 1983, pp. 1–7).

The difficulties in unfolding Wollstonecraft's position are highlighted by the rather surprising boundaries she herself drew around the relevant audience for her work; in 'addressing my sex . . . I pay particular attention to those in the middle class, because they appear to be in the most natural state' (*Vindication*, p. 81). Leaving aside questions about what she meant by women living in 'the most natural state' (a phrase which is in some tension with her emphasis elsewhere on the historical nature of social relations), the issue is raised as to whether she was vindicating the rights of middle-class women only. Although such a position would itself have been a quite radical one to take at the time (most previous writers preoccupied with the position of women, as Wollstonecraft herself pointed out,

had generally addressed themselves exclusively to upper-class 'ladies'), it is curious that she thought to limit the application of her doctrine to the middle classes. That she did so wish to limit her doctrine is made even clearer when she wrote that an emancipated woman will have a 'servant-maid to take off her hands the servile part of the household business' (*Vindication*, pp. 254–5). Despite many of her arguments being of great relevance to the conditions of all women, Wollstonecraft does not seem to have applied them to all women: in fact, the emancipated woman seems to require female servants. Further evidence of this view is found in Wollstonecraft's discussion of women (and men) in the 'ranks of the poor' who – destined for domestic employment or manual trades – would, even in a reformed society, still need philanthropic attention and specialized schooling if they were to attain a modicum of enlightenment (see Kramnick, 1982, pp. 40–4; *Vindication*, p. 273ff).

None the less, Wollstonecraft set out central questions which any theory of democracy, which was not simply to assume that 'individuals' were men, would have to address in the future. One of the few who actually addressed these questions was, as previously noted, John Stuart Mill, who attempted to integrate concerns about gender into a new version of liberal democratic arguments. Mill's political thought is, of course, of the greatest importance. But even Mill, it should be borne in mind, did not pursue the implications for democracy of raising questions about gender as far as one must: it is only with the advent of contemporary feminism that the relevance and implications of many of Mary Wollstonecraft's ideas have begun to be fully appreciated (see chapters 8 and 9).

The centrality of liberty

John Stuart Mill (1806–73) largely set the course of modern liberal democratic thought. Writing during a period of intense discussion about the reform of British government institutions, Mill sought to defend a conception of political life marked by enhanced individual liberty, more accountable government and an efficient governmental administration unhindered by corrupt practices and excessively complex regulations. The threats to these aspirations came, in his view, from many places, including 'the establishment' which sought to resist change, the demands of newly formed social classes and groups who were in danger of forcing the pace of change in excess of their training and general preparedness, and the government

apparatus itself which, in the context of the multiple pressures generated by a growing industrial nation, was in danger of expanding its managerial role beyond desirable limits. Unfolding Mill's views on these issues brings into clear relief many of the questions that have become central to contemporary democratic thought.

If Bentham and James Mill were reluctant democrats but prepared to develop arguments to justify democratic institutions, John Stuart Mill was a clear advocate of democracy, preoccupied with the extent of individual liberty in all spheres of human endeavour. Liberal democratic or representative government was important for him, not just because it established boundaries for the pursuit of individual satisfaction, but because it was an important aspect of the free development of individuality. Participation in political life – voting, involvement in local administration and jury service – was vital, he maintained, to create a direct interest in government and, consequently, a basis for an informed and developing citizenry, male or female. Like Rousseau and Wollstonecraft, Mill conceived of democratic politics as a prime mechanism of moral self-development (cf. Macpherson, 1977, ch. 3; Dunn, 1979, pp. 51–3). The 'highest and harmonious' expansion of individual capacities was a central concern.[4] However, this concern did not lead him to champion non-representative democracy in any form; he was extremely sceptical, as we shall see, of all such conceptions.

Mill's absorption with the question of the liberty of individuals and minorities is brought out most clearly in his famous and influential study, *On Liberty* (1859). In examining his views, it is useful to begin with this text, for it sets down many of the distinctive elements of his thought. The aim of *On Liberty* is to elaborate and defend a principle which will establish 'the nature and limits of the power which can be legitimately exercised by society over the individual', a matter rarely explored by those who advocate direct forms of democracy (*On Liberty*, p. 59; and pp. 78–9 of this volume). Mill recognized that some regulation and interference in individuals' lives are necessary but sought an obstacle to arbitrary and self-interested intervention. He put the crucial point thus:

> The object . . . is to assert one very simple principle, as entitled to govern absolutely the dealings of society with the individual in the way of compulsion and control, whether the means used be physical force in the form of legal penalties or the moral coercion of public opinion. That principle is that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number is self-protection. That the only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others. (*On Liberty*, p. 68)

[4] Mill likened periodic voting to the passing of a 'verdict by a juryman', the considered outcome of a process of active deliberation about the facts of public affairs, not a mere expression of personal interest.

Social or political interference with individual liberty may be justified only when an act (or failure to act), whether it be intended or not, 'concerns others' and then only when it 'harms' others. The sole end of interference with liberty should be self-protection. In those activities which are merely 'self-regarding', i.e. only of concern to the individual, 'independence is, of right, absolute'; for 'over himself, over his own body and mind, the individual is sovereign' (*On Liberty*, p. 69).

Mill's principle is, in fact, anything but 'very simple'; its meaning and implications remain controversial (see Ryan, 1970). For instance, what exactly constitutes 'harm to others'? Does inadequate education cause harm? Does the existence of massive inequalities of wealth and income cause harm? Does the publication of pornography cause harm? But, leaving aside questions such as these for the moment, it should be noted that in his hands the principle generated a defence of many of the key liberties associated with liberal democratic government. The 'appropriate region of human liberty' became: first, liberty of thought, feeling, discussion and publication; secondly, liberty of tastes and pursuits ('framing the plan of our life to suit our own character'); and thirdly, liberty of association or combination assuming, of course, it causes no harm to others (*On Liberty*, pp. 71–2). The 'only freedom which deserves the name is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs or impede their efforts to obtain it' (*On Liberty*, p. 72). Mill contended, moreover, that the current practice of both rulers and citizens was generally opposed to his doctrine and unless a 'strong barrier of moral conviction' could be established against such bad habits, growing infringements on the liberty of citizens could be expected as the state expanded to cope with the pressures of the modern age (*On Liberty*, ch. 5).

The dangers of despotic power and an overgrown state

The distinctiveness of Mill's position becomes very clear if we set it, as he did, against what he took to be, first, the unacceptable nature of 'despotic power', which in various guises was still advocated by

some influential figures during his lifetime, and, secondly, the risk of ever greater infringements on the liberty of citizens if the state developed too rapidly in an attempt to control complex national and international problems. There was plenty of evidence, Mill maintained, to suggest that an 'overgrown state' was a real possibility. (It is interesting to note that Mill's arguments against absolutism parallel contemporary arguments against the possibility of centralized planning or 'planning in detail', while his arguments against a large, unwieldy state parallel many aspects of today's debates on the same topic.)

In *Considerations on Representative Government* (1861), Mill criticized the absolutist state (which he referred to as 'absolute monarchy') and, more generally, the despotic use of political power, first, for reasons of inefficiency and impracticality in the long run and, secondly, on the grounds of undesirability *per se*. Against all those who advocated a form of absolute power, Mill argued that it could lead to a 'virtuous and intelligent' performance of the tasks of government only under the following extraordinary and unrealizable conditions: that the absolute monarch or despot be not only 'good', but 'all-seeing'; that detailed information be available at all times on the conduct and working of every branch of government in every district of the country; that an effective share of attention be given to all problems in this vast field; that the capacity exist for a 'discerning choice' of all the personnel necessary for public administration (Mill, *Considerations*, pp. 202–3). The 'faculties and energies' presupposed for the maintenance of such an arrangement are, Mill says, beyond the reach of ordinary mortals and, hence, all forms of absolute power are unfeasible in the long run. But even if, for the sake of argument, we could find supermortals fit for absolute power would we want what we should then have: 'one man of superhuman mental activity managing the entire affairs of a mentally passive people?' (*Considerations*, p. 203). Mill's answer is an unambiguous 'no'; for any political system which deprives individuals of a 'potential voice in their own destiny' undermines the basis of human dignity, threatens social justice and denies the best circumstances for humans to enjoy 'the greatest amount of beneficial consequences deriving from their activities'.[5]

[5] Mill extensively criticized many of the assumptions of Bentham's utilitarian doctrines, introduced to him directly by his father and by Bentham himself (to whom he, for a time, served as secretary), but he affirmed the general principle of utility as the fundamental criterion for determining what are just ends, or what is right. However, his defence of this principle by no means led him to apply it unambiguously (cf. Ryan, 1974, ch. 4).

Human dignity would be threatened by absolute power for without an opportunity to participate in the regulation of affairs in which one has an interest, it is hard to discover one's own needs and wants, arrive at tried-and-tested judgements and develop mental excellence of an intellectual, practical and moral kind. Active involvement in determining the conditions of one's existence is the prime mechanism for the cultivation of human reason and moral development. Social justice would be violated because people are better defenders of their own rights and interests than any non-elected 'representative' can be and is ever likely to be. The best safeguard against the disregarding of an individual's rights is when he or she is able to participate routinely in their articulation. Finally, when people are engaged in the resolution of problems affecting themselves or the whole collectivity, energies are unleashed which enhance the likelihood of the creation of imaginative solutions and successful strategies. In short, participation in social and public life undercuts passivity and enhances general prosperity 'in proportion to the amount and variety of the personal energies enlisted in promoting it' (*Considerations*, pp. 207–8, 277–9).

The conclusion Mill draws from these arguments is that a representative government, the scope and power of which is tightly restricted by the principle of liberty, and *laissez-faire*, the principle of which should govern economic relations in general, are the essential conditions of 'free communities' and 'brilliant prosperity' (*Considerations*, p. 210).[6] Before commenting further on Mill's account of the 'ideally best form of polity' and the 'ideally best form of economy', it is illuminating to focus on what he considered a major modern threat to them: the overgrown state.

In *On Liberty*, Mill maintained that the power of despots and conquerors had been challenged in two crucial historical stages: first, 'by obtaining a recognition of certain immunities, called political liberties or rights, which it was to be regarded as a breach of duty on the ruler to infringe'; and secondly, through the establishment of constitutional checks by which the 'consent of the community' or a 'body that represents it' becomes a necessary condition of 'some of the more important acts of the governing power' (*On Liberty*, p. 60). When popular sovereignty or popular government was a mere dream, the notion that 'the people have no need to limit their power

[6] I shall not be concerned here with many of the apparent inconsistencies in Mill's argument. For example, he was quite prepared to justify despotic rule over 'dependent' territories. For an interesting recent commentary see Ryan (1983); and for a full study see Duncan (1971).

over themselves' was taken for granted. According to Mill, however, the recognition of an individual's rights and the importance of constitutional checks is as important now as ever. In explaining this state of affairs Mill placed a great deal of emphasis on the threats posed by what he perceived as two interrelated phenomena: 'the tyranny of the majority' and the burgeoning of governmental power.

From popular government to the threat of bureaucracy

The questions posed by the possibility of a tyrannous majority have already been raised in a number of different contexts: as issues of direct concern to the critics of classical democracy, as a problem addressed directly by defenders of protective democracy (Madison), as well as in relation to a notable silence in the work of Rousseau. However, it was the French theorist and historian Alexis de Tocqueville (1805–59) who most influenced Mill on this issue. In his major study, *Democracy in America*, de Tocqueville had argued that the progressive enfranchisement of the adult population, and the extension of democracy in general, created a levelling process in the broad social conditions of all individuals. On behalf of the *demos*, government was inevitably being turned against the privileges of the old ranks and orders; in fact, against all traditional forms of status and hierarchy. These developments, in de Tocqueville's view, fundamentally threatened the possibility of political liberty and personal independence. Among the many phenomena on which he dwelt was the ever-growing presence of government in daily life as an intrusive regulatory agency. In the midst of 'the democratic revolution', the state had become the centre of all conflict: the place where policy, on nearly all aspects of life, was fought over. On the assumption that it was an essentially 'benign' apparatus, the state had come to be regarded as the guarantor of public welfare and progressive change. De Tocqueville thought this assumption gravely mistaken and, if not countered in theory and practice, would become a recipe for capitulation to 'the dictate' of the public administrator.[7] This

[7] De Tocqueville recommended a series of countervailing forces, including the decentralization of aspects of government, strong independent associations and organizations in political, social and economic life to stand between the individual and the state, and the nurturing of a culture which respected the spirit of liberty, to help form barriers to the exercise of excessive centralized power (see Krouse, 1983; Dahl, 1985, ch. 1). De Tocqueville's broad 'pluralistic vision of society' was largely shared by Mill, despite his criticism of several aspects of de Tocqueville's position (see Mill, 'M. de Tocqueville on Democracy in America').

concern was among several issues taken up by Mill and analysed by him in a distinctive way.

Mill's views on the growth of governmental power can be set out as follows:

(1) The modern apparatus of government, with each addition of function (transportation, education, banking, economic management), expands.

(2) As government expands, more and more 'active and ambitious' people tend to become attached and/or dependent on government (or on a party seeking to win control of the governmental apparatus).

(3) The greater the number of people (in absolute and relative terms) who are appointed and paid by government, and the more central control of functions and personnel there is, the greater the threat to freedom; for if these trends are unchecked 'not all the freedom of the press and popular constitution of the legislature would make this or any other country free otherwise in name' (*On Liberty*, p. 182).

(4) Moreover, the more efficient and scientific the administrative machinery becomes, the more freedom is threatened.

Mill summarizes the essence of these points eloquently:

> If every part of the business of society which required organized concert, or large and comprehensive views, were in the hands of the government and if government offices were universally filled by the ablest men, all the enlarged culture and practised intelligence in the country, except the purely speculative, would be concentrated in a numerous bureaucracy, to whom alone the rest of the community would look for all things – the multitude for direction and dictation in all they had to do; the able and aspiring for personal advancement. To be admitted into the ranks of this bureaucracy and when admitted, to rise therein, would be the sole objects of ambition. (*On Liberty*, pp. 182–3)

But his argument is by no means complete with these points, for there are other significant considerations concerning the special impact of an overgrown governmental apparatus on 'the multitude':

(5) If administrative power expands ceaselessly, citizens – for want of practical experience and information – would become increasingly ill informed and unable to check and monitor this power.

(6) No initiatives in policy matters, even if they stemmed from public pressure, would be taken seriously unless they were compatible with 'the interest of the bureaucracy'.

(7) The 'bondage' of all to the state bureaucracy would be even more complete and would even extend to the members of the bureaucracy themselves. 'For the governors are as much the slaves of their organization and discipline as the governed are of the governors' (*On Liberty*, p. 184). The routine of organizational life substitutes for the 'power and activities' of individuals themselves; under these conditions, creative mental activity and the potential progressiveness of the governing body become stifled. Mill put the point this way:

> Banded together as they are – working a system which, like all systems, necessarily proceeds in a great measure by fixed rules – the official body are under the constant temptation of sinking into indolent routine, or, if they now and then desert that mill-horse round, of rushing into some half-examined crudity which has struck the fancy of some leading member of the corps, and the sole check to these closely allied, though seemingly opposite, tendencies, the only stimulus which can keep the ability of the body itself up to a high standard, is liability to the watchful criticism of equal ability outside the body. It is indispensable, therefore, that the means should exist, independently of the government, of forming such ability and furnishing it with the opportunities and experience necessary for a correct judgement of great practical affairs. (*On Liberty*, pp. 184–5)

Among the examples Mill cites of the domination of officials over society is, most notably, 'the melancholy condition of Russia'. The Tsar himself is 'powerless against the bureaucratic body' of the state: he can 'send any one of them to Siberia but he cannot govern without them or against their will' (*On Liberty*, p. 183).

Representative government

What, then, did Mill consider the 'ideally best polity'? In general terms, Mill argued for a vigorous democracy to offset the dangers of an overgrown, excessively interventionist state. He seemed to draw a sharp contrast between democracy and bureaucracy: democracy could counter bureaucracy. But several questions arose from this general formulation which posed dilemmas for Mill, as they do for all liberals and liberal democrats. First, how much democracy should there be? How much of social and economic life should be democratically organized? Secondly, how can the requirements of participation in public life, which create the basis for the democratic control of the governors, be reconciled with the requirements of skilled administration in a complex mass society? Is democracy compatible with skilled, professional government? Thirdly, what are the legitimate limits of state action? What is the proper scope for individual as against collective action? It is worth looking briefly at Mill's response to each of these questions.

According to Mill, the ancient Greek idea of the *polis* could not be sustained in modern society. The notion of self-government or government by open meeting is, he held (in accord with the liberal tradition as a whole), pure folly for any community exceeding a single small town. Beyond small numbers, people cannot participate 'in any but some very minor portions of the public business' (*Considerations on Representative Government*, pp. 217–18). Apart from the vast problems posed by sheer numbers, there are obvious geographical and physical limits to when and where people can meet together: these limits are hard to overcome in a small community; they cannot be overcome in a large one. The problems posed by coordination and regulation in a densely populated country are insuperably complex for any system of classical or direct democracy (*Considerations*, pp. 175–6, 179–80). Moreover, when government is government by all citizens there is the constant danger that the wisest and ablest will be overshadowed by the lack of knowledge, skill and experience of the majority. The latter can be slowly countered by experience in public affairs (voting, jury service, extensive involvement in local government), but only to a limited extent. Hence, the 'ideally best polity' in modern conditions comprises a representative democratic system in which people 'exercise through deputies periodically elected by themselves the ultimate controlling power' (*Considerations*, p. 228).

A representative system, along with freedom of speech, the press and assembly, has distinct advantages: it provides the mechanism whereby central powers can be watched and controlled; it establishes a forum (parliament) to act as a watchdog of liberty and centre of reason and debate; it harnesses through electoral competition leadership qualities with intellect for the maximum benefit of all (*Considerations*, pp. 195, 239–40). Mill argued that there was no desirable alternative to representative democracy, although he was aware of certain of its costs. Today, he wrote, representative democracy and the newspaper press are 'the real equivalent, though not in all respects an adequate one, of the Pnyx and the Forum' (p. 176ff). Participation in political life is sadly but inescapably limited in a large-scale, complex, densely populated society.

Mill ultimately, however, trusted extraordinarily little in the judgement of the electorate and elected. While arguing that universal suffrage was essential, he was at pains to recommend a complex system of plural voting so that the masses, the working classes, 'the democracy', would not have the opportunity to subject the political order to what he labelled simply as 'ignorance' (p. 324). Given that individuals are capable of different kinds of things and only a few have developed their full capacities, would it not be appropriate if some citizens have more sway over government than others? Regrettably for the cogency of Mill's argument, he thought as much and recommended a plural system of voting; all adults should have a vote but the wiser and more talented should have more votes than the ignorant and less able.[8] Mill took occupational status as a rough guide to the allocation of votes and adjusted his conception of democracy accordingly: those with the most knowledge and skill (who happened to have the better rewarded and most privileged jobs) could not be outvoted by those with less, i.e. the working classes. But, escape from the rule of 'the operative classes' and, for that matter, from the self-interested rule of the propertied classes – from political ignorance in its most dangerous form and class legislation in its narrowest expression (*Considerations*, p. 324) – lay not only in a voting system to prevent this state of affairs ever coming about; it lay also in a guarantee of expertise in government. How could this be ensured?

There is a 'radical distinction', Mill argued, 'between controlling the business of government and actually doing it' (pp. 229–30). Control and efficiency increase if people do not attempt to do everything. The business of government requires skilled employment (p. 335). The more the electorate meddles in this business, and the more deputies and representative bodies interfere with day-to-day administration, the greater the risk of undermining efficiency, diffusing lines of responsibility for action and reducing the overall benefits for all. The benefits of popular control and of efficiency can only be had by recognizing that they have quite different bases:

> There are no means of combining these benefits except by separating the functions which guarantee the one from those which guarantee the other; by disjoining the office of control and criticism from the actual conduct of affairs and devolving the former on the representatives of the many, while securing for the latter, under strict responsibility to the nation, the acquired knowledge and practised intelligence of a specially trained and experienced Few. (*Considerations*, p. 241)

[8] There is evidence in *Considerations on Representative Government* that Mill saw plural voting as a transitional educative mechanism which would eventually (when the masses attained higher moral and intellectual standards) be replaced by a system of one-person-one-vote. The reasons why those with several votes would be willing to give them up at a subsequent stage are not, however, fully explained.

Parliament should appoint individuals to executive positions; it should provide the central forum for the articulation of wants and demands and for the pursuit of discussion and criticism; it should act as the final seal of national approval or assent. But it should not administer or draw up the details of legislation; for it has no competence in this domain.[9]

Representative democracy, thus understood, can combine accountability with professionalism and expertise. It can combine the advantages of bureaucratic government without the disadvantages (table 3.1). The latter are offset by the vitality injected into government by democracy (*Considerations*, pp. 246–7). Mill valued both democracy and skilled government and believed firmly that each was the condition of the other: neither was attainable alone. And to achieve a balance between them was, he thought, one of the most difficult, complicated and central questions 'in the art of government' (*On Liberty*, p. 168).

Table 3.1 Summary of advantages and disadvantages of government by bureaucracy according to Mill

Advantages	*Disadvantages*
Accumulates experience	Inflexibility
Acquires well-tested maxims	Rigid routines
Ensures skills in those who actually conduct affairs	Loses its 'vital principle'
Persistent pursuit of ends	Undermines individuality and individual development thus limiting innovation

[9] In fact, Mill went so far as to recommend that parliament should have only a right of veto on legislation proposed and drawn up by a non-elected commission of experts.

The question remains: in what domains of life might or should the democratic state intervene? What are the proper limits of state action? Mill sought to specify these clearly via the principle of individual liberty: self-protection is the sole end which warrants interference with freedom of action. The state's activity should be restricted in scope and constrained in practice in order to ensure the maximum possible freedom of every citizen. The latter can be secured through representative democracy combined with a free-market political economy. In *On Liberty* Mill spoke of the doctrine of *laissez-faire* as resting on grounds equally solid with the principle of liberty. He regarded all restraints on trade as evil – *qua* restraints – and ineffective because they did not produce the desired result, that is, the maximization of the economic good: the maximum economic benefit for all (*On Liberty*, pp. 164–5). Although there are significant ambiguities in Mill's argument (over state intervention to protect workers in dangerous occupations, for instance), the thrust of *On Liberty* is that the reduction of relations between people to those of economic exchange on the market and minimal interference by the state is the best avenue for the protection of individual rights and the maximization of beneficial consequences including, importantly, the possibility of self-development. In other works (notably *Principles of Political Economy*, first published in 1848 but revised in significant ways by its third edition, 1852), Mill's defence of *laissez-faire* is somewhat more equivocal; extensive arguments are offered for government intervention to resolve 'coordination problems' and to provide public goods such as education.

None the less, Mill arrives at a vision of reducing to the lowest possible extent the coercive power and regulatory capacity of the state. It is a vision we might refer to as liberal democracy's conception of 'dynamic harmonious equilibrium': dynamic, because it provides for the free self-development of individuals; harmonious equilibrium, because competitive political and economic relations, based on equal exchange, apparently make control of society in many respects superfluous. Arbitrary and tyrannical forms of power are not only challenged as a matter of principle but rendered unnecessary by competition which creates, as one commentator put it, 'the only natural and just organization of society: organization according to merit . . . everyone stands in the place [s]he merits' (Vajda, 1978, p. 856). The 'hidden hand' of the market generates economic efficiency and economic equilibrium in the long run, while the representative principle provides the political basis for the protection of freedom.

The subordination of women

If Mill accepts the equation of politics with, above all, the sphere of government and governmental activity, and the necessity to draw a sharp division between state and society, he is remarkable in breaking with the dominant masculine assumptions of the liberal tradition by counting women as 'mature adults' with a right to be 'free and equal' individuals. It is important to dwell on his position on these issues for a moment; for they raise, along with Wollstonecraft's reflections, vital questions about the conditions for the participation of women and men in a democracy. The liberal tradition has generally taken for granted that 'the private world' free of state interference is a non-political world and that women naturally find their place in this domain. Accordingly, women are located in a wholly marginal position in relation to the political and the public. While maintaining a strict conception of what should be and what should not be a public matter, Mill did not map the 'genderic' split (man–woman) on to the political–non-political dichotomy (cf. Siltanen and Stanworth, 1984, pp. 185–208).

In the (until recently) much-neglected *The Subjection of Women* (1869), Mill criticized directly, as Wollstonecraft had done before him, conceptions of women's nature based exclusively on domestic roles, affective relations and commitments to home and family life. If women have been conventionally *defined* in terms of the latter by men and sometimes, indeed, by women themselves, it is because for the vast portion of human history they have been restricted in the scope of their lives and activities. The subordination of women to men – in the home, in work life and in politics – is 'a single relic of an old world of thought and practice' (*Subjection*, p. 19). Despite the declaration by many that equality of rights has been achieved, there lingers, Mill affirmed, a 'primitive state of slavery' which has not lost 'the taint of its brutal origin' (*Subjection*, pp. 5–6). The relation between men and women was 'grounded on force' and, although some of its most 'atrocious features' have softened with time, 'the law of the strongest' has been enshrined in 'the law of the land' (see *Subjection*, pp. 1–28). Ever since Locke rejected the view that some men have an inherent and natural right to govern, liberals have given a prominent place to the establishment of the consent of the governed as the means to ensure a balance between might and right. Yet the notion that men are the 'natural' masters of women has been generally left unquestioned. The position of women, Mill concluded, is

a wholly unwarranted exception to the principles of individual liberty, equal justice and equality of opportunity – a world in which authority and privilege ought to be linked directly to merit, not institutionalized force.

The Subjection of Women was certainly an argument for the enfranchisement of women, but it was not only that. Nor was it merely an extension of the arguments Mill made in *On Liberty* and *Considerations on Representative Government*, although in many respects it was that as well (Mansfield, 1980, pp. ix–xix). Mill's position was novel amongst those of liberal democrats in its insistence on the impossibility of the realization of human happiness, freedom and democracy while the inequality of the sexes persisted. The subordination of women has created fundamental 'hindrances to human improvement' (*Subjection*, p. 1). In the first instance, it has led to the underestimation of the significance of women in history and the overestimation of the importance of men. The result has been a distorting effect on what men and women think about their own capabilities: men's abilities have almost constantly been overinflated, while women's capacities have been almost everywhere underestimated. The sexual division of labour has led, moreover, to the partial and one-sided development of the characters of women and men. Women have suffered 'forced repression in some directions' becoming, for instance, excessively self-sacrificing, and 'unnatural stimulation in others' searching, for example, for incessant (male) approval (*Subjection*, p. 21ff). On the other hand, men have become above all self-seeking, aggressive, vain and worshippers of their own will. The ability of both sexes to respect merit and wisdom has been eroded. Too often men believe themselves to be beyond criticism and women acquiesce to their judgement to the detriment of government and society generally.

> Think what it is to a boy, to grow up to manhood in the belief that without any merit or any exertion of his own, though he may be the most frivolous and empty or the most ignorant and stolid of mankind, by the mere fact of being born a male he is by right the superior of all and every one of an entire half of the human race: including probably some whose real superiority to himself he has daily or hourly occasion to feel; but even if in his whole conduct he habitually follows a woman's guidance, still, if he is a fool, he thinks that of course she is not, and cannot be, equal in ability and judgement to himself; and if he is not a fool, he does worse – he sees that she is superior to him, and believes that, notwithstanding her superiority, he is entitled to command and she is bound to obey. What must be the effect . . . of this lesson? (*The Subjection of Women*, p. 80)

The inequality of the sexes has deprived society of a vast pool of talent. If women had 'the free use of their faculties' along with 'the same prizes and encouragements' as men, there would be a doubling of the 'mass of mental faculties available for the higher service of humanity' (*Subjection*, p. 83).

The injustice perpetuated against women has depleted the human condition:

> every restraint on the freedom of conduct of any of their human fellow-creatures (otherwise than by making them responsible for any evil actually caused by it) dries up *pro tanto* the principal fountain of human happiness, and leaves the species less rich, to an inappreciable degree, in all that makes life valuable to the individual human being. (*Subjection*, p. 101)

For Mill, only 'complete equality' between men and women in all legal, political and social arrangements can create the proper conditions for human freedom and a democratic way of life. In turning many key liberal principles against the patriarchal structure of state and society, Mill was arguing that the emancipation of humanity is inconceivable without the emancipation of women.

While Wollstonecraft reached this conclusion before Mill, and no doubt countless other unrecorded women reached it earlier, it was a striking conclusion for someone in Mill's position to champion.[10] *The Subjection of Women*'s uncompromising attack on male domination is probably the key reason for its relative obscurity when considered in relation to his, for example, 'academically acceptable' *On Liberty* (Pateman, 1983, p. 208). But radical as the attack unquestionably was, it was not without ambiguities. Two should be stressed. First, the whole argument rests rather uneasily with Mill's narrow conception of the political. The principle of liberty could be taken to justify a massive range of state initiatives to restructure, for instance, economic and childcare arrangements so that women might be better protected against the 'harm' caused by inequality and might gain the chance to develop their own interests. However, Mill does not appear to interpret the principle in this way. The new policies he defended were, while of the greatest significance, limited; they included the enfranchisement of women, reform of the marriage laws

[10] Some scholars have argued that Mill's position owes a great deal to Harriet Taylor, for many years a friend and from 1851 until her death in 1858 his wife (see Eisenstein, 1980), while others have claimed it owes a good deal to William Thompson's *Appeal of One Half the Human Race*, published in 1825 (see Pateman, 1983, p. 211).

to strengthen the independent position of women in the family, and suggestions to help create equal educational opportunities (see Mansfield, 1980, pp. xxii–iii). The limits Mill placed on legitimate state action are to be explained in part by his belief that women, once they attained the vote, would be in an advantageous position to specify further the conditions of their own freedom. The position would be advantageous because if the 'emancipation' of women were left to existing political agencies, it would be distorted by traditional patriarchal interests: women must enjoy equal rights in order that they can explore their own capacities and needs. On the other hand, Mill probably did not think through more interventionist strategies because they would infringe upon the liberty of individuals to decide what was in their own best interests. Individuals must be free of political and social impediments to choose how to arrange their lives – subject, of course, to their choices causing no 'harm' to others. But this proviso radically weakens the political implications of Mill's analysis; for it leaves the powerful (men) in a strong position to resist change in the name of liberty and freedom of action.

Secondly, Mill does not analyse in any detail the domestic division of labour. Without the sharing of domestic duties, the ability of women actively to pursue courses of action of their own choosing is considerably weakened. Mill reveals his ultimate view of the role of women by assuming that even if there were a 'just state of things' most women would rightly choose – as 'the first call upon her exertions' – to marry, raise children and manage households exclusively (see *The Subjection of Women*, pp. 47–8; Okin, 1979; Pateman, 1983). Without pursuing arguments about the obligations men must accept with respect to the care of children and households, and about the loss of unjustifiable privileges to which they must adapt (issues returned to later), the conditions of human freedom and democratic participation cannot be adequately analysed. But despite Mill's failing in this regard – a failing he shares to some extent with Wollstonecraft (whose own esteem for motherhood led her on occasion to adopt a fairly uncritical view of the duties of fathers) – it is hard to underestimate the importance of his contribution in *The Subjection of Women* and its unsettling consequences for the liberal democratic tradition as a whole.

Competing conceptions of the 'ends of government'

Liberty and democracy create, according to Mill, the possibility of 'human excellence'. Liberty of thought, discussion and action are

necessary conditions for the development of independence of mind and autonomous judgement; they are vital for the formation of human reason or rationality. In turn, the cultivation of reason stimulates and sustains liberty. Representative government is essential for the protection and enhancement of both liberty and reason. A system of representative democracy makes government accountable to the citizenry and creates wiser citizens capable of pursuing the public interest. It is thus both a means to develop self-identity, individuality and social difference – a pluralistic society – and an end in itself, an essential democratic order. If, in addition, all obstacles to women's participation in politics are removed, there will be few 'hindrances to the improvement of humankind'. Model IIIb summarizes Mill's position in broad terms.

Towards the close of *Considerations on Representative Government*, Mill summarized the 'ends of government' in the following way: 'Security of person and property and equal justice between individuals are the first needs of society and the primary ends of government: if these things can be left to any responsibility below the highest, there is nothing, except war and treaties, which requires a general government at all' (p. 355). One needs to ask at this point whether Mill was trying to 'reconcile irreconcilables' (Marx, *Capital*, vol. I, p. 16). For Mill's work entails the attempt to link together into a coherent whole security of person and property, equal justice, and a state strong enough to prevent or prosecute wars and sustain treaties. In fact, Mill's work lends itself to a variety of interpretations concerning not only matters of emphasis but the very political thrust of liberalism and liberal democracy. There are, at least, three possible interpretations worth emphasizing.

First, Mill tried to weave arguments for democracy together with arguments to 'protect' the modern political world from 'the democracy'. While he was extremely critical of vast inequalities of income, wealth and power (he recognized, especially in his later writings, that they prevented the full development of most human beings and especially the working classes), he stopped far short of a commitment to political and social equality. In fact, Mill's views could be referred to as a form of 'educational elitism', since they clearly seek to justify a privileged position for those with knowledge, skill and wisdom: in short, for a modern version of philosopher-kings. The leading political role in society is allotted to a class of intellectuals, who, in Mill's system of vote allocation, hold substantial voting power. He arrives at this view through his emphasis on the importance of education as a key force in liberty and emancipation.

In sum: model IIIb

Developmental Democracy

Principle(s) of justification

Participation in political life is necessary not only for the protection of individual interests, but also for the creation of an informed, committed and developing citizenry. Political involvement is essential to the 'highest and harmonious' expansion of individual capacities

Key features

Popular sovereignty with a universal franchise (along with a 'proportional' system of vote allocation)

Representative government (elected leadership, regular elections, secret ballot etc.)

Constitutional checks to secure limitations on, and divisions in, state power and to ensure the promotion of individual rights, above all those connected with freedom of thought, feeling, taste, discussion, publication, combination and the pursuit of individually chosen 'life plans'

Clear demarcation of parliamentary assembly from public bureaucracy, i.e. the separation of the functions of the elected from those of the specialist (expert) administrator

Citizen involvement in the different branches of government through the vote, extensive participation in local government, public debates and jury service.

General conditions

An independent civil society with minimum state interference

Competitive market economy

Private possession and control of the means of production alongside experiments with 'community' or cooperative forms of ownership

Political emancipation of women, but preservation in general of traditional domestic division of labour

System of nation-states with developed international relations

Note: It is important to recall that Mill is building on and developing aspects of the liberal tradition and, hence, many of the features and conditions of developmental democracy are similar to those in model II (see p. 70).

It is a position fully committed to the moral development of all individuals but which simultaneously justifies substantial inequalities in order for the educators to be in a position to educate the ignorant. Thus, Mill presents some of the most important arguments on behalf of the liberal democratic state alongside arguments which would in practice cripple its realization.

Secondly, Mill's arguments concerning free-market political economy and minimal state interference anticipate later 'neo-liberal' arguments (see model VII: legal democracy, in chapter 8). According to this position, the system of law should maximize the liberty of citizens – above all, secure their property and the workings of the economy – so that they may pursue their chosen ends unhindered. Vigorous protection of individual liberty allows 'the fittest' (the most able) to flourish and ensures a level of political and economic freedom which benefits all in the long run.

Thirdly, while Mill remained throughout most of his life firmly of the opinion that the liberal state should be neutral between competing individuals' goals and styles of life (individuals should be left as free as possible) some of his ideas can be deployed to justify a 'reformist' or 'interventionist' view of politics (see chapter 6). For Mill's liberal democratic state is assigned an active role in securing people's rights through the promotion of laws designed to protect groups such as ethnic minorities and to enhance the position of women. Additionally, if we take Mill's principle of liberty seriously, that is, explore those instances in which it would be justified to intervene politically to prevent 'harm' to others, we have, at the very least, an argument for a fully fledged 'social democratic' conception of politics. Occupational health and safety, maintenance of general health, and protection from poverty (in fact, all those areas of concern to the welfare state after the Second World War) might be included as part of the sphere for legitimate state action to prevent harm. In the *Principles of Political Economy* (third edition), Mill adopted such a line of reasoning and argued not only that there should be many exceptions to *laissez-faire* economic doctrines but also that all workers should experience the educational effects of ownership and control of the means of production. While he certainly believed that the principle of individual private property will and ought to be the dominant form of property for the foreseeable future, he advocated practical experiments with different types of ownership to help find the most advantageous form for 'the improvement of humanity' (see *Principles of Political Economy* and Mill's essays on socialism, originally published in 1879, G. L. Williams, 1976,

pp. 335–58). Taken together, these views can be read as one of the earliest statements of the idea of the welfare interventionist state and the mixed economy (Green, 1981).

4

Direct Democracy and the End of Politics

Karl Marx (1818–83) and Friedrich Engels (1820–95) relentlessly attacked the idea of a 'neutral' liberal state and 'free' market economy. In an industrial capitalist world the state could never be neutral nor the economy free. John Stuart Mill's liberal democratic state might claim to be acting on behalf of all citizens, it might defend its claim to legitimacy with the promise to sustain 'security of person and property' while promoting simultaneously 'equal justice' between individuals. But this promise cannot, Marx and Engels argued, be realized in practice. 'Security of person' is contradicted by the reality of class society where most aspects of an individual's life – the nature of opportunities, work, health, lifespan – are determined according to his or her location in the class structure. What faith can be placed in the promise to guarantee 'security of person' after a comparison is made between the position of the unemployed, or the worker in a factory doing routinely dull and unrewarding tasks in dangerous conditions, and the position of the small and wealthy group of owners and controllers of productive property living in conditions of more or less sumptuous luxury? What meaning can be given to the liberal state's promise of 'equal justice' between individuals when there are massive social, economic and political inequalities?

Marx and Engels – who were born in Germany, but lived most of their working lives in England – broke decisively with the terms of reference of the liberal and liberal democratic traditions. Although Marx's works will be focused upon here, in order to understand how both men conceived of politics, democracy and the state it is necessary to grasp their overall assessment of the place of the individual in society, the role of property relations and the nature of capitalism. Only by unpacking their analysis of the latter can one

approach an understanding of their evaluation of the fate of liberal democracy and their unswerving promotion of a wholly different model.

Class and class conflict

Human beings as 'individuals'; individuals in competition with one another; freedom of choice; politics as the arena for the maintenance of individual interests, the protection of 'life, liberty and estate'; the democratic state as the institutional mechanism for the articulation of the framework for the pursuit of private initiatives in civil society and public concerns in the 'process of government': all these are preoccupations of the liberal democratic tradition. While Marx and Engels did not deny that people had unique capacities, desires and an interest in free choice, they attacked the idea that the starting point of the analysis of political life and its most desirable organizational form can be the individual, and his or her relation to the state. As Marx put it, 'man is not an abstract being squatting outside the world. Man is the human world, the state, society' (*The Critique of Hegel's Philosophy of Right*, p. 131, modified translation). Individuals only exist in interaction with and in relation to others; their nature can only be grasped as a social and historical product. It is not the single, isolated individual who is active in historical and political processes, but rather human beings who live in definite relations with others and whose nature is defined through these relations. An individual, or a social activity, or an institution (in fact, any aspect of human life) can only be properly explained in terms of its historically evolving interaction with other social phenomena, a dynamic and changing process of inextricably related elements.

The key to understanding the relations between people is, according to Marx and Engels, class structure (see Giddens and Held, 1982, pp. 12–39 for an overview). Class divisions are not, they maintain, found in all forms of society: classes are a creation of history, and in the future will disappear. The earliest types of 'tribal' society were classless. This is because, in such types of society, there was no surplus production and no private property: production was based upon communal resources and the fruits of productive activity were distributed throughout the community as a whole. Class divisions arise only when a surplus is generated, such that it becomes possible for a class of non-producers to live off the productive activity of others. Those who are able to gain control of the means of production form a dominant or ruling class both economically and politically. Class relations for Marx and Engels are thus necessarily exploitative and imply divisions of interest between ruling and subordinate classes. Class divisions are, furthermore, inherently conflictive and frequently give rise to active class struggle.

It is striking, and worth stressing from the outset, that Marx wrote virtually nothing about possible intersections between class exploitation and the exploitation of women. Engels did attempt such a task, however, in *The Origins of the Family, Private Property, and the State*. In this book he tried essentially to link the origins of sexual domination to the emergence of private property, especially private ownership of the means of production, which in turn was regarded as the condition of the development of the state. The earliest forms of society, according to Engels, were matriarchal: women were more powerful than men. But this relation between the sexes became reversed with the formation of private property. Although Engels's view of how this process occurred is not altogether clear, he associated it directly with the advent of private property and therefore class, since men assumed supremacy to protect inheritance. Accordingly, sexual exploitation in Engels's analysis is explained as an offshoot of class exploitation.

> The modern individual family is based on the open or disguised domestic enslavement of women . . . Today, in the great majority of cases, the man has to be the earner, the bread-winner of the family . . . and this gives him a dominating position which requires no special legal privileges. In the family, he is the bourgeois; the wife represents the proletariat. (Engels, *The Origins*, p. 510)

Engels was not reluctant to draw the implications of this standpoint: with the transcendence of capitalism, and thus of class divisions, sexual exploitation will also disappear. The development of capitalism, he believed, paves the way for the overcoming of sexual exploitation because the main form of deprivation to which women are subject in capitalist society – exclusion from equal participation in the labour force – is to an extent overcome by an increase in female involvement in wage-labour. In a future society, equality of participation in production will be the basis of achieving equality in other spheres.[1] Engels and Marx adopted a similar

[1] Although opinion is somewhat divided on the matter, most commentators are agreed that there is little in Engels's account that can be defended today. The sources which Engels drew upon for evidence of the existence of a matriarchal stage of society have been substantially discredited. Contemporary anthropology seems

position with respect to racial inequalities. For them, class and class struggle form the chief mechanism or 'motor' of historical development.

History as evolution and the development of capitalism

In order to understand historical development adequately, it is essential to analyse how 'people make history' but not always 'in circumstances of their own choosing' because the latter are 'given and transmitted from the past' (Marx, *The Eighteenth Brumaire of Louis Bonaparte*, p. 15). To grasp 'the basis of all history', as Marx put it, is to grasp how the creative acts of humans are constrained and enabled by the resources which people can command, by the productive techniques at their disposal and by the form of society which exists as a result of the efforts of preceding generations. To ignore this set of processes is to neglect the very foundations of human existence. To explicate it, by contrast, is to establish the conditions of different forms of human association, and of the possibilities of politics in each era.

Two general concepts – 'social formation' and 'mode of production' – help unlock the historical process (although only the latter was explicitly used by Marx and Engels). Social formation connotes a web of relations and institutions which constitute a society. The web consists of a combination of economic, political and cultural phenomena including a particular type of economy, system of power, state apparatus and cultural life, all of which have definite interconnections with one another. These interconnections, Marx maintained, can be uncovered by analysing the 'mode of production'. A mode of production designates the essential structure of a society: the social relations of production. These relations specify the dominant way in which surplus production is extracted and appropriated. Modern Western societies or social formations are, according to Marx and Engels, capitalist because they are characterized by the extraction of surplus production in the form of 'surplus value', the value generated by workers in the productive process over and above their wages and appropriated by the owners of capital (see, especially, Marx, 'Value, Price and Profit'). The division between

to have been unable to come up with a single authenticated instance of a society in which women are dominant over men, although there are considerable variations in relations of power between the sexes in different societies. The connection Engels drew between private property and male domination also appears invalid; no direct relation of this kind seems to exist (see Hartmann, 1976; Coward, 1983; Moore, 1987).

those with capital and those who only have their labouring capacity to sell demarcates the fundamental basis of exploitation and conflict in the modern epoch, and establishes the key social and political, i.e. class, relations. 'Capitalists' own factories and technology, while wage-labourers, or 'wage-workers', are propertyless. As capitalism develops, the vast majority of the population become wage-workers, who have to sell their labour-power on the market to secure a living.

Modes of production are, however, complex combinations of relations and forces of production. What Marx meant by this is set out in summary form in table 4.1. While the social relations of production are pivotal, around them typically crystallizes a variety of interconnected relations and organizations (1(*b*) and (*c*) in table 4.1). The exact form these take (for instance, the structure of trade unions) depends on historical circumstances and the balance of struggle between social classes. Forces of production comprise those things which are directly employed in the productive process itself.

Table 4.1 Elements of a mode of production

1 *Relations of production*
- (*a*) Social relations of production, e.g. wage-labour/capital relation
- (*b*) Secondary (or indirect) productive relations, e.g. labour and capital organizations, patterns of family life
- (*c*) Politically derivative relations, e.g. state, educational institutions, i.e. a complex of relations and institutions serving (*a*) and (*b*)

2 *Forces of production*
- (*a*) Means of production, i.e. material means or instruments of production
- (*b*) Technical methods
- (*c*) Natural and human resources employed in production
- (*d*) Organization of work, largely determined by 1(*a*), (*b*) and (*c*)

In some of Marx's and Engels's best-known writings, they elaborated a conception of history based upon the idea of successive stages of development. These stages were distinguished by different modes of production and change was propelled by the economic 'base', particularly the interaction between the progressively expanding forces of production, on the one hand, and the struggle of classes over the distribution of social wealth, on the other. How exactly Marx and Engels conceived this interaction or dynamic is

not of prime importance here. What is essential to note is that it suggested a conception of history as an evolutionary process marked by periods of revolutionary change (see, for instance, Marx, 'Preface' to *A Contribution to the Critique of Political Economy*). This interpretation of historical development is a standard feature of orthodox Marxism (from Engels to Bukharin and Stalin, among others) and involves the idea of human society passing through five stages of development, from the primitive communal to the ancient, feudal, capitalist and (eventually) post-capitalist modes of production.

Marx believed the bourgeois or capitalist mode of production was the last major stage before a fundamentally new political and economic order, in which the ideals of liberty and equality would be gradually realized: communism. Before analysing the state and democratic life as he conceived them, it is useful to outline why he thought capitalism was the final stage of exploitation and 'unfreedom'. His account of capitalism sheds direct light on his reasons for holding that a new form of political organization was not only desirable but possible. The points can be made (although inevitably in simplified form) in a number of theses:

(1) Contemporary society is dominated by the capitalist mode of production. It is a society based on the private possession of the means of production and on exchange, the unequal exchange between capital and labour. Products are manufactured primarily for their realization of surplus value and profit and not for their long-term capacity to satisfy human wants and desires.

(2) Capitalism is not a harmonious social order. It is based on contradictions both in the realm of production and in the realm of ideology (the system of beliefs, values and practices that serve the interests of dominant groups and classes). The capitalist relations of production impede the full development of the forces of production and produce a series of conflicts and crises.

(3) The foundations of capitalism are progressively undermined 'from within', i.e. as a result of the development of capitalism itself. The economy is vulnerable to political business cycles which involve booms followed by sharp downturns in economic activity. Booms are created by a growth in demand which leads manufacturers to increase production. As production expands, the number of those employed increases and unemployment falls. As unemployment falls, class struggle over the distribution of income intensifies as workers become more 'valuable' assets and can capitalize on tight labour market conditions. In order to remain competitive and keep production costs down (costs grow with increases in wage-rates and

expansion in demand for raw materials) employers substitute capital (in the form of new technology) for labour. Productive capacity grows rapidly. Since all productive units are operating competitively and in isolation from one another, the outcome is eventually excess production and excess capacity. A crisis sets in (a downturn in economic activity or recession or depression); production is cut back, workers are laid off, unemployment increases, wage-rates fall until 'supply' and 'demand' are once more in line, and the cycle starts again.

(4) In addition, in periods of downturn, small and/or weak firms tend to be pushed out of business by larger enterprises better able to 'weather' the poor economic conditions. In this way the 'free' market of competitive firms is progressively replaced by the oligopolistic and monopolistic mass production of goods: there is, in other words, an inevitable tendency towards the growing 'concentration' of economic life. Such concentration tends also to go along with what Marx called the increasing 'centralization' of the economy; this refers primarily to the expansion of the activities of banks and other financial organizations, partly operating through the state, in coordinating the economy as a whole. These processes of concentration and centralization progressively reveal the necessarily social nature of capitalist production, which undermines the mechanisms of individualistic entrepreneurial competition. Moreover, the ever-greater interdependence between commercial and financial enterprises ensures, at best, a delicate economic equilibrium, for any major disturbance or disruption can potentially affect the whole system. The bankruptcy of a giant firm or bank, for example, has implications for numerous apparently sound enterprises, whole communities and hence for political stability. Figure 4.1 sets out Marx's theory of crisis in summary form.[2]

(5) As part of these developments class struggle intensifies both sporadically as a feature of the cyclical tendencies of the economy and more generally in the longer term. The position of the isolated worker is incomparably weaker than that of his or her employer, who not only can sack the worker, but can fall back on massive resources in the event of any sustained conflict. Workers discover that the individual pursuit of interests is ineffective and even self-defeating. A strategy of collective action is, therefore, the only basis for the pursuit of certain basic needs and wants (e.g. increased

[2] There are, in fact, several different interpretations of Marx's theory of crisis available in the current literature (cf. Sweezy, 1942; Mattick, 1969; Mandel, 1972; Fine and Harris, 1979).

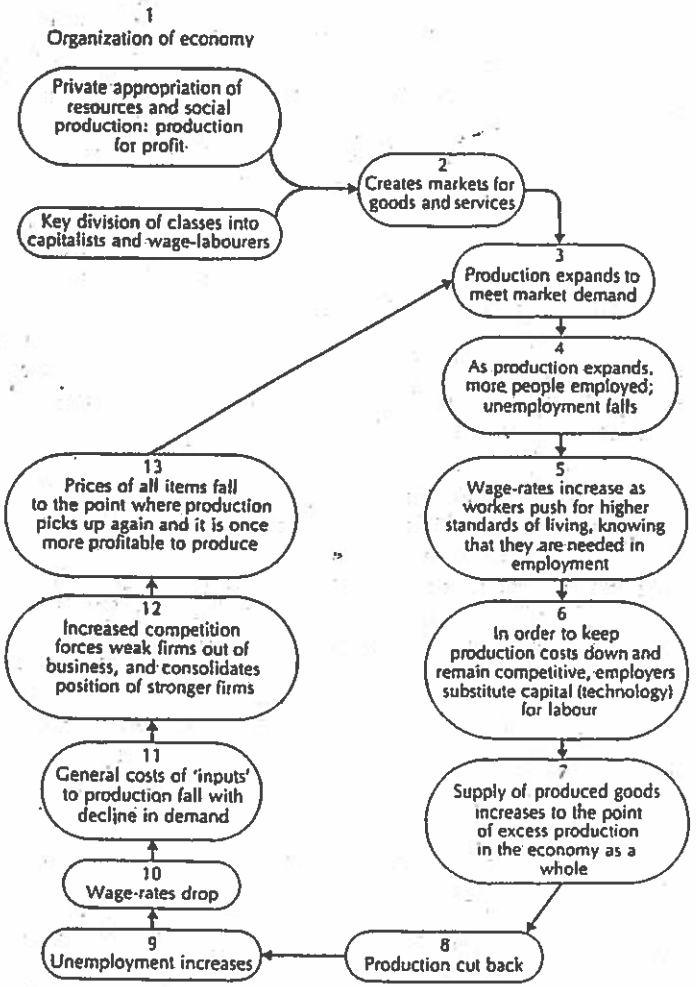

Figure 4.1 Marx's theory of crisis.

material benefits, control over everyday life, satisfying work). It is only through *collective* action that *individuals* can establish the conditions for a fulfilling life. Ultimately, workers realize that it is only through the abolition of the capitalist relations of production that they can be free. The collective struggle for the realization of freedom and happiness is part of the daily life of workers. It must be carried forward and developed if their 'general interests' are to be enhanced; that is, if the *free* development of individuals, a *just* allocation of resources and *equality* in community are to be established.

(6) The development of the labour movement is the means for achieving revolution. The lessons workers learn in the workplace and via their unions become the basis for the extension of their activities into the sphere of the state. The formal right to organize political parties, in the apparatus of 'representative democracy', permits the formation of socialist organizations that can challenge the dominant order. Through such challenges, the revolution can be made, a process which Marx apparently believed could be a peaceful transition in certain countries with strong democratic traditions (like Britain), but was likely to involve violent confrontation elsewhere.

(7) Communism, as a political doctrine, has several related sources apart from the tradition of writing of 'utopian socialists' such as Saint-Simon (1760–1825), Fourier (1772–1837) and Owen (1771–1858). It emerges, for instance, from the daily struggle of workers to win dignity in and control over their lives. It emerges from the contradiction between the promise of capitalism to produce stable economic growth and its actual unstable reality. It emerges from the failure of the liberal democratic order to create the conditions for liberty, equality and justice. And it emerges from the contradiction that, although founded upon 'private appropriation' – the appropriation by capitalists of profit – capitalism is the most 'socialized' form of order that human beings have ever created. For a capitalist economy involves the cooperation and mutual dependence of everyone on a scale unknown in previous forms of society. Communism is the logical extension of this principle to a new type of society.

Two theories of the state

Marx believed that democratic government was essentially unviable in a capitalist society; the democratic regulation of life could not be realized under the constraints imposed by the capitalist relations of

production. He thought it necessary to transform the very basis of society in order to create the possibility of a 'democratic politics'. To understand more precisely why Marx was of this view, it is important to examine how he conceived the position of the state – its role, function and limits – in the context of capitalism.

Central to the liberal and liberal democratic traditions is the idea that the state can claim to represent the community or public as a whole, in contrast to individuals' private aims and concerns. But, according to Marx and Engels, this claim is, to a large extent, illusory (see Maguire, 1978, ch. 1). The state defends the 'public' or the 'community' as if: classes did not exist; the relationship between classes was not exploitative; classes did not have fundamental differences of interest; these differences of interest did not largely define economic and political life. In formally treating everyone in the same way, according to principles which protect the freedom of individuals and defend their right to property, the state (by which Marx meant the whole apparatus of government from the executive and legislative to the police and military) may act 'neutrally' but it will generate effects that are partial; that is, it will inevitably sustain the privileges of those with property. By defending private ownership of the means of production, the state has already taken a side. It enters into the very fabric of economic life and property relations by reinforcing and codifying – through legislation, administration and supervision – its structure and practices. As such, the state plays a central part in the integration and control of class-divided societies; and in capitalist societies this means a central role in the reproduction of the exploitation of wage-labour by capital. The liberal notion of a 'minimal' state is, in fact, connected directly to a strong commitment to certain types of intervention to curtail the behaviour of those who challenge the inequalities produced by the so-called free market: the liberal or liberal democratic state is perforce in practice a coercive or strong state. The maintenance of private property in the means of production contradicts the ideals of a political and economic order comprising 'free and equal' citizens. The movement towards universal suffrage and political equality in general was, Marx recognized, a momentous step forward but its emancipatory potential was severely undercut by inequalities of class and the consequential restrictions on the scope of many people's choices in political, economic and social life.

Moreover, the liberal claim that there is a clear distinction to be made between the private and the public, the world of civil society and that of the political, is, Marx maintained, dubious. The key

source of contemporary power – private ownership of the means of production – is ostensibly *depoliticized*; that is, arbitrarily treated as if it were not a proper subject of politics. The economy is regarded as non-political, in that the massive division between those who own and control the means of production, and those who must live by wage-labour, is regarded as the outcome of free private contracts, not a matter for the state. But by defending private ownership of the means of production the state does not remain detached from the power relations of civil society as a set of institutions above all special concerns, i.e. a 'public power' acting for 'the public'. On the contrary, it is deeply embedded in socioeconomic relations and linked to particular interests. Furthermore, this link is sustained (for reasons which are explored further below) irrespective of the political views of the people's 'representatives' and the extent of the franchise.

There are at least two strands in Marx's account of the relation between classes and the state; while they are by no means explicitly distinguished by Marx himself, it is illuminating for analytical purposes to disentangle them. The first, henceforth referred to as position 1, stresses that the state generally, and bureaucratic institutions in particular, may take a variety of forms and constitute a source of power which need not be directly linked to the interests, or be under the unambiguous control of, the dominant class in the short term. By this account, the state retains a degree of power independent of the dominant class: its institutional forms and operational dynamics cannot be inferred directly from the configuration of class forces: they are 'relatively autonomous'. The second strand, position 2, is without doubt the leading one in his writings: the state and its bureaucracy are class instruments which emerged to coordinate a divided society in the interests of the ruling class. Position 1 is certainly a more complex and subtle vision. Both positions are elaborated below, beginning with position 1 for it is expressed most clearly in Marx's early writings and highlights the degree to which the second view involves a narrowing down of the terms of reference of Marx's analysis of the state and politics.

Marx's engagement with the theoretical problems posed by state power developed from an early confrontation with Hegel (1770–1831), a central figure in German idealist philosophy and a crucial intellectual influence on his life. In the *Philosophy of Right*, Hegel argued that the state could potentially resolve intense conflicts between individuals by providing, on the one hand, a rational framework for their interaction in civil society and, on the other, an opportunity to participate (via a limited form of representation) in the

formation of the 'general political will'. Over time, the modern state had become the centre of law, culture and national identity, the comprehensive basis of all development. By identifying with it, citizens could surmount the competitive anarchy of civil society and discover a true basis of unity. Only by virtue of the state could citizens achieve a 'rational existence'. (See Hegel, *Lectures on the Philosophy of World History*, first delivered in 1830, pp. 94–7, for a concise statement of this view.)

Hegel conceived of civil society as a sphere of 'self-regarding' actions where the pursuit of self-interest was entirely legitimate. While there had always been scope for self-interest, it is only with the progressive emancipation of individuals from religious, ethical and coercive political restraints that a fully distinct civil realm emerged. At the centre of this process lay the expansion of the free market, eroding tradition in its wake. But the meaning of the free market, and of civil society more generally, could not be properly grasped, Hegel insisted, simply by reference to a theory of human behaviour as self-seeking; it was fundamentally erroneous to abstract from the egoism of civil society, as many liberal thinkers had done, a general theory of human motivation and behaviour. Hegel accepted the pursuit of material wealth as a central basis for the realization of human needs but he argued, as one of his expositors has succinctly put it, 'that behind the self-seeking, accidentality and arbitrariness of civil society there looms inherent reason' (Avineri, 1972, p. 147). For civil society is an association of 'mutually interlocking' partial interests which has its foundation both in competing needs and the legal system (Hegel, *Philosophy of Right*, p. 122ff). The latter guarantees security of person and property and, thereby, provides a mechanism for curbing the excesses of individuals (*Philosophy of Right*, pp. 149–52). The existence of civil society is premised on the recognition that the 'general good' can only be realized through the enforcement of law and the conscious direction of the state (*Philosophy of Right*, p. 147ff). The history of the state makes apparent a strong desire for the rational (reasoned) pursuit of life. In Hegel's view, the state is the basis which enables citizens to realize their freedom in conjunction with others. Free of tyranny, it represents the potential unity of reason and liberty.

The actual institutional organization of the state is central to the degree to which individuals can enjoy freedom. Hegel admired (though with some qualifications) the Prussian state which he portrayed as rightly divided into three substantive divisions – the legislature, the executive and the crown – which together express

'universal insight and will'. For him, the most important institution of the state is the bureaucracy, an organization in which all particular interests are subordinated to a system of hierarchy, specialization, expertise and coordination on the one hand, and internal and external pressures for competence and impartiality on the other (*Philosophy of Right*, pp. 132, 179, 190–1, 193). According to Marx, however, Hegel failed to challenge the self-image of the state and, in particular, of the bureaucracy (*The Critique of Hegel's Philosophy of Right*, pp. 41–54).

The bureaucracy is the 'state's consciousness'. In marked contrast to Hegel, and figures like John Stuart Mill, Marx described the bureaucracy, the corps of state officials, as 'a particular closed society within the state', which extends its power or capacity through secrecy and mystery (*Critique*, p. 46). The individual bureaucrat is initiated into this closed society through 'a bureaucratic confession of faith' – the examination system – and the caprice of the politically dominant group. Subsequently, the bureaucrat's career becomes all important, passive obedience to those in higher authority becomes a necessity and 'the state's interest becomes a particular private aim'. But the state's aims are not thereby achieved, nor is competence guaranteed (*Critique*, pp. 48, 51). For, as Marx wrote,

> The bureaucracy asserts itself to be the final end of the state . . . The aims of the state are transformed into aims of bureaus, or the aims of bureaus into the aims of the state. The bureaucracy is a circle from which no one can escape. Its hierarchy is a hierarchy of knowledge. The highest point entrusts the understanding of the particulars to the lower echelons, whereas these, on the other hand, credit the highest with an understanding in regard to the universal [the general interest]; and thus they deceive one another. (*Critique*, pp. 46–7)

Marx's critique of Hegel involves several points, but one in particular is crucial. In the sphere of what Hegel referred to as 'the absolutely universal interest of the state proper' there is, in Marx's view, nothing but 'bureaucratic officialdom' and 'unresolved conflict' (*Critique*, p. 54). Marx's emphasis on the structure and corporate nature of bureaucracies is significant because it throws into relief the 'relative autonomy' of these organizations and foreshadows the arguments elaborated in what may be his most interesting work on the state, *The Eighteenth Brumaire of Louis Bonaparte*.

The Eighteenth Brumaire is an eloquent analysis of the rise to power between 1848 and 1852 in France of Louis Napoleon Bonaparte and

of the way power accumulated in the hands of the executive at the expense of, in the first instance, both civil society and the political representatives of the capitalist class, the bourgeoisie. The study highlights Marx's distance from any view of the state as an 'instrument of universal insight', 'ethical community' or 'judge' in the face of disorder. Marx emphasized that the state apparatus is simultaneously a 'parasitic body' on civil society and an autonomous source of political action. Thus, in describing Bonaparte's regime, he wrote: 'This executive power, with its enormous bureaucratic and military organization, with its ingenious state machinery, embracing wide strata, with a host of officials numbering half a million, beside an army of another half million, this appalling parasitic body . . . enmeshes the body of French society like a net and chokes all its pores' (*Eighteenth Brumaire*, p. 121). The state is portrayed as an immense set of institutions, with the capacity to shape civil society and even to curtail the bourgeoisie's capacity to control the state (see Maguire, 1978; Spencer, 1979). Marx granted the state a certain autonomy from society: political outcomes are the result of the interlock between complex coalitions and consitutional arrangements.

The analysis offered in *The Eighteenth Brumaire*, like that in *The Critique*, suggests that the agents of the state do not simply coordinate political life in the interests of the dominant class of civil society. The executive, under particular circumstances (for example, when there is a relative balance of social forces), has the capacity to make political initiatives as well as to coordinate change. But Marx's focus, even when discussing this idea, was essentially on the state as a conservative force. He emphasized the importance of its information network as a mechanism for surveillance, and the way in which the state's political autonomy is interlocked with its capacity to undermine social movements threatening to the status quo. Moreover, the repressive dimension of the state is complemented by its capacity to sustain belief in the inviolability of existing arrangements. Far then from being the basis for the articulation of the public interest, the state, Marx argued, transforms 'universal aims into another form of private interest'.

There were ultimate constraints on the initiatives Bonaparte could take, however, without throwing society into a major crisis, as there are on any legislative or executive branch of the state. For the state in a capitalist society, Marx concluded (a conclusion which became central to his overall teachings), cannot escape its dependence upon that society and, above all, upon those who own and control the productive process. Its dependence is revealed whenever the economy is beset by crises; for economic organizations create the material resources on which the state apparatus survives. The state's overall policies have to be compatible in the long run with the objectives of manufacturers and traders, otherwise civil society and the stability of the state itself are jeopardized. Hence, though Bonaparte usurped the political power of the bourgeoisie's representatives, he protected the 'material power' of the bourgeoisie itself, a vital source of loans and revenue. Accordingly, Bonaparte could not help but sustain, and in this he was no different from any other politician in a capitalist society, the long-term economic interests of the bourgeoisie and lay the foundation for the regeneration of its direct political power in the future, whatever else he chose to do while in office (*Eighteenth Brumaire*, p. 118ff).

Marx attacked the claim that the distribution of property lies outside the constitution of political power. This attack is, of course, a central aspect of Marx's legacy and of what I have called position 2. Throughout his political essays, and especially in his more polemical pamphlets such as *The Communist Manifesto*, Marx (and indeed Engels) insisted on the direct dependence of the state on the economic, social and political power of the dominant class. The state is a 'superstructure' which develops on the 'foundation' of economic and social relations (see *The Communist Manifesto* and 'Preface' to *A Contribution to the Critique of Political Economy*). The state, in this formulation, serves directly the interest of the economically dominant class: the notion of the state as a site of autonomous political action is supplanted by an emphasis upon class power, an emphasis illustrated by the famous slogan of *The Communist Manifesto*: 'The executive of the modern state is but a committee for managing the common affairs of the whole bourgeoisie.' This formula does not imply that the state is dominated by the bourgeoisie as a whole: it may be independent of sections of the bourgeois class (see Miliband, 1965). The state, nevertheless, is characterized as essentially dependent upon society and upon those who dominate the economy: 'independence' is exercised only to the extent that conflicts must be settled between different sections of capital (industrialists and financiers, for example), and between 'domestic capitalism' and pressures generated by international capitalist markets. The state maintains the overall interests of the bourgeoisie in the name of the public or general interest.

There are, then, two (often interconnected) strands in Marx's account of the relation between classes and the state: the first con-

ceives the state with a degree of power independent of class forces; the second upholds the view that the state is merely a 'superstructure' serving the interests of the dominant class. Position 1 has been emphasized because it is generally played down in the secondary literature on Marx (important exceptions are Draper, 1977; Maguire, 1978; Perez-Diaz, 1978). But Marx's work on the state and class politics remained incomplete. Position 1 left several important questions insufficiently explored. What is the basis of state power? How do state bureaucracies function? What precise interests do political officials develop? How much scope is there for politicians to exercise initiative? Is politicians' capacity for autonomous action politically insignificant in the long run? Does the state – even within a framework of liberal democratic arrangements – have little general relevance other than its relation to class forces? Position 2 is even more problematic: it postulates a capitalist-specific (or, as it has been called more recently, 'capital logic') organization of the state and takes for granted a simple causal relation between the facts of class domination and the vicissitudes of political life.

But Marx's combined writings do indicate how central he regarded the state to the control of class-divided societies. Furthermore, his work suggests important limits to state action within capitalist societies. If state intervention undermines the process of capital accumulation, it simultaneously undermines the material basis of the state; hence, state policies must be consistent with the capitalist relations of production. Or, to put the point another way: constraints exist in liberal democracies – constraints imposed by the requirements of private capital accumulation – which systematically limit policy options. The system of private property and investment creates objective exigencies which must be met if economic development is to be sustained. If this system is threatened (e.g. by a party elected into office with the firm intention of promoting greater equality), economic chaos can quickly ensue (as capital investment is placed overseas, for instance) and the acceptability of governments can be radically undermined.[3] Accordingly, a dominant economic class can *rule without directly governing*, that is, it can exert determinate political influence without even having representatives in government. This idea retains a vital place in debates among

[3] As one neo-Marxist recently wrote, liberal politics has a peculiarly 'negative character'. It becomes orientated towards the avoidance of risks and the eradication of dangers to the system: 'not, in other words, towards the *realization of practical goals* [that is, particular value choices] but towards the *solution* of *technical problems*' (Habermas, 1971, pp. 102–3).

Marxists, liberal democratic theorists and others. It is a key basis on which Marxists argue that freedom in a capitalist democracy is purely formal; inequality fundamentally undermines liberty and leaves most citizens free only in name. Capital rules.

The end of politics

Far from the state playing the role of emancipator, protective knight or umpire in the face of conflicting interests, the state is enmeshed in civil society. It is not the state, Marx wrote, that underlies the social order, but the social order that underlies the state. Marx did not deny the desirability of liberty – far from it. He recognized that the struggle of liberalism against tyranny and the struggle by liberal democrats for political equality represented a major step forward in the battle for emancipation. But he thought liberty was impossible while human exploitation continued (a result of the very dynamics of the capitalist economy), supported and buttressed by the state. Freedom cannot be realized if freedom means first and foremost the freedom of capital. In practice, such freedom means leaving the circumstances of people's lives open to be determined by the pressures of private capitalist investment. It means succumbing to the consequences of the economic decisions of a wealthy minority, where those decisions are not taken with any reference to general costs or benefits. It means a reduction of freedom to unfettered capitalist competition, and the subordination of the mass of the population to forces entirely outside their control.

Marx referred to this state of affairs (throughout his working life, I believe, although the matter is contentious) as one of 'alienation'; that is, a situation where the mass of people are estranged from the products of their labour, the process of their work, their fellow human beings and their fundamental capacities, what he called their 'species-being' (see Marx, *Economic and Philosophical Manuscripts*, pp. 120–31, 202–3; Ollman, 1971). For the conditions are such that the products of work are appropriated privately and sold on the market by the employer; the worker has little, if any, control over the process of work and the conditions of his or her life; individuals are divided against each other by competition and possession; and men and women are in danger of losing their ability to be active, creative agents – people who can 'make their own history' with will and consciousness. Marx's theory of human nature departed radically from the rational, strategic, self-seeking person at the centre of much liberal thought, although there are some notable points

of convergence with the views of J. S. Mill. For Marx, it is not the single human being who is active in the historical process; rather, it is the creative interplay of collectivities in the context of society: human nature is, above all, social. By 'species being' Marx referred to the distinctive characteristics of humans, as compared with other animals. Because humans are not merely driven by instincts, they do not adapt in a passive fashion to their environment, as most animals do. Human beings can and must actively, purposefully and creatively master their environment to survive; creativity and control of one's circumstances are thus an intrinsic part of what it is to be 'human'. A person, doing routinely dull and unrewarding tasks in the context of minimal control of economic and political circumstances, is reduced to merely adapting quiescently to the environment: in Marx's phrase, 'the animal becomes human and the human becomes animal'.

Liberal political doctrines effectively restrict freedom to a minority of the population by affirming a central place for the capitalist relations of production and the 'free' market; they legitimate an economic and political system that exploits the capacities, and threatens the 'species being', of humans. Only a conception of freedom that places equality at its centre (as Rousseau's vision of freedom sought to do), and is concerned above all with equal freedom for all (which Rousseau's vision ultimately failed to be), can restore to people the necessary power to 'make their own history' (*The Communist Manifesto*, p. 127). Freedom entails, in Marx's view, the complete democratization of society as well as the state; it can only be established with the destruction of social classes and ultimately the abolition of class power in all its forms.

How did Marx conceive the future after the revolution? How, in particular, did he see the future of democracy and the state? How should political power be organized when the capitalist relations of production are destroyed? No sooner are these questions posed, however, than a difficulty is encountered. Marx rarely wrote in any detail about what socialism or communism should be like. He was against the development of blueprints, which he likened to 'straightjackets' upon the political imagination. The 'music of the future' could not and should not be composed in advance; rather, it must emerge in the struggle to abolish the contradictions of the existing order. Those involved in this struggle must play an equal part in defining the future. However, despite this general standpoint, Marx

frequently gave indications of what a 'free and equal' society might be like.[4]

Marx set out his position in a framework which I shall refer to as the 'end of politics'. The end of politics (or the end of the era of the state) means the transformation of political life as it has been known in bourgeois societies; that is, the dismantling of politics as an institutionally distinct sphere in society used in the perpetuation of class rule. The emancipation of the working classes necessarily implies the creation of a new form of government. In *The Poverty of Philosophy*, Marx wrote: 'The working class, in the course of its development, will substitute for the old civil society an association which will exclude classes and their antagonism and there will be no more political power so-called, since political power is precisely the official expression of antagonism in civil society' (p. 182). And, discussing the way in which 'the proletariat will use its political supremacy', in *The Communist Manifesto*, he wrote:

> When, in the course of development class distinctions have disappeared and all production has been concentrated in the hands of a vast association of the whole nation, the public power will lose its political character. Political power, properly so-called, is merely the organized power of one class for oppressing another. If the proletariat during its contest with the bourgeoisie is compelled, by the force of circumstances, to organize itself as a class; if, by means of a revolution, it makes itself the ruling class and, as such, sweeps away by force the old conditions of production, then it will, along with these conditions, have swept away the conditions for the existence of class antagonisms and of classes generally and will thereby have abolished its own supremacy as a class.
>
> In place of the old bourgeois society, with its classes and class antagonisms, we shall have an association, in which the free development of each is the condition for the free development of all. (p. 127)

With the destruction of the bourgeois class, the need for 'organized political power' will cease to exist.

The core of this position can be stated as follows:

1 since the state develops on the foundations of social and economic relations;

[4] These indications are found in scattered passages and in a few longer statements, notably in: *The Critique of Hegel's Philosophy of Right* (1843); *The German Ideology* (1845–6); *The Poverty of Philosophy* (1847); *The Communist Manifesto* (1847), *The Civil War in France* (1871), and *The Critique of the Gotha Programme* (1875).

2 since the state secures and expresses the structure of productive relations and cannot determine the nature and form of these;
3 since, as an instrument or framework, it coordinates society in accordance with the long-term interests of the dominant class;
4 since class relations determine the key dimensions of power and axes of conflict in state and in society;
5 then, when classes are finally transcended, all political power will be deprived of its footing and the state – and politics as a distinct activity – will no longer have a role.

Classes are 'inscribed' into the state. And precisely because so many of the apparatuses of the modern state are adjuncts of class domination (legal structures to protect property, forces to contain conflict, armies to support imperialist ambitions, institutions and reward systems for those who make a career in politics, and so on) the working classes cannot simply seize state power and turn it to their advantage in and after the revolution. 'The political instrument of their enslavement cannot serve as the political instrument of their emancipation' (see *The Civil War in France*, pp. 162–8). The 'master of society' will not become a 'servant' on request. The struggle to 'abolish' the state and to bring an 'end to politics' is thus the struggle for the 'reabsorption of the state by society' (*Civil War*, p. 168).

Marx linked the 'end of politics' not only to the political triumph of a socialist working class but also, importantly, to the eventual abolition of material scarcity. To a significant extent he believed that the potential for freedom was related directly to scarcity. Security from the ravages of nature, alleviation of the pressures of unmet physical need and time to pursue activities of one's own choice were among the essential conditions of real freedom. The 'mastery of nature' through the development of the forces of production was necessary for the advance of socialism and communism.

The triumph of capitalism can be explained with reference to both those who imposed it as a political and economic system and to its extraordinary productive achievements. Marx regarded the rapid expansion of the forces of production and the subsequent increase in economic growth under capitalism as in itself an immensely progressive phenomenon. The other side of this progress was, of course, the exploitative system of productive relations. The latter was, paradoxically, the condition of capitalism's success and of its inevitable downfall. The crisis-ridden nature of economic growth, the tendency to stagnation and, above all, the constant creation of conditions of suffering and degradation for the mass of citizens undermined the nature of capitalism's achievement in the long run. Thus, according to Marx, capitalism both contributed to the prospect of freedom – by helping generate its material prerequisites through modernizing the means of production – and simultaneously prevented its actualization.

The struggle against capital for 'the end of politics' allows the historical achievement of capitalism to be radically advanced. Once the capitalist relations of production have been destroyed, there will no longer be fundamental obstacles to human development. Marx conceived the struggle for 'the end of politics' in terms of 'two stages of communism'. In *State and Revolution* (1917), Lenin referred to these as, respectively, 'socialism' and 'communism'.[5] Since the latter terminology is compatible with Marx's stages, it will be adopted here for convenience (see Moore, 1980). For Marx 'socialism' and 'communism' were phases of political emancipation. Table 4.2 indicates their broad characteristics.[6] I shall focus below on how Marx conceived the future of state power and democracy, but it is interesting and necessary to locate this conception, as table 4.2 does, in the context of his overarching vision of social transformation.

One of the immediate objectives of the post-revolutionary era, according to Marx, is the establishment of the unrestricted authority of the state so that the power and constraints imposed on human development by the private ownership of the means of production can be overcome. The state in the hands of the working classes and their allies must transform economic and social relations while defending the revolution against remnants of the bourgeois order. But the extension of the authority of the state over the economy and society (over large-scale factories and investment funds, for instance) must go hand in hand with the establishment of the unrestricted accountability of the 'sovereign state' to the 'sovereign people'. Like the 'liberal' state, the socialist state must have the supreme right to declare and administer law over a given territory, but unlike the 'liberal state' it must be wholly accountable in all its operations to its citizens. Additionally, the socialist state must aim to become as fast as possible a 'minimal' state: an apparatus for the coordination and direction of social life without recourse to coercion.

Marx generally referred to the transitional stage in the struggle for communism as 'the revolutionary dictatorship of the proletariat'

[5] Marx tended to use these terms more or less interchangeably.

[6] In setting out table 4.2 I have drawn upon a number of sources, most notably Marx's *The Communist Manifesto*, *The Civil War in France* and *Critique of the Gotha Programme*, as well as three excellent secondary discussions: Draper (1977), Ollman (1977) and Moore (1980).

Table 4.2 Broad characteristics of socialism and communism

Distinctive features	*Socialism (or 'the dictatorship of the proletariat')*	*Communism*
General goals	1 Appropriation of all large-scale private capital 2 Central control of production in the hands of the state 3 Rapid increase of productive forces 4 Gradual dissolution of the bourgeois state 5 Defence of revolution against remnants of the old order	1 End of the exploitation of labour in all forms; social ownership of property 2 Consensus on all public questions, therefore, no laws, no discipline, no coercion 3 Satisfaction of all material needs 4 Collectively shared duties and work 5 Self-government (even democracy becomes redundant)
State	1 Integration of executive and legislative functions 2 All government personnel to be subject to frequent elections, mandates from their constituencies and recall 3 Election and recall of magistrates and judges, as well as all administrative officials 4 Replacement of army and police force by a people's militia 5 Full local autonomy within framework of councils (pyramid structure)	1 Abolition of legislative and executive functions (no longer necessary) 2 Distribution of administrative tasks by rotation and election 3 Dissolution of all armed and coercive forces
Economy	1 Extension of state ownership of factories 2 State control of credit 3 State control of transportation and communication 4 Gradual abolition of private property in land, and cultivation of all land 5 Equal liability of all citizens to work; public direction of employment	1 Elimination of markets, exchange and the role of money 2 End of division of labour, rotation of all tasks 3 People enjoy a variety of types of work and leisure 4 Work-time reduced to a minimum 5 With abolition of scarcity, all wants are satisfied and the idea of private property becomes meaningless
Society	1 Heavy graduated taxation 2 No inheritance 3 Free education for all children 4 Reunion of town and country through more equitable distribution of population over country and integration of work and non-work environments	1 Principle of cooperation extends to all public affairs 2 Social, cultural, regional, racial differences disappear as sources of conflict 3 People explore their capacities to the full with other people's freedom as the only constraint 4 Households are based on communal arrangements, monogamy persists, though not necessarily as a life-time commitment
Overall objectives of both phases	1 Planned expansion of production and abolition of material scarcity 2 'Administration of persons' to be replaced by 'administration of things', i.e. 'withering away of the state' 3 Principle of justice to be gradually established: 'from each according to his ability, to each according to his need'	

(see e.g. the *Critique of the Gotha Programme*). The 'dictatorship' is established during the revolution and will 'wither away' with the onset of communism. What did Marx mean by 'dictatorship'? He did *not* mean what his is frequently taken to mean: the necessary domination of a small revolutionary group or party, reconstructing society according to its exclusive conception of the masses' interests. This fundamentally Leninist view (see pp. 132–5) should be distinguished from Marx's general position. By the 'dictatorship of the proletariat' Marx meant the democratic control of society and state by those – the overwhelming majority of adults – who neither own nor control the means of production. The question is, of course: how did Marx conceive the democratic control of state and society by the working classes and their allies?

When Marx referred to 'the abolition of the state' and the 'dictatorship of the proletariat' he had in mind after 1871, I think (although not all scholars would agree), the model of the Paris Commune.[7] The year 1871 witnessed a major uprising in Paris in which thousands of Parisian workers took to the streets to overthrow what they regarded as an old and corrupt governmental structure. Although the movement was eventually crushed by the French army, Marx thought of it as 'the glorious harbinger of a new society' (*The Civil War in France*, p. 99). The rebellion lasted long enough for the planning of a remarkable series of institutional innovations and a new form of government: the Commune. Marx's description of the Commune is rich in detail and it is worth quoting at some length:

> The Commune was formed of the municipal councillors, chosen by universal suffrage in the various wards of the town, responsible and revocable at short terms. The majority of its members were naturally working men, or acknowledged representatives of the working class. The Commune was to be a working, not a parliamentary, body, executive and legislative at the same time. Instead of continuing to be the agent of the Central Government, the police was at once stripped of its political attributes, and turned into the responsible and at all times revocable agent of the Commune. So were the officials of all other branches of the Administration. From the members of the Commune downwards the public service had to be done at workmen's wages. The vested interests and the representation allowances of the

[7] Engels was certainly of this view: see, for instance, his Letter to A. Bebel, March 1875. But, for an alternative account, see Arendt (1963) and Anweiler (1974). Arendt argues that the Commune was only envisaged by Marx as a temporary measure 'in the political struggle to advance the revolution' (p. 259). In my view, the Commune provides a definite model for at least the 'first stage of communism'.

> high dignitaries of State disappeared along with the high dignitaries themselves. Public functions ceased to be the private property of the tools of the Central Government. Not only municipal administration, but the whole initiative hitherto exercised by the State was laid into the hands of the Commune.
>
> Having once got rid of the standing army and the police, the physical force elements of the old Government, the Commune was anxious to break the spiritual force of repression, the 'parson-power', by the disestablishment and disendowment of all churches as proprietary bodies. The priests were sent back to the recesses of private life, there to feed upon the alms of the faithful in imitation of their predecessors, the Apostles. The whole of the educational institutions were opened to the people gratuitously, and at the same time cleared of all interference of Church and State. Thus, not only was education made accessible to all, but science itself freed from the fetters which class prejudice and governmental force had imposed upon it.
>
> The judicial functionaries were to be divested of that sham independence which had but served to mask their abject subserviency to all succeeding governments to which, in turn, they had taken, and broken, the oaths of allegiance. Like the rest of public servants, magistrates and judges were to be elective, responsible and revocable.
>
> The Paris Commune was, of course, to serve as a model to all the great industrial centres of France. The communal *régime* once established in Paris and the secondary centres, the old centralized Government would in the provinces, too, have to give way to the self-government of the producers. In a rough sketch of national organization which the Commune had no time to develop, it states clearly that the Commune was to be the political form of even the smallest country hamlet, and that in the rural districts the standing army was to be replaced by a national militia, with an extremely short term of service. The rural communes of every district were to administer their common affairs by an assembly of delegates in the central town, and these district assemblies were again to send deputies to the National Delegation in Paris, each delegate to be at any time revocable and bound by the *mandat impératif* (formal instructions) of his constituents. The few but important functions which still would remain for a central government were not to be suppressed, as has been intentionally mis-stated, but were to be discharged by Communal, and therefore strictly responsible, agents. The unity of the nation was not to be broken, but, on the contrary, to be organized by the Communal Constitution, and to become a reality by the destruction of the State power which claimed to be the embodiment of that unity independent of, and superior to, the nation itself, from which it was but a parasitic excrescence. While the merely repressive organs of the old governmental power were to be amputated, its legitimate functions were to be wrested from an authority usurping pre-

> eminence over society itself, and restored to the responsible agents of society. Instead of deciding once in three or six years which member of the ruling class was to misrepresent the people in Parliament, universal suffrage was to serve the people, constituted in Communes, as individual suffrage serves every other employer in the search for the workmen and managers in his business. And it is well known that companies, like individuals, in matters of real business generally know how to put the right man in the right place, and, if they for once make a mistake, to redress it promptly. On the other hand, nothing could be more foreign to the spirit of the Commune than to supersede universal suffrage by hierarchic investiture. (*The Civil War in France*, pp. 67–70)

The five points in table 4.2 (listed as the distinctive features of the state under socialism) summarize the key issues in the quotation. The 'machinery' of the 'liberal' state would be replaced by the Commune structure. All aspects of 'government' would then, according to Marx, be fully accountable: 'the general will' of the people would prevail. The smallest communities would administer their own affairs, elect delegates to larger administrative units (districts, towns) and these would, in turn, elect candidates to still larger areas of administration (the national delegation). This arrangement is known as the 'pyramid' structure of direct democracy: all delegates are revocable, bound by the instructions of their constituency and organized into a 'pyramid' of directly elected committees.

The post-capitalist state would not, therefore, bear any resemblance to a parliamentary regime. Parliaments create unacceptable barriers between the ruled and their representatives; a vote once in a while is a wholly insufficient basis, Marx thought, to ensure adequate representation of the people's views. A system of direct delegation overcomes this difficulty, as it does the fundamental lack of accountability introduced into state power by the principle of the separation of powers. The latter leaves branches of the state outside the direct control of the electorate. All state agencies must be brought within the sphere of a single set of directly accountable institutions (see Polan, 1984, pp. 13–20). Only when this happens will 'that self-reliance, that freedom, which disappeared from earth with the Greeks, and vanished into the blue haze of heaven with Christianity', gradually be restored (Marx, Letter two from the *Deutsch-Französische Jahrbüchen*, 1842, modified translation). While Marx's model of direct democracy departs in many respects from the model of ancient Athens, and from Rousseau's related conception of the self-governing republic, it is

hard not to see in it, at least in part, an attempt to recover directly the radical heritage of these positions against the tide of the liberal tradition (see pp. 20–2, 78).[8]

Marx always stressed that the transformation of society and state would be a slow process; those involved 'will have to pass through long struggles, through a series of historic processes, transforming circumstances and men' (*Civil War*, p. 73). But the struggle was both necessary and justified; for the goal was communism: a form of life in which society and state would be fully integrated, where people would govern their joint affairs collectively, where all needs would be satisfied and where the 'free development of each' would be compatible with the 'free development of all'. In this world of material abundance and self-regulation, the state would finally 'wither away' completely. Governments, legislatures and judiciaries would no longer be necessary. As institutions they are based on the assumption that there will be severe conflicts of interest in society and that these must be ordered and regulated. But in communism all remnants of classes will have disappeared and with them the basis of all conflicts. And since people's material needs will be satisifed and there will be no private property, the *raison d'être* for the forces of 'law and order' will have disappeared. Some coordination of tasks will be necessary both in community life and work generally, but this will be accomplished without creating a stratum of privildged officials. Bertell Ollman, who has reconstructed Marx's vision of communism in some detail, likens Marx' conception of the task of the communist administrator to 'traffic directing', 'helping people to get where they want to go' (Ollman, 1977, p. 33). The administrator or coordinator will be 'appointed' by a process of election which Marx describes as a 'business matter', i.e. a non-political affair. Furthermore, since everyone agrees on basic matters of public policy, elections are likely to be uncontested and to become mere mechanisms to ensure the rotation of administrative tasks. Thus, the 'end of politics' will, Marx thought, have been achieved.

[8] It could be argued that, if one considers the problems of holding delegates at national level strictly accountable, the Commune system might be better described as a highly *indirect* form of democracy. There is considerable force to this objection and I shall discuss some of the issues it raises later in the chapter. However, I find the term 'direct democracy' a useful one to help characterize a form of government which sought to combine local autonomy with a system of representatives who are in principle directly revocable delegates. Of course, whether 'direct democracy' is a more acceptable model than others is another question.

Competing conceptions of Marxism

Contemporary Marxism divides into at least three major camps which will be referred to here as the 'libertarians' (e.g. Paul Mattick, 1969), the 'pluralists' (e.g. Nicos Poulantzas, 1980) and the 'orthodox' (e.g. Marxist-Leninists). Each of these groups (or schools of Marxism) claims, in part, the mantle of Marx.[9] I shall argue that they can all do this because Marx himself might have been trying, as he said of John Stuart Mill, to 'reconcile irreconcilables'. He conceived of the post-capitalist future in terms of an association of all workers, an association in which freedom and equality were combined through (*a*) the democratic regulation of society; (*b*) the 'end of politics'; (*c*) the planned use of resources; (*d*) efficient production; and (*e*) greater leisure. But is the democratic regulation of society compatible with planning? Is the model of the Commune, of direct democracy, compatible with a decision-making process that produces a sufficient number of decisions to coordinate a complex, large-scale society? Is efficient production compatible with the progressive abolition of the division of labour? Marx envisaged the full participation of all 'free and equal' workers in institutions of direct democracy. But how exactly is such an association to function? How precisely is it to be secured? What happens if some people bitterly object to a decision of the central Commune? Assuming that the dissenters are a minority, do they have any rights, for instance, to safeguard their position? What happens if people simply disagree on the best course of action? What happens if differences of interest persist between groups of different ages, regions or religions? What happens if the new forms of association do not immediately work, or do not work at all adequately in the long run? (see Vajda, 1978). The rifts in contemporary Marxism are in part a consequence of Marx's insufficient reflection upon issues such as these (cf. the earlier discussion of Rousseau, pp. 78–9).

Marx, it should be emphasized, was not an anarchist; hence he saw a lengthy period of transition to communism which deployed the resources of the state, albeit a transformed state. But libertarian

[9] While these three groups are extremely important, they do not fully embrace, it might be noted, the diversity of views found among writers and activists of different revolutionary movements, communist parties, social democratic parties (especially before the First World War) and the many relatively small political groups and organizations which have claimed Marx's mantle. Such diversity testifies to the fact that the history of Marxism is much less monolithic and far more fragmented than is often thought.

Marxists argue that his position can be interpreted adequately only if we read it as a consistent critique of all forms of division of labour, state bureaucracy and authoritarian leadership (whether created by the 'right' or 'left'). They contend that Marx was trying to integrate the ideals of equality and liberty in his conception of the struggle for socialism (and the model of the Commune) and, hence, the aims of a non-coercive order must be embodied in the means used to establish that order. If the struggle is not organized democratically, with a Commune or council structure, it will be vulnerable to decisions which can be exploited by new forms of despotic power. The end – a fully democratic life – necessitates a democratically organized movement in the struggle against capital and the state. Libertarian Marxists maintain, in short, that Marx was a champion of the democratic transformation of society and state and a consistent critic of hierarchy, centralized authority and all forms of planning in detail. The struggle for socialism and communism must involve the creation of a mass movement, independent of the corrupting influence of the bourgeois state apparatus, to challenge all forms of established power. Libertarian Marxists make it clear that, in their view, there can be no associations or compromises with the state; for it is always everywhere the 'condensed power' and 'power instrument' of the dominant economic interests.

By contrast, pluralist Marxists emphasize that Marx saw the transition to socialism and communism taking place differently in different countries. Following his conception of state institutions as to a significant degree independent (or 'relatively autonomous') from the dominant class, pluralist Marxists stress the importance of the deployment of these institutions against the interests of capital. In countries where the liberal democratic tradition is well established, the 'transition to socialism' must utilize the resources of that tradition – the ballot box, the competitive party system – first, to win control of the state and, secondly, to use the state to restructure society. The principle of the 'ballot box' should not be overriden: one cannot create a new democratic order in a way that bypasses the achievements of past struggles for political emancipation. Unlike libertarian Marxists whose position is consistently anti-state and anti-party, pluralist Marxists – from Eurocommunists to left-wing social democrats – argue that the implications of Marx's critique of the capitalist state are that the party of the working class and its allies can and must attain a secure and legitimate position in the state in order to restructure the political and social world.

In addition, pluralist Marxists argue (along with some libertarian Marxists) that Marx's concern to reduce non-coercive power to a minimum must not be interpreted (as Marx himself tended to do all too often) exclusively in terms of class-related issues. The power of men over women, of one race over another, of so-called 'neutral' administrators or bureaucrats over subject populations, must be confronted and its implications pursued, including, crucially, the implication that not all differences of interest can be interpreted in terms of class. Moreover, they argue, the 'end of scarcity' is so far in the future – if it can be imagined at all – that there are bound to be major differences of position concerning the allocation of resources. It is inconceivable that people will have identical views about political priorities; for instance, about the objectives of public expenditure (investment in production *v.* current consumption, housing *v.* education programmes) or the proper location of such expenditure (given the different needs of various regions and of particular strata in the population, the young, the old, the sick etc.). Hence, the transition to socialism and the establishment of a socialist polity will, for all intents and purposes, be a long democratic road in which regular elections and the mobilization of competing interests through parties must – for all the reasons provided by liberal democrats – have a central role. In order to create the space for alternative ideas and programmes, and prevent power-holders from 'transforming themselves into a congealed, immovable bureaucracy', there must always be the possibility of being removed from office. (This position is often elaborated in terms of a 'participatory' model of democracy: see model VIII in chapter 8.)

Orthodox Marxists, finally, emphasize (in common with libertarian Marxists) that the modern representative state is a 'special repressive force' for the regulation of society in the interests of the dominant economic class. The liberal democratic state might create the illusion that society is democratically organized but it is no more than an illusion; for the exploitation of wage-labour by capital is secured within the framework of liberal democracy. Periodic elections do not alter this process at all. Thus, the state cannot simply be taken over and contained by a democratic movement; its coercive structure has to be conquered and smashed. Preoccupied by the problems of seizing power, orthodox Marxists argue that the transition to socialism and communism necessitates the 'professional' leadership of a disciplined cadre of revolutionaries. Only such a leadership has the capacity to organize the defence of the revolution against counter-revolutionary forces, to plan the expansion of the

forces of production and to supervise the reconstruction of societ
Since all fundamental differences of interest are class interests, sin
the working-class interest (or standpoint) is the progressive intere
in society and since during and after the revolution it has to b
articulated clearly and decisively, a revolutionary party is essentia
The party is the instrument which can create the framework f
socialism and communism.

One may say, then, that while Marx offers one of the most pr
found challenges to the modern liberal and liberal democratic idea
the state and one of the most potent visions of a free, ultimate
'stateless' society (summarized in model IV), his views contai
ambiguities which lend themselves to a variety of interpretation
Marx left an ambiguous heritage. But it needs to be considered, an
this issue will be returned to later at greater length, whether the an
biguities have roots in more fundamental difficulties. Although th
Marxist critique of liberalism is of great significance – showing as
does that the organization of the economy cannot be regarded
non-political, and that relations of production are central to th
nature and distribution of power – its value is ultimately limite
because of the direct connection drawn (even when the state is co
ceived as 'relatively autonomous') between political and econom
life. By reducing political power to economic and class power – an
by calling for 'the end of politics' – Marxism itself tended t
marginalize or exclude certain types of issue from consideration i
public discourse and from politics itself. This is true of all thos
issues (to be discussed further in later chapters) which cannot in th
last analysis be reduced to class-related matters. Classic examples
this are the domination of women by men, of certain racial an
ethnic groups by others and of nature by industry (which raise
ecological questions). Other central concerns include the power
public administrators or bureaucrats over their 'clients' and the rol
of 'authoritative resources' (the capacity to coordinate and contr
the activities of human beings) which build up in most soci
organizations.

However, it is not simply the marginalization of significar
problems that is at stake; for the very meaning of politics and th
grounds for legitimate political participation are at issue. Th
pluralist Marxist position makes a number of telling points, ir
cluding that, if not all differences of interest can be reduced to clas
and if differences of opinion about the allocation of resources are fc
all practical purposes inevitable, it is essential to create the inst
tutional space for the generation of, and debate about, alternativ

In sum: model IV

Direct Democracy and the End of Politics

Socialism	*Communism*
Principle(s) of justification	
The 'free development of all' can only be achieved with the 'free development of each'. Freedom requires the end of exploitation and ultimately complete political and economic equality; only equality can secure the conditions for the realization of the potentiality of all human beings so that 'each can give' according to his or her ability and 'receive what they need'	
Key features	
Public affairs to be regulated by Commune(s) or council(s) organized in a pyramid structure	'Government' and 'politics' in all forms give way to self-regulation
Government personnel, law officers, administrators subject to frequent elections, mandates from their community and recall	All public affairs governed collectively
	Consensus as decision principle on all public questions
Public officers to be paid no more than workmen's wages	Distribution of remaining administrative tasks by rotation or election
People's militia to sustain the new political order subject to community control	Replacement of all armed and coercive forces by self-monitoring
General conditions	
Unity of working classes	All remnants of class disappear
Defeat of bourgeoisie	Abolition of scarcity and private property
End of all class privileges	
All remnants of classes disappear	Elimination of markets, exchange and money
Substantial development of the forces of production so that all basic needs are met and people have sufficient time to pursue non-work activities	End of social division of labour
Progressive integration of state and society	

political strategies and programmes. In order to prevent those wh hold power – let us say at the pinnacle of the pyramid of Commun – from transforming themselves into an immovable political leade ship, there must always be the possibility of removing this leade ship, with its particular policies, from office. Politics involv discussion and negotiation about public policy – discussion an negotiation which cannot take place according to wholly impartial 'objective criteria', if it could ever be agreed what such criteria we and how they should be applied. (Even the philosophy of science well known for continuous controversy about what criteria a suitable for the resolution of disputes among competing theoretic positions.) Additionally, if differences of interest often underpi differences of political belief, a series of institutional procedures an mechanisms for debating and taking decisions about public affairs essential. Marx defended, of course, the role of elections to choo among those who would represent local views and interest delegates who were mandated to articulate particular positions an were subject to recall if they failed in this respect. He was aware the practical importance of being able to remove delegates from o fice. But such a position is by no means sufficient.

The fundamental problem with Marx's view of the 'end politics' is that it cannot accept a description of any political di ference as 'genuine'; that is, as an opinion which an individual group has a right to hold and negotiate about as an equal memb of a polity (Polan, 1984, p. 77).[10] Marx's conception of the end politics in fact radically delegitimizes politics within the body of t citizenry. After the revolution, there is a marked danger that the can only be one genuine form of 'politics'; for there are no long any justified grounds for fundamental disagreement. The end

[10] Polan's excellent discussion of Lenin's account of the 'end of politics' has i formed my own assessment of Marx's original statement of this theme. (See Pola 1984, esp. pp. 77–9, 125–30, 176.)

class means the end of any legitimate basis for dispute: only classes have irreconcilable interests. It is hard to resist the view that implicit in this position is a propensity to an authoritarian form of politics. There is no longer a place for systematically encouraging and tolerating disagreement and debate about public matters. There is no longer a site for the institutional promotion, through the formation of groups or parties, of opposing positions. There is no longer scope for the mobilization of competing political views.

Without an institutional realm of public discourse, and procedures to protect its autonomy and independence, the Commune structure would be granted almost limitless power. In such circumstances there can be no guarantees that those who are elected into the highest office will have their actions scrutinized and their behaviour checked. One need not accept that indivduals are simply self-seeking to be reminded of telling points in Locke's critique of Hobbes's idea of the modern state, or J. S. Mill's defence of liberty against the threat of an overgrown state. It appears, thus, that Marx underestimated the significance of the liberal and liberal democratic preoccupation with how to secure freedom of criticism and action, i.e. choice and diversity, in the face of centralized state power, although this is by no means to say that the traditional liberal formulations of the problem and its solution are fully satisfactory (cf. Arendt, 1963). It will be argued later that a realm of social life where matters of general interest can be discussed, where differences of opinion can be settled by sustained argument and/or by clear-cut procedures for the resolution of differences, is an essential institutional feature of public life (see Habermas, 1962), but that the classical democrats, liberals and Marxists all failed to grasp fully its preconditions.

Marx did not produce an adequate political theory of socialism and communism and, above all, an adequate theory of their institutional structures. If political institutions are reduced to one undifferentiated type, to a complex of organizations that are not clearly separated, power can congeal in a hierarchical form. Marx tended to assume that the new political apparatus would be accessible to all, fully transparent and open to change in the future. As one critic aptly put it,

> It is . . . a gigantic gamble; the gamble that it will be possible to set about constructing the state 'in the best of all possible worlds'. The odds against the gamble are astronomic. It does not simply demand the absence of the peculiarly unhelpful conditions of post 1917 Russia [economic underdevelopment, isolation of the Revolution from oth socialist movements, pressures of encirclement by hostile power lack of resources as a result of war, civil war etc.] – although tho conditions themselves have for a long time conspired to suggest tl essential innocence of the model. It also demands a situation devo of all political conflicts, of all economic problems, of all social contr dictions, of all inadequate, selfish or simply human emotions ar motivations of all singularity, of all negativity. It demands, in shor . . . an absence of politics. (Polan, 1984, pp. 129–30)

The history of Marxism itself – marked by deep conflicts about to define appropriate political goals and about how to dev political strategy in historical conditions often quite different f those envisaged by Marx – testifies against the desirability of gamble. But this by no means suggests that other gambles, pa inspired by Marx and appropriately defined, are not worth whi far from it.

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can provide affluence indefinitely), and as long as we continue to accept the cold-war view that the only alternative to Model 3 is a wholly non-liberal totalitarian state. Putting this in a slightly different way, we might say that a system of competing elites with a low level of citizen participation is *required* in an unequal society, most of whose members think of themselves as maximizing consumers.

This requirement took on a new urgency with the catastrophic economic depression of the early 1930s in all the Western nations. The need for the state to intervene in the economy along Keynesian lines, in order to sustain the capitalist order, meant an increased need to remove political decisions from any democratic responsiveness: only the experts, whose reasoning was assumed to be beyond the comprehension of the voters, could save the system. The experts' advice was followed, and it did save the system for the next three or four decades. Model 3 was, therefore, from its very beginnings in the 1940s, understandably aligned against democratic participation. But with increasing disillusionment with the results of this state-regulated capitalism in the 1960s and 70s, the adequacy of Model 3 is increasingly questioned.

The fact that doubts are increasingly being raised about the adequacy of this system cannot, unfortunately, be taken as evidence that we have moved far enough away from inequality, and from the consciousness of ourselves as essentially consumers, to make a new political model possible. The most we can do is to look at the problems of moving to a new model, and examine possible solutions.

V

Model 4: Participatory Democracy

THE RISE OF THE IDEA

To call participatory democracy a model at all, let alone a model of liberal democracy, is perhaps to yield too much to a liking for symmetry. Participatory democracy is certainly not a model as solid or specific as those we have been examining. It began as a slogan of the New Left student movements of the 1960s. It spread into the working class in the 1960s and '70s, no doubt as an offshoot of the growing job-dissatisfaction among both blue- and white-collar workers and the more widespread feeling of alienation, which then became such fashionable subjects for sociologists, management experts, government commissions of inquiry, and popular journalists. One manifestation of this new spirit was the rise of movements for workers' control in industry. In the same decades, the idea that there should be substantial citizen participation in *government* decision-making spread so widely that national governments began enrolling themselves, at least verbally, under the participatory banner, and some even initiated programmes embodying extensive citizen participation.[1] It appears that the hope of a more participatory society and system of government has come to stay.

We need not attempt to review the voluminous recent literature on participation in various spheres of society. Our concern

[1] e.g. the Community Action Programs inaugurated by the United States federal government in 1964, which called for 'maximum feasible participation of residents of the areas and members of the groups served'. For a critical account of this, see 'Citizen Participation in Emerging Social Institutions' by Howard I. Kalodner, in *Participation in Politics*, as cited in n. 3, below.

here is only with the prospects of a more participatory system of government for Western liberal-democratic nations. Can liberal-democratic government be made more participatory, and if so, how? This question has not yet had as much attention as it deserves. The debate among political theorists had to be at the beginning mainly concerned with the prior question: is more citizen participation desirable?[2] The exponents of Model 3, as we have seen, said no. That debate is not yet ended.[3]

For our purposes, however, that debate may be foreclosed. It is sufficient to say that in view of the unquestioned class differential in political participation in the present system, and assuming that that differential is both the effect and the continuing cause of the inability of those in the lower strata either to articulate their wants or to make their demands effective, then nothing as unparticipatory as the apathetic equilibrium of Model 3 measures up to the ethical requirements of democracy. This is not to say that a more participatory system would of itself remove all the inequities of our society. It is only to say that low participation and social inequity are so bound up with each other that a more equitable and humane society requires a more participatory political system.

The difficult question, whether either a change in the political system or a change in the society is a prerequisite of the other, will occupy us largely in the next section of this chapter. In the meantime I shall assume that something more participatory than our present system is desirable. The remaining question is whether it is possible.

IS MORE PARTICIPATION NOW POSSIBLE?

(i) *The problem of size*

It is not much use simply celebrating the democratic quality

[2] This has been the main concern of the radical liberal critics of Model 3 (as cited in ch. IV, p. 84, n. 11, and in n. 3, below.

[3] See *Participation in Politics* (Nomos XVI) (eds. J. R. Pennock and J. W. Chapman), New York, 1975. Most of the contributors to this volume, which is based on papers given at the 1971 annual meeting of the American Society for Political and Legal Philosophy, are in favour of more participation, but there is a spirited defence, by M. B. E. Smith, of the opposite position.

of life and of decision-making (that is, of government) that can be had in contemporary communes or New England town-meetings or that was had in ancient city-states. There may be a lot to learn about the quality of democracy by examining these face-to-face societies, but that will not show us how a participatory democracy could operate in a modern nation of twenty million or two hundred million people. It seems clear that, at the national level, there will have to be some kind of representative system, not completely direct democracy.

The idea that recent and expected advances in computer technology and telecommunications will make it possible to achieve direct democracy at the required million-fold level is attractive not only to technologists but also to social theorists and political philosophers.[4] But it does not pay enough attention to an inescapable requirement of any decision-making process: somebody must formulate the questions.

No doubt something could be done with two-way television to draw more people into more active political discussion. And no doubt it is technically feasible to put in every living-room—or, to cover the whole population, beside every bed—a computer console with Yes/No buttons, or buttons for Agree/Disagree/Don't Know, or for Strongly Approve/Mildly Approve/Don't Care/Mildly Disapprove/Strongly Disapprove, or for preferential multiple choices. But it seems inevitable that some government body would have to decide what questions would be asked: this could scarcely be left to private bodies.

There might indeed be a provision that some stated number of citizens have the right to propose questions which must then be put electronically to the whole electorate. But even with such a provision, most of the questions that would need to be asked in our present complex societies could scarcely be formulated by citizen groups specifically enough for the answers to give a government a clear directive. Nor can the ordinary citizen be expected to respond to the sort of questions that would be required to give a clear directive. The questions would have to be as intricate as, for instance, 'what per cent

[4] See Michael Rossman: *On Learning and Social Change*, New York, 1972, pp. 257–8; and Robert Paul Wolff: *In Defense of Anarchism*, New York, 1970, pp. 34–7.

unemployment rate would you accept in order to reduce the rate of inflation by x per cent?', or 'what increase in the rate of (a) income tax, (b) sales and excise taxes, (c) other taxes (specify which), would you accept in order to increase by blank per cent (fill in [punch in] the blank), the level of (1) old-age pensions, (2) health services, (3) other social services (specify which), (4) any other benefits (specify which)?' Thus even if there were provision for such a scheme of popular initiative, governments would still have to make a lot of the real decisions.

Moreover, unless there were, somewhere in the system, a body whose duty was to reconcile inconsistent demands presented by the buttons, the system would soon break down. If such a system were to be attempted in anything like our present society there would almost certainly be inconsistent demands. People—the same people—would, for instance, very likely demand a reduction of unemployment at the same time as they were demanding a reduction of inflation, or an increase in government expenditures along with a decrease in taxes. And of course different people—people with opposed interests, such as the presently privileged and the unprivileged—would also present incompatible demands. The computer could easily deal with the latter incompatibilities by ascertaining the majority position, but it could not sort out the former. To avoid the need for a body to adjust such incompatible demands to each other the questions would have to be framed in a way that would require of each voter a degree of sophistication impossible to expect.

Nor would the situation be any better in any foreseeable future society. It is true that the sort of questions just mentioned, which are about the distribution of economic costs and economic benefits among different sections of the population, may be expected to become less acute in the measure that material scarcity becomes less pressing. But even if they were to disappear as internal problems in the economically most advanced societies, they would reappear there as external problems: for instance, how much and what kind of aid should the advanced countries afford to the underdeveloped ones? Moreover, another range of questions would arise internally,

having to do not with distribution but with production in the broadest sense, that is, with the uses to be made of the society's whole stock of energy and resources, and the encouragement or discouragement of further economic growth and population growth. And beyond that there would be such questions as the extent to which the society should promote or should keep its hands off the cultural and educational pursuits of the people.

Such questions, even in the most favourable circumstances imaginable, will require repeated reformulation. And questions of this sort do not readily lend themselves to formulation by popular initiative. Their formulation would have to be entrusted to a governmental body.

It might still be argued that even if it is impossible to leave the formulation of all policy questions to popular initiative, at least the very broadest sort of policy could be left to it. Granted that the many hundreds of policy decisions that are now made every year by governments and legislatures would still have to be made by them, it might be urged that those decisions should be required to conform to the results of referenda on the very broadest questions. But it is difficult to see how most of the broadest questions could be left to formulation by popular initiative. Popular initiative could certainly formulate clear questions on certain single issues, for instance, capital punishment or legalization of marijuana or of abortion on demand—issues on which the response required is simply yes or no. But for the reasons given above, popular initiative could not formulate adequate questions on the great interrelated issues of overall social and economic policy. That would have to be left to some organ of government. And unless that organ were either an elected body or responsible to an elected body, and thus at some remove responsible to the electorate, such a system of continual referenda would not really be democratic; worse, by giving the appearance of being democratic, the system would conceal the real location of power and would thus enable 'democratic' governments to be more autocratic than they are now. We cannot do without elected politicians. We must rely, though we need not rely exclusively, on indirect democracy. The problem is to make the elected politicians responsible. The

electronic console beside every bed cannot do that. Electronic technology, then, cannot give us direct democracy.

So the problem of participatory democracy on a mass scale seems intractable. It *is* intractable if we simply try to draw mechanical blue-prints of the proposed political system without paying attention to the changes in society, and in people's consciousness of themselves, which a little thought will show must precede or accompany the attainment of anything like participatory democracy. I want to suggest now that the central problem is not how a participatory democracy would operate but how we could move towards it.

(ii) *A vicious circle and possible loopholes*

I begin with a general proposition: the main problem about participatory democracy is not how to run it but how to reach it. For it seems likely that if we can reach it, or reach any substantial instalment of it, our way along the road to reaching it will have made us capable of running it, or at least less incapable than we now are.

Having announced this proposition, I must immediately qualify it. The failures so far to reach really participatory democracy in countries where that has been a conscious goal, for instance Czechoslovakia in the years up to 1968 and many of the Third World countries, demand some reservations about such a proposition. For in both those cases, a good deal of the road had already been travelled: I mean the road away from capitalist class-division and bourgeois ideology towards, in the one case, a Marxist humanism and, in the other, a Rousseauan concept of a society embodying a general will, and in both cases towards a stronger sense of community than we have. And, of course, the whole of the road had there been travelled away from that mirror-image of the oligopolistic capitalist market system: I mean, the oligopolistic competition of political parties which prevails with us, which is not only not very participatory, but is recommended, by most current liberal-democratic theorists, as quintessentially non-participatory.

So there still are difficulties in reaching participatory democracy, even when much of the road has been travelled, i.e. when some of the obvious prerequisite changes in society and

ideology *have* taken place. However, the roads they have travelled in such countries as I have just mentioned are significantly different from the road we would have to travel to come near to participatory democracy. For I assume that our road in the Western liberal democracies is not likely to be via communist revolution; nor, obviously, will it be via revolutions of national independence beset by all the problems of underdevelopment and low productivity that have faced the Third World countries.

It therefore seems worth inquiring what road it may be possible for any of the Western liberal democracies to travel, and whether, or to what extent, moving along that road could make us capable of operating a system substantially more participatory than our present one. This becomes the question: what roadblocks have to be removed, i.e. what changes in our present society and the now prevailing ideology are prerequisite or co-requisite conditions for reaching a participatory democracy?

If my earlier analysis is at all valid, the present non-participatory or scarcely participatory political system of Model 3 does fit an unequal society of conflicting consumers and appropriators: indeed, nothing but that system, with its competing political élites and voter apathy, seems competent to hold such a society together. If that is so, two pre-requisites for the emergence of a Model 4 are fairly clearly indicated.

One is a change in people's consciousness (or unconsciousness), from seeing themselves and acting as essentially consumers to seeing themselves and acting as exerters and enjoyers of the exertion and development of their own capacities. This is requisite not only to the emergence but also to the operation of a participatory democracy. For the latter self-image brings with it a sense of community which the former does not. One can acquire and consume by oneself, for one's own satisfaction or to show one's superiority to others: this does not require or foster a sense of community; whereas the enjoyment and development of one's capacities is to be done for the most part in conjunction with others, in some relation of community. And it will not be doubted that the operation of a participatory

democracy would require a stronger sense of community than now prevails.

The other prerequisite is a great reduction of the present social and economic inequality, since that inequality, as I have argued, requires a non-participatory party system to hold the society together. And as long as inequality is accepted, the non-participatory political system is likely also to be accepted by all those in all classes who prefer stability to the prospect of complete social breakdown.

Now if these two changes in society—the replacement of the image of man as consumer, and a great reduction of social and economic inequality—are prerequisites of participatory democracy, we seem to be caught in a vicious circle. For it is unlikely that either of these prerequisite changes could be effected without a great deal more democratic participation than there is now. The reduction of social and economic inequality is unlikely without strong democratic action. And it would seem, whether we follow Mill or Marx, that only through actual involvement in joint political action can people transcend their consciousness of themselves as consumers and appropriators. Hence the vicious circle: we cannot achieve more democratic participation without a prior change in social inequality and in consciousness, but we cannot achieve the changes in social inequality and consciousness without a prior increase in democratic participation.

Is there any way out? I think there may be, though in our affluent capitalist societies it is unlikely to follow the pattern proposed or expected in the nineteenth century either by Marx or by Mill. Marx expected the development of capitalism to lead to a sharpening of class consciousness, which would lead to various kinds of working-class political action, which would further increase the class consciousness of the working class and turn it into revolutionary consciousness and revolutionary organization. This would be followed by a revolutionary take-over of power by the working class, which power would be consolidated by a period of 'dictatorship of the proletariat', which would break down the social and economic inequality and replace man as maximizing consumer by man as exerter and developer of his human capacities. Whatever we may think of the probability of this sequence once it had started, it does require increasing class consciousness to start it, and there is little evidence of this in prosperous Western societies today, where it has generally declined since Marx's day.[5]

John Stuart Mill's way out does not seem very hopeful either. He counted on two things. First, the broadening of the franchise would lead to more widespread political participation which would in turn make people capable of still more political participation and would contribute to a change in consciousness. Secondly, the owner/worker relation would change with the spread of producers' co-ops: to the extent that they replaced the standard capitalist relation, both consciousness and inequality would be changed. But the broadening of the franchise did not have the result Mill hoped for, nor has the capitalist relation between owner and worker changed in the way required.

So neither Marx's nor Mill's way seems a way out of our vicious circle. But there is one insight common to both of them that we might well follow. Both assumed that changes in the two factors which abstractly seem to be prerequisites of each other—the amount of political participation on the one hand, and the prevailing inequality and the image of man as infinite consumer and appropriator on the other—would come stage by stage and reciprocally, an incomplete change in one leading to some change in the other, leading to more change in the first, and so on. Even Marx's scenario, including as it did revolutionary change at one point, called for this reciprocal incremental change both before and after the revolution. We also may surely assume, in looking at our vicious circle, that we needn't expect one of the changes to be complete before the other can begin.

So we may look for loopholes anywhere in the circle, that is, for changes already visible or in prospect either in the amount of democratic participation or in social inequality or consumer consciousness. If we find changes which are not only already perceptible but which are attributable to forces or circumstances which are likely to go on operating with cumulative

[5] There are some signs that class consciousness is re-emerging (see below, p. 106), but not that it is becoming a revolutionary consciousness.

effect, then we can have some hope of a break-through. And if the changes are of a sort that encourages reciprocal changes in the other factors, so much the better.

Are there any loopholes which come up to these specifications? Let us start from the assumption least favourable to our search, the assumption that most of us are, willy-nilly, maximizing calculators of our own benefit, making a cost/benefit analysis of everything, however vaguely we make it; and that most of us consciously or unconsciously see ourselves as essentially infinite consumers. From these assumptions the vicious circle appears to follow directly: most people will support, or not do much to change, a system which produces affluence, which continually increases the Gross National Product, and which also produces political apathy. This makes a pretty strong vicious circle. But there are now some visible loopholes. I shall draw attention to three of them.

(1) More and more people, in the capacity we have attributed to them all, namely as cost/benefit calculators, are reconsidering the cost/benefit ratio of our society's worship of expansion of the GNP. They still see the benefits of economic growth, but they are now beginning to see some costs they hadn't counted before. The most obvious of these are the costs of air, water, and earth pollution. These are costs largely in terms of the quality of life. Is it too much to suggest that this awareness of quality is a first step away from being satisfied with quantity, and so a first step away from seeing ourselves as infinite consumers, towards valuing our ability to exert our energies and capacities in a decent environment? Perhaps it is too much. But at any rate the growing consciousness of these costs weakens the unthinking acceptance of the GNP as the criterion of social good.

Other costs of economic growth, notably the extravagant depletion of natural resources and the likelihood of irreversible ecological damage, are also increasingly being noticed. Awareness of the costs of economic growth takes people beyond sheer consumer consciousness. It can be expected to set up some consciousness of a public interest that is not looked after either by the private interest of each consumer or by the competition of political élites.

(2) There is an increasing awareness of the costs of political apathy, and, closely related to this, a growing awareness, within the industrial working class, of the inadequacy of traditional and routine forms of industrial action. It is coming to be seen that citizens' and workers' non-participation, or low participation, or participation only in routine channels, allows the concentration of corporate power to dominate our neighbourhoods, our jobs, our security, and the quality of life at work and at home. Two examples of this new awareness may be given.

(a) The one that is most evident, at least in North American cities, which have hitherto been notoriously careless of human values, is the rise of neighbourhood and community movements and associations formed to exert pressure to preserve or enhance those values against the operations of what may be called the urban commercial-political complex. Such movements have sprung up, with substantial effect, against expressways, against property developers, against inner-city decay, for better schools and day-care centres in the inner city, and so on. It is true that they have generally begun as, and sometimes remained, single-issue affairs. And they do not usually seek to replace, but only to put new pressures on, the formal municipal political structure.[6] Most of them do not, therefore, by themselves constitute a significant breakaway from the system of competing élites. But they do attract to active political participation many, especially of the lower socio-economic strata, who had previously been most politically apathetic.

(b) Less noticeable, but probably in the long run more important, are the movements for democratic participation in decision-making at the workplace. These movements have not yet made decisive strides in any of the capitalist democracies, but pressure for some degrees of workers' control at the shop-floor level and even at the level of the firm is increasing, and

[6] Sometimes they do seek to revise the formal structure, as in the demands for community control of schools or police and for greater community participation in city planning and intelligence operations, as mentioned by John Ladd: 'The Ethics of Participation', in J. R. Pennock and J. W. Chapman, op. cit., pp. 99, 102.

examples of it actually in operation are promising.[7] The importance of this, whether the decisions are only about working conditions and planning the way the work is to be arranged at the shop-floor level, or whether it goes as far as participation in policy decisions at the level of the firm, is twofold.

In the first place, those who are involved in it are getting experience of participation in decision-making in that side of their lives—their lives at work—where their concern is greater, or at least more immediately and directly felt, than in any other. They can see at first hand just how far their participation is effective. The forces which make for the apathy of the ordinary person in the formal political process of a whole nation are absent. Unconcern about the outcome of apparently far-off political issues; distance from the results, if any, of participation; uncertainty about or disbelief in the effectiveness of their participation; lack of confidence in their own ability to participate—none of these apply to participation in decisions at the workplace. And an appetite for participation, based on the very experience of it, may well carry over from the workplace to wider political areas. Those who have proved their competence in the one kind of participation, and gained confidence there that they can be effective, will be less put off by the forces which have kept them politically apathetic, more able to reason at a greater political distance from results, and more able to see the importance of decisions at several removes from their most immediate concerns.

In the second place, those involved in workers' control are participating *as producers*, not as consumers or appropriators.

[7] An effective analysis of these is given by Carole Pateman: *Participation and Democratic Theory*, Cambridge, 1970, chs. 3 and 4. Other analysts, writing as political activists who want workers' control as a path to a fully socialist society, find the present achievement of the workers' control movements less encouraging, e.g. Gerry Hunnius, G. D. Garson, and John Case (eds.): *Workers' Control, a Reader on Labor and Social Change*, New York, 1973; and Ken Coates and Tony Topham (eds.): *Workers' Control, a book of readings and witnesses for workers' control*, London, 1970. The pressure for workers' control is likely to increase since it flows from the increasing degradation of work which seems inherent in capitalist production: cf. Harry Braverman: *Labour and Monopoly Capital: the Degradation of Work in the Twentieth Century*, New York and London, 1974.

They are in it not to get a higher wage or a greater share of the product, but to make their productive work more meaningful to them. If workers' control were merely another move in the scramble for more pay to take home, or in the continuing effort to maintain real wages by getting increased money wages and fringe benefits, which is what much trade union activity is about, it would do nothing, just as established trade union practice does nothing, to move men away from their image of themselves as consumers and appropriators. But workers' control is not primarily about distribution of income: it is about the conditions of production, and as such it can be expected to have a considerable breakaway effect.

(3) There is a growing doubt about the ability of corporate capitalism, however much aided and managed by the liberal state, to meet consumer expectations in the old way, i.e. with the present degree of inequality. There is a real basis for this doubt: the basis is the existence of a contradiction within capitalism, the results of which cannot be indefinitely avoided.

Capitalism reproduces inequality and consumer consciousness, and must do so to go on operating. But its increasing ability to produce goods and leisure has as its obverse its increasing need to spread them more widely. If people can't buy the goods, no profit can be made by producing them. This dilemma can be staved off for quite a time by keeping up cold war and colonial wars: as long as the public will support these, then the public is, as consumers, buying by proxy all that can be profitably produced, and is wasting it satisfactorily. This has been going on for a long time now, but there is at least a prospect that it will not be indefinitely supported as normal. If it is not supported, then the system will either have to spread real goods more widely, which will reduce social inequality; or it will break down, and so be unable to continue to reproduce inequality and consumer consciousness.

This dilemma of capitalism is much more intense now than it was in the nineteenth century, when capitalism had the big safety-valves of continental and colonial expansion. The dilemma, in conjunction with the changing public awareness of the cost/benefit ratio of the system, puts capitalism in a

rather different position from the one it enjoyed in Mill's and Marx's day.

Capitalism in each of the Western nations in the 1970s is experiencing economic difficulties of near-crisis proportions. Of these no end is in sight. Keynesian remedies, successful for three decades from the 1930s, have now evidently failed to cope with the underlying contradiction. The most obvious symptom of this failure is the prevalence, simultaneously, of high rates both of inflation and of unemployment—two things which used to be thought alternatives. For wage-earners, the erosion of the value of money earnings along with insecurity of employment is a serious matter. It has already led to increased working-class militancy in various forms: in some countries, increased political activity and strength of communist and socialist parties; in others, increased participation in trade union and industrial activity. The trade unions will be increasingly impelled not just to concern themselves with labour's share of the national income but to recognize the structural incompetence of managed capitalism. It cannot be said that trade union leaders generally have yet seen this, but they are being increasingly hard-pressed by shop steward activity and unofficial strike action. It is to be expected that working-class participation in political and industrial action will increase, and will be increasingly class-conscious. The probability is that industrial action, of which there is a lot already, will be seen to be fundamentally *political*, and so, whether it takes the form of participation in the formal political process or not, will amount to increased political participation.

So we have three weak points in the vicious circle—the increasing awareness of the costs of economic growth, the increasing awareness of the costs of political apathy, the increasing doubts about the ability of corporate capitalism to meet consumer expectations while reproducing inequality. And each of these may be said to be contributing, in ways we have seen, to the possible attainment of the prerequisite conditions for participatory democracy: together, they conduce to a decline in consumer consciousness, a reduction of class inequality, and an increase in present political participation. The prospects for a more democratic society are thus not entirely bleak. The move towards it will both require and encourage an increasing measure of participation. And this now seems to be within the realm of the possible.

Before leaving this discussion of the possibility of moving to a participatory democracy, I must emphasize that I have been looking only for possible, even barely possible, ways ahead. I have not attempted to assess whether the chances of winning through are better or worse than 50/50. And when one thinks of the forces opposed to such a change, one might hesitate to put the chances as high as 50/50. One need only think of the power of multi-national corporations; of the probability of the increasing penetration into home affairs of secret intelligence agencies such as the American C.I.A., which have been allowed or required by their governments to include in 'intelligence' such activities as organizing invasions of some smaller countries and assisting in the overthrow of disliked governments of others; and of the increasing use of political terrorism by outraged minorities of right and left, with the excuse they give governments of moving into the practices of the police state, and even getting a large measure of popular support for the police state. Against such forces can only be put the fact that liberal-democratic governments are reluctant to use open force on a large scale, except for very short periods, against any widely supported popular movements at home: understandably so, for by the time a government feels the need to do this it may well be unable to count on the army and the police.

At a less immediately alarming level there are other factors which may prevent the requisite reduction of class inequality. The advanced Western economies may slow down to a stationary condition (where there is no economic growth because no incentive to new capital formation) before popular pressures have done much to get the present class inequalities reduced: this would make further reduction more difficult. And the maintenance of even the present Western levels of affluence would be impossible if some of the underdeveloped nations were able, by nuclear blackmail or otherwise, to impose a redistribution of income between the rich and poor nations. Such a global redistribution would make still more

difficult any significant reduction of class inequality within the affluent nations.[8]

I do not know of enough empirical evidence to enable one to judge the relative strength of the forces in our present society making for, and those making against, a move to a more participatory democracy. So my exploration of possible forces making for it is not to be taken as a prophecy, but only as a glimpse of possibilities.

MODELS OF PARTICIPATORY DEMOCRACY

Let me turn finally to the question of how a participatory democracy might be run if we did achieve the prerequisites. How participatory could it be, given that at any level beyond the neighbourhood it would have to be an indirect or representative system rather than face-to-face direct democracy?

(i) *Model 4A: an abstract first approximation*

If one looks at the question first in general terms, setting aside for the present both the weight of tradition and the actual circumstances that might prevail in any country when the prerequisites had been sufficiently met, the simplest model that could properly be called a participatory democracy would be a pyramidal system with direct democracy at the base and delegate democracy at every level above that. Thus one would start with direct democracy at the neighbourhood or factory level—actual face-to-face discussion and decision by consensus or majority, and election of delegates who would make up a council at the next more inclusive level, say a city borough or ward or a township. The delegates would have to be sufficiently instructed by and accountable to those who elected them to make decisions at the council level reasonably democratic. So it would go on up to the top level, which would be a national council for matters of national concern, and local and regional

[8] Cf. Robert L. Heilbroner: *An Inquiry into the Human Prospect*, 2nd edn., New York, 1975, especially ch. 3, where it is argued that, for reasons such as these, the Western nations are unlikely to be able to keep up even their present degree of liberal democracy.

councils for matters of less than national concern. At whatever level beyond the smallest primary one the final decisions on different matters were made, the issues would certainly have to be formulated by a committee of the council. Thus at whatever level the reference up stopped, it would stop in effect with a small committee of that level's council. This may seem a far cry from democratic control. But I think it is the best we can do. What is needed, at every stage, to make the system democratic, is that the decision-makers and issue-formulators elected from below be held responsible to those below by being subject to re-election or even recall.

Now such a system, no matter how clearly responsibilities are set out on paper, even if the paper is a formal national constitution, is no guarantee of effective democratic participation or control: the Soviet Union's 'democratic centralism', which was just such a scheme, cannot be said to have provided the democratic control that had been intended. The question is whether such failure is inherent in the nature of a pyramidal councils system. I think it is not. I suggest that we can identify the sets of circumstances in which the system won't work as intended, that is, won't provide adequate responsibility to those below, won't be actively democratic. Three such sets of circumstances are evident.

(1) A pyramidal system will not provide real responsibility of the government to all the levels below in an immediately post-revolutionary situation; at least it will not do so if the threat of counter-revolution, with or without foreign intervention, is present. For in that case, democratic control, with all its delays, has to give way to central authority. That was the lesson of the immediate aftermath of the 1917 Bolshevik revolution. A further lesson, to be drawn from the subsequent Soviet experience, is that, if a revolution bites off more than it can chew democratically, it will chew it undemocratically.

Now since we do not seem likely, in the Western liberal democracies, to try to move to full democracy by way of a Bolshevik revolution, this does not appear to be a difficulty for us. But we must notice that the threat of counter-revolution is present not only after a Bolshevik revolution but also after a

parliamentary revolution, i.e. a constitutional, electoral, take-over of power by a party or popular front pledged to a radical reform leading to the replacement of capitalism. That this threat may be real, and be fatal to a constitutional revolutionary regime which tries to proceed democratically, is evident in the example of the counter-revolutionary overthrow of the Allende regime in Chile in 1973, after three years in office. We have to ask, therefore, whether the Chilean sequence could be repeated in any of the more advanced Western liberal-democracies. Could it happen in, say, Italy or France? If it could, the chances of participatory democracy in any such country would be slim.

There is no certainty that it could not happen there. We cannot rely on there being a longer habit of constitutionalism in Western Europe than in Latin America: indeed, in those European liberal democracies which are most likely to be in this situation in the forseeable future (e.g. Italy and France), the tradition of constitutionalism cannot be said to be much older or firmer than in Chile. We should, however, notice that Allende's popular front coalition was in control of only a part of the executive power (the presidency, but not the *contraloria*, which had power to rule on the legality of any executive action), and was in control of none of the legislative (including taxing) power. If a similar government elsewhere came into office with a stronger base it could proceed democratically without the same risk of being overthrown by counter-revolution.

(2) Another circumstance in which a responsible pyramidal councils system would not work would be a reappearance of an underlying class division and opposition. For, as we have seen, such division requires that the political system, in order to hold the society together, be able to perform the function of continual compromise between class interests, and that function makes it impossible to have clear and strong lines of responsibility from the upper elected levels downwards.

But this also is not as great a problem for us as it might seem. For if my earlier analysis is right, we shall not have reached the possibility of installing such a responsible system until we have greatly reduced the present social and economic inequalities.

It is true that this will be possible only in the measure that the capital/labour relation that prevails in our society has been fundamentally changed, for capitalist relations produce and reproduce opposed classes. No amount of welfare-state redistribution of income will by itself change that relation. Nor will any amount of workers' participation or workers' control at the shop-floor level or the plant level: that is a promising breakthrough point, but it will not do the whole job. A fully democratic society requires democratic political control over the uses to which the amassed capital and the remaining natural resources of the society are put. It probably does not matter whether this takes the form of social ownership of all capital, or a social control of it so thorough as to be virtually the same as ownership. But more welfare-state redistribution of the national income is not enough: no matter how much it might reduce class inequalities of income it would not touch class inequalities of power.

(3) A third circumstance in which the pyramidal council system would not work is, of course, if the people at the base were apathetic. Such a system could not have been reached except by a people who had thrown off their political apathy. But might not apathy grow again? There can be no guarantee that it would not. But at least the main factor which I have argued creates and sustains apathy in our present system would by hypothesis be absent or at least greatly modified—I mean the class structure which discourages the participation of those in the lower strata by rendering it relatively ineffective, and which more generally discourages participation by requiring such a blurring of issues that governments cannot be held seriously responsible to the electorate.

To sum up the discussion so far of the prospects of a pyramidal councils system as a model of participatory democracy, we may say that in the measure that the prerequisite conditions for transition to a participatory system had been achieved in any Western country, the most obvious impediments to a pyramidal councils scheme being genuinely democratic would not be present. A pyramidal system might work. Or other impediments might emerge to prevent it being fully democratic. It is not worth pursuing these, for this simple model is

too unrealistic. It can be nothing but a first approximation to a workable model, for it was reached by deliberately setting aside what must now be brought back into consideration—the weight of tradition and the actual circumstances that are likely to prevail in any Western nation at the time when the transition became possible.

The most important factor here is the existence of political parties. The simple model has no place for them. It envisages a no-party or one-party system. This was appropriate enough when such a model was put forward in the revolutionary circumstances of mid-seventeenth-century England and early twentieth-century Russia. But it is not appropriate for late twentieth-century Western nations, for it seems unlikely that any of them will move to the threshold of participatory democracy by way of a one-party revolutionary take-over. It is much more likely that any such move will be made under the leadership of a popular front or a coalition of social-democratic and socialist parties. Those parties will not wither away, at least not for some years. Unless all of them but one are put down by force, several will still be around. The real question then is, whether there is some way of combining a pyramidal council structure with a competitive party system.

(ii) *Model 4B: a second approximation*

The combination of a pyramidal direct/indirect democratic machinery with a continuing party system seems essential. Nothing but a pyramidal system will incorporate any direct democracy into a nation-wide structure of government, and some significant amount of direct democracy is required for anything that can be called participatory democracy. At the same time, competitive political parties must be assumed to be in existence, parties whose claims cannot, consistently with anything that could be called a liberal democracy, be overridden.

Not only is the combination of pyramid and parties probably unavoidable: it may be positively desirable. For even in a non-class-divided society there would still be issues around which parties might form, or even might be needed to allow issues to be effectively proposed and debated: issues such as the

over-all allocation of resources, environmental and urban planning, population and immigration policies, foreign policy, military policy.* Now supposing that a competitive party system were either unavoidable, or actually desirable, in a non-exploitive, non-class-divided society, could it be combined with any kind of pyramidal direct/indirect democracy?

I think it could. For the main functions which the competitive party system has had to perform, and has performed, in class-divided societies up to now, i.e. the blurring of class opposition and the continual arranging of compromises or apparent compromises between the demands of opposed classes, would no longer be required. And those are the features of the competitive party system which have made it up to now incompatible with any effective participatory democracy. With that function no longer required, the incompatibility disappears.

There are, in abstract theory, two possibilities of combining a pyramidal organization with competing parties. One, much the more difficult, and so unlikely as to deserve no attention here, would be to replace the existing Western parliamentary or congressional/presidential structure of government by a soviet-type structure, (which is conceivable even with two or more parties). The other, much less difficult, would be to keep the existing structure of government, and rely on the parties themselves to operate by pyramidal participation. It is true, as I said earlier, that all the many attempts made by democratic reform movements and parties to make their leaders, when they became the government, responsible to the rank-and-file,

* It is worth noticing that in Czechoslovakia, in the spring and summer of 1968 just before the overthrow of the reformist Communist Dubček regime by the military intervention of the U.S.S.R., one of the widely canvassed proposals for enhancing the democratic quality of the political system was the introduction of a competitive party system, and that this had substantial public support and even some support within the ruling Communist Party. In a July public opinion poll 25 per cent of the C.P. members polled, and 58 per cent of non-party persons polled, wanted one or more new parties; in an August poll, in which the question was put ambiguously, the figures were 16 per cent and 35 per cent. (H. Gordon Skilling: *Czechoslovakia's Interrupted Revolution*, Princeton University Press, 1976, pp. 550–1, 556–72.)

have failed. But the reason for those failures would no longer exist in the circumstances we are considering, or at least would not exist to anything like the same degree. The reason for those failures was that strict responsibility of the party leadership to the membership does not allow the room for manœuvre and compromise which a government in a class-divided society must have in order to carry out its necessary function of mediating between opposed class interests in the whole society. No doubt, even in a non-class-divided society, there would still have to be some room for compromise. But the amount of room needed for compromise on the sort of issues that might then divide parties would not be of the same order of magnitude as the amount now required, and the element of deception or concealment required to carry on the continual blurring of class lines would not be present.

It thus appears that there is a real possibility of genuinely participatory parties, and that they could operate through a parliamentary or congressional structure to provide a substantial measure of participatory democracy. This I think is as far as it is now feasible to go by way of a blueprint.

PARTICIPATORY DEMOCRACY AS LIBERAL DEMOCRACY?

One question remains: can this model of participatory democracy be called a model of liberal democracy? I think it can. It is clearly not dictatorial or totalitarian. The guarantee of this is not the existence of alternative parties, for it is conceivable that after some decades they might wither away, in conditions of greater plenty and widespread opportunity for citizen participation other than through political parties. In that case we should have moved to Model 4A. The guarantee is rather in the presumption that no version of Model 4 could come into existence or remain in existence without a strong and widespread sense of the value of that liberal-democratic ethical principle which was the heart of Model 2—the equal right of every man and woman to the full development and use of his or her capabilities. And of course the very possibility of Model 4 requires also, as argued in the second section of this chapter,

a downgrading or abandonment of market assumptions about the nature of man and society, a departure from the image of man as maximizing consumer, and a great reduction of the present economic and social inequality. Those changes would make possible a restoration, even a realization, of the central ethical principle of Model 2; and they would not, for the reason given earlier,[10] logically deny to a Model 4 the description 'liberal'. As long as there remained a strong sense of the high value of the equal right of self-development, Model 4 would be in the best tradition of liberal democracy.

[10] At the end of ch. I, pp. 21–2.

CHAPTER IV

Citizenship and Social Class

The invitation to deliver these lectures[1] gave me both personal and professional pleasure. But, whereas my personal response was a sincere and modest appreciation of an honour I had no right to expect, my professional reaction was not modest at all. Sociology, it seemed to me, had every right to claim a share in this annual commemoration of Alfred Marshall, and I considered it a sign of grace that a University which has not yet accepted sociology as an inmate should nevertheless be prepared to welcome her as a visitor. It may be—and the thought is a disturbing one—that sociology is on trial here in my person. If so, I am sure I can rely on you to be scrupulously fair in your judgement, and to regard any merit you may find in my lectures as evidence of the academic value of the subject I profess, while treating everything in them that appears to you paltry, common or ill-conceived as the product of qualities peculiar to myself and not to be found in any of my colleagues.

I will not defend the relevance of my subject to the occasion by claiming Marshall as a sociologist. For, once he had deserted his first loves of metaphysics, ethics and psychology, he devoted his life to the development of economics as an independent science and to the perfection of its own special methods of investigation and analysis. He deliberately chose a path markedly different from that followed by Adam Smith and John Stuart Mill, and the mood in which he made this choice is indicated in the inaugural lecture which he delivered here in Cambridge in 1885. Speaking of Comte's belief in a unified social science, he said: 'No doubt if that existed economics would gladly find shelter under its wing.

[1] The Marshall Lectures, Cambridge 1949.

But it does not exist; it shows no signs of coming into existence. There is no use in waiting idly for it; we must do what we can with our present resources.'[2] He therefore defended the autonomy and the superiority of the economic method, a superiority due mainly to its use of the measuring rod of money, which 'is so much the best measure of motives that no other can compete with it'.[3]

Marshall was, as you know, an idealist; so much so that Keynes has said of him that he 'was too anxious to do good'.[4] The last thing I wish to do is to claim him for sociology on that account. It is true that some sociologists have suffered from a similar affliction of benevolence, often to the detriment of their intellectual performance, but I should hate to distinguish the economist from the sociologist by saying that the one should be ruled by his head while the other may be swayed by his heart. For every honest sociologist, like every honest economist, knows that the choice of ends or ideals lies outside the field of social science and within the field of social philosophy. But idealism made Marshall passionately eager to put the science of economics at the service of policy by using it—as a science may legitimately be used—to lay bare the full nature and content of the problems with which policy has to deal and to assess the relative efficacy of alternative means for the achievement of given ends. And he realized that, even in the case of what would naturally be regarded as economic problems, the science of economics was not of itself able fully to render these two services. For they involved the consideration of social forces which are as immune to attack by the economist's tape-measure as was the croquet ball to the blows which Alice tried in vain to strike with the head of her flamingo. It was, perhaps, on this account that, in certain moods, Marshall felt a quite unwarranted disappointment at his achievements, and even expressed regret that he had preferred economics to psychology, a science which might have brought him nearer to the pulse and life-blood of society and given him a deeper understanding of human aspirations.

It would be easy to cite many passages in which Marshall was drawn to speak of these elusive factors of whose importance he

[2] *Memorials of Alfred Marshall*, ed. A. C. Pigou, p. 164.
[3] ibid., p. 158.
[4] ibid., p. 37.

was so firmly convinced, but I prefer to confine my attention to one essay whose theme comes very near to that which I have chosen for these lectures. It is a paper he read to the Cambridge Reform Club in 1873 on *The Future of the Working Classes*, and it has been republished in the memorial volume edited by Professor Pigou. There are some textual differences between the two editions which, I understand, are to be attributed to corrections made by Marshall himself after the original version had appeared in print as a pamphlet.[5] I was reminded of this essay by my colleague, Professor Phelps Brown, who made use of it in his inaugural lecture last November.[6] It is equally well suited to my purpose today, because in it Marshall, while examining one facet of the problem of social equality from the point of view of economic cost, came right up to the frontier beyond which lies the territory of sociology, crossed it, and made a brief excursion on the other side. His action could be interpreted as a challenge to sociology to send an emissary to meet him at the frontier, and to join with him in the task of converting no-man's-land into common ground. I have been presumptuous enough to answer the challenge by setting out to travel, as historian and sociologist, towards a point on the economic frontier of that same general theme, the problem of social equality.

In his Cambridge paper Marshall posed the question 'whether there be valid ground for the opinion that the amelioration of the working classes has limits beyond which it cannot pass'. 'The question', he said, 'is not whether all men will ultimately be equal —that they certainly will not—but whether progress may not go on steadily, if slowly, till, by occupation at least, every man is a gentleman. I hold that it may, and that it will.'[7] His faith was based on the belief that the distinguishing feature of the working classes was heavy and excessive labour, and that the volume of such labour could be greatly reduced. Looking round he found evidence that the skilled artisans, whose labour was not deadening and soul-destroying, were already rising towards the condition which he foresaw as the ultimate achievement of all. They are learning, he

[5] Privately printed by Thomas Tofts. The page references are to this edition.
[6] Published under the title 'Prospects of Labour' in *Economica*, February, 1949.
[7] op. cit., pp. 3 and 4.

said, to value education and leisure more than 'mere increase of wages and material comforts'. They are 'steadily developing independence and a manly respect for themselves and, therefore, a courteous respect for others; they are steadily accepting the private and public duties of a citizen; steadily increasing their grasp of the truth that they are men, and not producing machines. They are steadily becoming gentlemen.'[8] When technical advance has reduced heavy labour to a minimum, and that minimum is divided in small amounts among all, then, 'in so far as the working classes are men who have such excessive work to do, in so far will the working classes have been abolished.'[9]

Marshall realized that he might be accused of adopting the ideas of the socialists, whose works, as he has himself told us, he had, during this period of his life, been studying with great hopes and with greater disappointment. For, he said: 'The picture to be drawn will resemble in some respects those which have been shown to us by the Socialists, that noble set of untutored enthusiasts who attributed to all men an unlimited capacity for those self-forgetting virtues that they found in their own breasts.'[10] His reply was that his system differed fundamentally from socialism in that it would preserve the essentials of a free market. He held, however, that the State would have to make some use of its power of compulsion, if his ideals were to be realized. It must compel children to go to school, because the uneducated cannot appreciate, and therefore freely choose, the good things which distinguish the life of gentlemen from that of the working classes. 'It is bound to compel them and to help them to take the first step upwards; and it is bound to help them, if they will, to make many steps upwards.'[11] Notice that only the first step is compulsory. Free choice takes over as soon as the capacity to choose has been created.

Marshall's paper was built round a sociological hypothesis and

[8] *The Future of the Working Classes*, p. 6.

[9] ibid., p. 16.

[10] ibid., p. 9. The revised version of this passage is significantly different. It runs: 'The picture to be drawn will resemble in many respects those which have been shown to us by some socialists, who attributed to all men . . .' etc. The condemnation is less sweeping and Marshall no longer speaks of the Socialists, *en masse* and with a capital 'S', in the past tense. *Memorials*, p. 109.

[11] ibid., p. 15.

an economic calculation. The calculation provided the answer to his initial question, by showing that world resources and productivity might be expected to prove sufficient to provide the material bases needed to enable every man to be a gentleman. In other words, the cost of providing education for all and of eliminating heavy and excessive labour could be met. There was no impassable limit to the amelioration of the working classes—at least on this side of the point that Marshall described as the goal. In working out these sums Marshall was using the ordinary techniques of the economist, though admittedly he was applying them to a problem which involved a high degree of speculation.

The sociological hypothesis does not lie so completely on the surface. A little excavation is needed to uncover its total shape. The essence of it is contained in the passages I have quoted, but Marshall gives us an additional clue by suggesting that, when we say a man belongs to the working classes, 'we are thinking of the effect that his work produces on him rather than the effect that he produces on his work'.[12] This is certainly not the sort of definition we should expect from an economist, and, in fact, it would hardly be fair to treat it as a definition at all or to subject it to close and critical examination. The phrase was intended to catch the imagination, and to point to the general direction in which Marshall's thoughts were moving. And that direction was away from a quantitative assessment of standards of living in terms of goods consumed and services enjoyed towards a qualitative assessment of life as a whole in terms of the essential elements in civilization or culture. He accepted as right and proper a wide range of quantitative or economic inequality, but condemned the qualitative inequality or difference between the man who was, 'by occupation at least, a gentleman' and the man who was not. We can, I think, without doing violence to Marshall's meaning, replace the word 'gentleman' by the word 'civilized'. For it is clear that he was taking as the standard of civilized life the conditions regarded by his generation as appropriate to a gentleman. We can go on to say that the claim of all to enjoy these conditions is a claim to be admitted to a share in the social herit-

[12] Ibid., p. 5.

age, which in turn means a claim to be accepted as full members of the society, that is, as citizens.

Such, I think, is the sociological hypothesis latent in Marshall's essay. It postulates that there is a kind of basic human equality associated with the concept of full membership of a community—or, as I should say, of citizenship—which is not inconsistent with the inequalities which distinguish the various economic levels in the society. In other words, the inequality of the social class system may be acceptable provided the equality of citizenship is recognized. Marshall did not identify the life of a gentleman with the status of citizenship. To do so would have been to express his ideal in terms of legal rights to which all men were entitled. That, in turn, would have put the responsibility for granting those rights fair and square on the shoulders of the State, and so led, step by step, to acts of State interference which he would have deplored. When he mentioned citizenship as something which skilled artisans learned to appreciate in the course of developing into gentlemen, he mentioned only its duties and not its rights. He thought of it as a way of life growing within a man, not presented to him from without. He recognized only one definite right, the right of children to be educated, and in this case alone did he approve the use of compulsory powers by the State to achieve his object. He could hardly go further without imperilling his own criterion for distinguishing his system from socialism in any form—the preservation of the freedom of the competitive market.

Nevertheless, his sociological hypothesis lies as near to the heart of our problem today as it did three-quarters of a century ago—in fact nearer. The basic human equality of membership, at which I maintain that he hinted, has been enriched with new substance and invested with a formidable array of rights. It has developed far beyond what he foresaw, or would have wished. It has been clearly identified with the status of citizenship. And it is time we examined his hypothesis and posed his questions afresh, to see if the answers are still the same. Is it still true that basic equality, when enriched in substance and embodied in the formal rights of citizenship, is consistent with the inequalities of social class? I shall suggest that our society today assumes that the two are still compatible, so much so that citizenship has itself become, in certain respects, the architect of legitimate social inequality. Is it

still true that the basic equality can be created and preserved without invading the freedom of the competitive market? Obviously it is not true. Our modern system is frankly a Socialist system, not one whose authors are, as Marshall was, eager to distinguish it from socialism. But it is equally obvious that the market still functions—within limits. Here is another possible conflict of principles which demands examination. And thirdly, what is the effect of the marked shift of emphasis from duties to rights? Is this an inevitable feature of modern citizenship—inevitable and irreversible? Finally, I want to put Marshall's initial question again in a new form. He asked if there were limits beyond which the amelioration of the working classes could not pass, and he was thinking of limits set by natural resources and productivity. I shall ask whether there appear to be limits beyond which the modern drive towards social equality cannot, or is unlikely to, pass, and I shall be thinking, not of the economic cost (I leave that vital question to the economists), but of the limits inherent in the principles that inspire the drive. But the modern drive towards social equality is, I believe, the latest phase of an evolution of citizenship which has been in continuous progress for some 250 years. My first task, therefore, must be to prepare the ground for an attack on the problems of today by digging for a while in the subsoil of past history.

The Development of Citizenship to the end of the Nineteenth Century

I shall be running true to type as a sociologist if I begin by saying that I propose to divide citizenship into three parts. But the analysis is, in this case, dictated by history even more clearly than by logic. I shall call these three parts, or elements, civil, political and social. The civil element is composed of the rights necessary for individual freedom—liberty of the person, freedom of speech, thought and faith, the right to own property and to conclude valid contracts, and the right to justice. The last is of a different order from the others, because it is the right to defend and assert all one's rights on terms of equality with others and by due process of law. This shows us that the institutions most directly associated with civil rights are the courts of justice. By the political

element I mean the right to participate in the exercise of political power, as a member of a body invested with political authority or as an elector of the members of such a body. The corresponding institutions are parliament and councils of local government. By the social element I mean the whole range from the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilized being according to the standards prevailing in the society. The institutions most closely connected with it are the educational system and the social services.[13]

In early times these three strands were wound into a single thread. The rights were blended because the institutions were amalgamated. As Maitland said: 'The further back we trace our history the more impossible it is for us to draw strict lines of demarcation between the various functions of the State: the same institution is a legislative assembly, a governmental council and a court of law . . . Everywhere, as we pass from the ancient to the modern, we see what the fashionable philosophy calls differentiation.'[14] Maitland is speaking here of the fusion of political and civil institutions and rights. But a man's social rights, too, were part of the same amalgam, and derived from the status which also determined the kind of justice he could get and where he could get it, and the way in which he could take part in the administration of the affairs of the community of which he was a member. But this status was not one of citizenship in our modern sense. In feudal society status was the hall-mark of class and the measure of inequality. There was no uniform collection of rights and duties with which all men—noble and common, free and serf—were endowed by virtue of their membership of the society. There was, in this sense, no principle of the equality of citizens to set against the principle of the inequality of classes. In the medieval towns, on the other hand, examples of genuine and equal citizenship can be found. But its specific rights and duties were strictly local, whereas the citizenship whose history I wish to trace is, by definition, national.

[13] By this terminology, what economists sometimes call 'income from civil rights' would be called 'income from social rights'. Cf. H. Dalton. *Some Aspects of the Inequality of Incomes in Modern Communities*, Part 3, Chapters 3 and 4.

[14] F. Maitland: *Constitutional History of England*, p. 105.

Its evolution involved a double process, of fusion and of separation. The fusion was geographical, the separation functional. The first important step dates from the twelfth century, when royal justice was established with effective power to define and defend the civil rights of the individual—such as they then were—on the basis, not of local custom, but of the common law of the land. As institutions the courts were national, but specialized. Parliament followed, concentrating in itself the political powers of national government and shedding all but a small residue of the judicial functions which formerly belonged to the Curia Regis, that 'sort of constitutional protoplasm out of which will in time be evolved the various councils of the crown, the houses of parliament, and the courts of law'.[16] Finally, the social rights which had been rooted in membership of the village community, the town and the gild, were gradually dissolved by economic change until nothing remained but the Poor Law, again a specialized institution which acquired a national foundation, although it continued to be locally administered.

Two important consequences followed. First, when the institutions on which the three elements of citizenship depended parted company, it became possible for each to go its separate way, travelling at its own speed under the direction of its own peculiar principles. Before long they were spread far out along the course, and it is only in the present century, in fact I might say only within the last few months, that the three runners have come abreast of one another.

Secondly, institutions that were national and specialized could not belong so intimately to the life of the social groups they served as those that were local and of a general character. The remoteness of parliament was due to the mere size of its constituency; the remoteness of the courts, to the technicalities of their law and their procedure, which made it necessary for the citizen to employ legal experts to advise him as to the nature of his rights and to help him to obtain them. It has been pointed out again and again that, in the Middle Ages, participation in public affairs was more a duty than a right. Men owed suit and service to the court appropriate to their class and neighbourhood. The court belonged to them and they to it, and they had access to it because it needed

[16] A. F. Pollard: *Evolution of Parliament*, p. 25.

them and because they had knowledge of its affairs. But the result of the twin process of fusion and separation was that the machinery giving access to the institutions on which the rights of citizenship depended had to be shaped afresh. In the case of political rights the story is the familiar one of the franchise and the qualifications for membership of parliament. In the case of civil rights the issue hangs on the jurisdiction of the various courts, the privileges of the legal profession, and above all on the liability to meet the costs of litigation. In the case of social rights the centre of the stage is occupied by the Law of Settlement and Removal and the various forms of means test. All this apparatus combined to decide, not merely what rights were recognized in principle, but also to what extent rights recognized in principle could be enjoyed in practice.

When the three elements of citizenship parted company, they were soon barely on speaking terms. So complete was the divorce between them that it is possible, without doing too much violence to historical accuracy, to assign the formative period in the life of each to a different century—civil rights to the eighteenth, political to the nineteenth and social to the twentieth. These periods must, of course, be treated with reasonable elasticity, and there is some evident overlap, especially between the last two.

To make the eighteenth century cover the formative period of civil rights it must be stretched backwards to include Habeas Corpus, the Toleration Act, and the abolition of the censorship of the press; and it must be extended forwards to include Catholic Emancipation, the repeal of the Combination Acts, and the successful end of the battle for the freedom of the press associated with the names of Cobbett and Richard Carlile. It could then be more accurately, but less briefly, described as the period between the Revolution and the first Reform Act. By the end of that period, when political rights made their first infantile attempt to walk in 1832, civil rights had come to man's estate and bore, in most essentials, the appearance that they have today.[16] 'The specific work of the earlier Hanoverian epoch', writes Trevelyan, 'was the establishment of the rule of law; and that law, with all its grave

[16] The most important exception is the right to strike, but the conditions which made this right vital for the workman and acceptable to political opinion had not yet fully come into being.

faults, was at least a law of freedom. On that solid foundation all our subsequent reforms were built.'[17] This eighteenth-century achievement, interrupted by the French Revolution and completed after it, was in large measure the work of the courts, both in their daily practice and also in a series of famous cases in some of which they were fighting against parliament in defence of individual liberty. The most celebrated actor in this drama was, I suppose, John Wilkes, and, although we may deplore the absence in him of those noble and saintly qualities which we should like to find in our national heroes, we cannot complain if the cause of liberty is sometimes championed by a libertine.

In the economic field the basic civil right is the right to work, that is to say the right to follow the occupation of one's choice in the place of one's choice, subject only to legitimate demands for preliminary technical training. This right had been denied by both statute and custom; on the one hand by the Elizabethan Statute of Artificers, which confined certain occupations to certain social classes, and on the other by local regulations reserving employment in a town to its own members and by the use of apprenticeship as an instrument of exclusion rather than of recruitment. The recognition of the right involved the formal acceptance of a fundamental change of attitude. The old assumption that local and group monopolies were in the public interest, because 'trade and traffic cannot be maintained or increased without order and government',[18] was replaced by the new assumption that such restrictions were an offence against the liberty of the subject and a menace to the prosperity of the nation. As in the case of the other civil rights, the courts of law played a decisive part in promoting and registering the advance of the new principle. The Common Law was elastic enough for the judges to apply it in a manner which, almost imperceptibly, took account of gradual changes in circumstances and opinion and eventually installed the heresy of the past as the orthodoxy of the present. The Common Law is largely a matter of common sense, as witness the judgement given by Chief Justice Holt in the case of Mayor of Winton *v.* Wilks (1705): 'All people are at liberty to live in Winchester,

[17] G. M. Trevelyan: *English Social History*, p. 351.

[18] City of London Case, 1610. See E. F. Heckscher: *Mercantilism*, Vol. 1, pp. 269–325, where the whole story is told in considerable detail.

and how can they be restrained from using the lawful means of living there? Such a custom is an injury to the party and a prejudice to the public.'[19] Custom was one of the two great obstacles to the change. But, when ancient custom in the technical sense was clearly at variance with contemporary custom in the sense of the generally accepted way of life, its defences began to crumble fairly rapidly before the attacks of a Common Law which had, as early as 1614, expressed its abhorrence of 'all monopolies which prohibit any from working in any lawful trade'.[20] The other obstacle was statute law, and the judges struck some shrewd blows even against this doughty opponent. In 1756 Lord Mansfield described the Elizabethan Statute of Artificers as a penal law, in restraint of natural right and contrary to the Common Law of the kingdom. He added that 'the policy upon which the Act was made is, from experience, become doubtful'.[21]

By the beginning of the nineteenth century this principle of individual economic freedom was accepted as axiomatic. You are probably familiar with the passage quoted by the Webbs from the report of the Select Committee of 1811, which states that:

> no interference of the legislature with the freedom of trade, or with the perfect liberty of every individual to dispose of his time and of his labour in the way and on the terms which he may judge most conducive to his own interest, can take place without violating general principles of the first importance to the prosperity and happiness of the community.[22]

The repeal of the Elizabethan statutes followed quickly, as the belated recognition of a revolution which had already taken place.

The story of civil rights in their formative period is one of the gradual addition of new rights to a status that already existed and was held to appertain to all adult members of the community —or perhaps one should say to all male members, since the status of women, or at least of married women, was in some important respects peculiar. This democratic, or universal, character of the status arose naturally from the fact that it was essentially the status

[19] *King's Bench Reports* (Holt), p. 1002.
[20] Heckscher, op. cit., Vol. I, p. 283.
[21] Ibid., p. 316.
[22] Sidney and Beatrice Webb: *History of Trade Unionism* (1920), p. 60.

of freedom, and in seventeenth-century England all men were free. Servile status, or villeinage by blood, had lingered on as a patent anachronism in the days of Elizabeth, but vanished soon afterwards. This change from servile to free labour has been described by Professor Tawney as 'a high landmark in the development both of economic and political society', and as 'the final triumph of the common law' in regions from which it had been excluded for four centuries. Henceforth the English peasant 'is a member of a society in which there is, nominally at least, one law for all men'.[23] The liberty which his predecessors had won by fleeing into the free towns had become his by right. In the towns the terms 'freedom' and 'citizenship' were interchangeable. When freedom became universal, citizenship grew from a local into a national institution.

The story of political rights is different both in time and in character. The formative period began, as I have said, in the early nineteenth century, when the civil rights attached to the status of freedom had already acquired sufficient substance to justify us in speaking of a general status of citizenship. And, when it began, it consisted, not in the creation of new rights to enrich a status already enjoyed by all, but in the granting of old rights to new sections of the population. In the eighteenth century political rights were defective, not in content, but in distribution—defective, that is to say, by the standards of democratic citizenship. The Act of 1832 did little, in a purely quantitative sense, to remedy that defect. After it was passed the voters still amounted to less than one-fifth of the adult male population. The franchise was still a group monopoly, but it had taken the first step towards becoming a monopoly of a kind acceptable to the ideas of nineteenth-century capitalism—a monopoly which could, with some degree of plausibility, be described as open and not closed. A closed group monopoly is one into which no man can force his way by his own efforts; admission is at the pleasure of the existing members of the group. The description fits a considerable part of the borough franchise before 1832; and it is not too wide of the mark when applied to the franchise based on freehold ownership of land. Freeholds are not always to be had for the asking, even if one has the money to buy them, especially in an age in which families look

[23] R. H. Tawney: *Agrarian Problem in the Sixteenth Century* (1916), pp. 43–4.

on their lands as the social, as well as the economic, foundation of their existence. Therefore the Act of 1832, by abolishing rotten boroughs and by extending the franchise to leaseholders and occupying tenants of sufficient economic substance, opened the monopoly by recognizing the political claims of those who could produce the normal evidence of success in the economic struggle.

It is clear that, if we maintain that in the nineteenth century citizenship in the form of civil rights was universal, the political franchise was not one of the rights of citizenship. It was the privilege of a limited economic class, whose limits were extended by each successive Reform Act. It can nevertheless be argued that citizenship in this period was not politically meaningless. It did not confer a right, but it recognized a capacity. No sane and law-abiding citizen was debarred by personal status from acquiring and recording a vote. He was free to earn, to save, to buy property or to rent a house, and to enjoy whatever political rights were attached to these economic achievements. His civil rights entitled him, and electoral reform increasingly enabled him, to do this.

It was, as we shall see, appropriate that nineteenth-century capitalist society should treat political rights as a secondary product of civil rights. It was equally appropriate that the twentieth century should abandon this position and attach political rights directly and independently to citizenship as such. This vital change of principle was put into effect when the Act of 1918, by adopting manhood suffrage, shifted the basis of political rights from economic substance to personal status. I say 'manhood' deliberately in order to emphasize the great significance of this reform quite apart from the second, and no less important, reform introduced at the same time—namely the enfranchisement of women. But the Act of 1918 did not fully establish the political equality of all in terms of the rights of citizenship. Remnants of an inequality based on differences of economic substance lingered on until, only last year, plural voting (which had already been reduced to dual voting) was finally abolished.

When I assigned the formative periods of the three elements of citizenship each to a separate century—civil rights to the eighteenth, political to the nineteenth and social to the twentieth—I said that there was a considerable overlap between the last two. I propose to confine what I have to say now about social rights to

this overlap, in order that I may complete my historical survey to the end of the nineteenth century, and draw my conclusions from it, before turning my attention to the second half of my subject, a study of our present experiences and their immediate antecedents. In this second act of the drama social rights will occupy the centre of the stage.

The original source of social rights was membership of local communities and functional associations. This source was supplemented and progressively replaced by a Poor Law and a system of wage regulation which were nationally conceived and locally administered. The latter—the system of wage regulation—was rapidly decaying in the eighteenth century, not only because industrial change made it administratively impossible, but also because it was incompatible with the new conception of civil rights in the economic sphere, with its emphasis on the right to work where and at what you pleased under a contract of your own making. Wage regulation infringed this individualist principle of the free contract of employment.

The Poor Law was in a somewhat ambiguous position. Elizabethan legislation had made of it something more than a means for relieving destitution and suppressing vagrancy, and its constructive aims suggested an interpretation of social welfare reminiscent of the more primitive, but more genuine, social rights which it had largely superseded. The Elizabethan Poor Law was, after all, one item in a broad programme of economic planning whose general object was, not to create a new social order, but to preserve the existing one with the minimum of essential change. As the pattern of the old order dissolved under the blows of a competitive economy, and the plan disintegrated, the Poor Law was left high and dry as an isolated survival from which the idea of social rights was gradually drained away. But at the very end of the eighteenth century there occurred a final struggle between the old and the new, between the planned (or patterned) society and the competitive economy. And in this battle citizenship was divided against itself; social rights sided with the old and civil with the new.

In his book *Origins of our Time*, Karl Polanyi attributes to the Speenhamland system of poor relief an importance which some readers may find surprising. To him it seems to mark and symbol-

ize the end of an epoch. Through it the old order rallied its retreating forces and delivered a spirited attack into the enemy's country. That, at least, is how I should describe its significance in the history of citizenship. The Speenhamland system offered, in effect, a guaranteed minimum wage and family allowances, combined with the right to work or maintenance. That, even by modern standards, is a substantial body of social rights, going far beyond what one might regard as the proper province of the Poor Law. And it was fully realized by the originators of the scheme that the Poor Law was being invoked to do what wage regulation was no longer able to accomplish. For the Poor Law was the last remains of a system which tried to adjust real income to the social needs and status of the citizen and not solely to the market value of his labour. But this attempt to inject an element of social security into the very structure of the wage system through the instrumentality of the Poor Law was doomed to failure, not only because of its disastrous practical consequences, but also because it was utterly obnoxious to the prevailing spirit of the times.

In this brief episode of our history we see the Poor Law as the aggressive champion of the social rights of citizenship. In the succeeding phase we find the attacker driven back far behind his original position. By the Act of 1834 the Poor Law renounced all claim to trespass on the territory of the wages system, or to interfere with the forces of the free market. It offered relief only to those who, through age or sickness, were incapable of continuing the battle, and to those other weaklings who gave up the struggle, admitted defeat, and cried for mercy. The tentative move towards the concept of social security was reversed. But more than that, the minimal social rights that remained were detached from the status of citizenship. The Poor Law treated the claims of the poor, not as an integral part of the rights of the citizen, but as an alternative to them—as claims which could be met only if the claimants ceased to be citizens in any true sense of the word. For paupers forfeited in practice the civil right of personal liberty, by internment in the workhouse, and they forfeited by law any political rights they might possess. This disability of defranchisement remained in being until 1918, and the significance of its final removal has, perhaps, not been fully appreciated. The stigma which clung to poor relief expressed the deep feelings of a people

who understood that those who accepted relief must cross the road that separated the community of citizens from the outcast company of the destitute.

The Poor Law is not an isolated example of this divorce of social rights from the status of citizenship. The early Factory Acts show the same tendency. Although in fact they led to an improvement of working conditions and a reduction of working hours to the benefit of all employed in the industries to which they applied, they meticulously refrained from giving this protection directly to the adult male—the citizen *par excellence*. And they did so out of respect for his status as a citizen, on the grounds that enforced protective measures curtailed the civil right to conclude a free contract of employment. Protection was confined to women and children, and champions of women's rights were quick to detect the implied insult. Women were protected because they were not citizens. If they wished to enjoy full and responsible citizenship, they must forgo protection. By the end of the nineteenth century such arguments had become obsolete, and the factory code had become one of the pillars in the edifice of social rights.

The history of education shows superficial resemblances to that of factory legislation. In both cases the nineteenth century was, for the most part, a period in which the foundations of social rights were laid, but the principle of social rights as an integral part of the status of citizenship was either expressly denied or not definitely admitted. But there are significant differences. Education, as Marshall recognized when he singled it out as a fit object of State action, is a service of a unique kind. It is easy to say that the recognition of the right of children to be educated does not affect the status of citizenship any more than does the recognition of the right of children to be protected from overwork and dangerous machinery, simply because children, by definition, cannot be citizens. But such a statement is misleading. The education of children has a direct bearing on citizenship, and, when the State guarantees that all children shall be educated, it has the requirements and the nature of citizenship definitely in mind. It is trying to stimulate the growth of citizens in the making. The right to education is a genuine social right of citizenship, because the aim of education during childhood is to shape the future adult. Fundamentally it should be regarded, not as the right of the child to go

to school, but as the right of the adult citizen to have been educated. And there is here no conflict with civil rights as interpreted in an age of individualism. For civil rights are designed for use by reasonable and intelligent persons, who have learned to read and write. Education is a necessary prerequisite of civil freedom.

But, by the end of the nineteenth century, elementary education was not only free, it was compulsory. This signal departure from *laissez faire* could, of course, be justified on the grounds that free choice is a right only for mature minds, that children are naturally subject to discipline, and that parents cannot be trusted to do what is in the best interests of their children. But the principle goes deeper than that. We have here a personal right combined with a public duty to exercise the right. Is the public duty imposed merely for the benefit of the individual—because children cannot fully appreciate their own interests and parents may be unfit to enlighten them? I hardly think that this can be an adequate explanation. It was increasingly recognized, as the nineteenth century wore on, that political democracy needed an educated electorate, and that scientific manufacture needed educated workers and technicians. The duty to improve and civilize oneself is therefore a social duty, and not merely a personal one, because the social health of a society depends upon the civilization of its members. And a community that enforces this duty has begun to realize that its culture is an organic unity and its civilization a national heritage. It follows that the growth of public elementary education during the nineteenth century was the first decisive step on the road to the re-establishment of the social rights of citizenship in the twentieth.

When Marshall read his paper to the Cambridge Reform Club, the State was just preparing to shoulder the responsibility he attributed to it when he said that it was 'bound to compel them (the children) and help them to take the first step upwards'. But this would not go far towards realizing his ideal of making every man a gentleman, nor was that in the least the intention. And as yet there was little sign of any desire 'to help them, if they will, to make many steps upwards'. The idea was in the air, but it was not a cardinal point of policy. In the early nineties the L.C.C., through its Technical Education Board, instituted a scholarship system which Beatrice Webb obviously regarded as epoch-making. For she wrote of it:

> In its popular aspect this was an educational ladder of unprecedented dimensions. It was, indeed, among educational ladders the most gigantic in extent, the most elaborate in its organization of 'intakes' and promotions, and the most diversified in kinds of excellence selected and in types of training provided that existed anywhere in the world.[24]

The enthusiasm of these words enables us to see how far we have advanced our standards since those days.

The Early Impact of Citizenship on Social Class

So far my aim has been to trace in outline the development of citizenship in England to the end of the nineteenth century. For this purpose I have divided citizenship into three elements, civil, political and social. I have tried to show that civil rights came first, and were established in something like their modern form before the first Reform Act was passed in 1832. Political rights came next, and their extension was one of the main features of the nineteenth century, although the principle of universal political citizenship was not recognized until 1918. Social rights, on the other hand, sank to vanishing point in the eighteenth and early nineteenth centuries. Their revival began with the development of public elementary education, but it was not until the twentieth century that they attained to equal partnership with the other two elements in citizenship.

I have as yet said nothing about social class, and I should explain here that social class occupies a secondary position in my theme. I do not propose to embark on the long and difficult task of examining its nature and analysing its components. Time would not allow me to do justice to so formidable a subject. My primary concern is with citizenship, and my special interest is in its impact on social inequality. I shall discuss the nature of social class only so far as is necessary for the pursuit of this special interest. I have paused in the narrative at the end of the nineteenth century because I believe that the impact of citizenship on social inequality after that date was fundamentally different from what it had been before it. That statement is not likely to be disputed. It is the exact nature of the

[24] *Our Partnership*, p. 79.

difference that is worth exploring. Before going any further, therefore, I shall try to draw some general conclusions about the impact of citizenship on social inequality in the earlier of the two periods.

Citizenship is a status bestowed on those who are full members of a community. All who possess the status are equal with respect to the rights and duties with which the status is endowed. There is no universal principle that determines what those rights and duties shall be, but societies in which citizenship is a developing institution create an image of an ideal citizenship against which achievement can be measured and towards which aspiration can be directed. The urge forward along the path thus plotted is an urge towards a fuller measure of equality, an enrichment of the stuff of which the status is made and an increase in the number of those on whom the status is bestowed. Social class, on the other hand, is a system of inequality. And it too, like citizenship, can be based on a set of ideals, beliefs and values. It is therefore reasonable to expect that the impact of citizenship on social class should take the form of a conflict between opposing principles. If I am right in my contention that citizenship has been a developing institution in England at least since the latter part of the seventeenth century, then it is clear that its growth coincides with the rise of capitalism, which is a system, not of equality, but of inequality. Here is something that needs explaining. How is it that these two opposing principles could grow and flourish side by side in the same soil? What made it possible for them to be reconciled with one another and to become, for a time at least, allies instead of antagonists? The question is a pertinent one, for it is clear that, in the twentieth century, citizenship and the capitalist class system have been at war.

It is at this point that a closer scrutiny of social class becomes necessary. I cannot attempt to examine all its many and varied forms, but there is one broad distinction between two different types of class which is particularly relevant to my argument. In the first of these class is based on a hierarchy of status, and the difference between one class and another is expressed in terms of legal rights and of established customs which have the essential binding character of law. In its extreme form such a system divides a society into a number of distinct, hereditary human species—patricians, plebeians, serfs, slaves and so forth. Class is, as it were,

an institution in its own right, and the whole structure has the quality of a plan, in the sense that it is endowed with meaning and purpose and accepted as a natural order. The civilization at each level is an expression of this meaning and of this natural order, and differences between social levels are not differences in standard of living, because there is no common standard by which they can be measured. Nor are there any rights—at least none of any significance—which all share in common.[25] The impact of citizenship on such a system was bound to be profoundly disturbing, and even destructive. The rights with which the general status of citizenship was invested were extracted from the hierarchical status system of social class, robbing it of its essential substance. The equality implicit in the concept of citizenship, even though limited in content, undermined the inequality of the class system, which was in principle a total inequality. National justice and a law common to all must inevitably weaken and eventually destroy class justice, and personal freedom, as a universal birthright, must drive out serfdom. No subtle argument is needed to show that citizenship is incompatible with medieval feudalism.

Social class of the second type is not so much an institution in its own right as a by-product of other institutions. Although we may still refer to 'social status', we are stretching the term beyond its strict technical meaning when we do so. Class differences are not established and defined by the laws and customs of the society (in the medieval sense of that phrase), but emerge from the interplay of a variety of factors related to the institutions of property and education and the structure of the national economy. Class cultures dwindle to a minimum, so that it becomes possible, though admittedly not wholly satisfactory, to measure the different levels of economic welfare by reference to a common standard of living. The working classes, instead of inheriting a distinctive though simple culture, are provided with a cheap and shoddy imitation of a civilization that has become national.

It is true that class still functions. Social inequality is regarded as necessary and purposeful. It provides the incentive to effort and designs the distribution of power. But there is no over-all pattern of inequality, in which an appropriate value is attached,

[25] See the admirable characterization given by R. H. Tawney in *Equality*, pp. 121–4.

a priori, to each social level. Inequality therefore, though necessary, may become excessive. As Patrick Colquhoun said, in a much-quoted passage: 'Without a large proportion of poverty there could be no riches, since riches are the offspring of labour, while labour can result only from a state of poverty. . . . Poverty therefore is a most necessary and indispensable ingredient in society, without which nations and communities could not exist in a state of civilization.'[28] But Colquhoun, while accepting poverty, deplored 'indigence', or, as we should say, destitution. By 'poverty' he meant the situation of a man who, owing to lack of any economic reserves, is obliged to work, and to work hard, in order to live. By 'indigence' he meant the situation of a family which lacks the minimum necessary for decent living. The system of inequality which allowed the former to exist as a driving force inevitably produced a certain amount of the latter as well. Colquhoun, and other humanitarians, regretted this and sought means to alleviate the suffering it caused. But they did not question the justice of the system of inequality as a whole. It could be argued, in defence of its justice, that, although poverty might be necessary, it was not necessary that any particular family should remain poor, or quite as poor as it was. The more you look on wealth as conclusive proof of merit, the more you incline to regard poverty as evidence of failure—but the penalty for failure may seem to be greater than the offence warrants. In such circumstances it is natural that the more unpleasant features of inequality should be treated, rather irresponsibly, as a nuisance, like the black smoke that used to pour unchecked from our factory chimneys. And so in time, as the social conscience stirs to life, class-abatement, like smoke-abatement, becomes a desirable aim to be pursued as far as is compatible with the continued efficiency of the social machine.

But class-abatement in this form was not an attack on the class system. On the contrary it aimed, often quite consciously, at making the class system less vulnerable to attack by alleviating its less defensible consequences. It raised the floor-level in the basement of the social edifice, and perhaps made it rather more hygienic than it was before. But it remained a basement, and the upper stories of the building were unaffected. And the benefits received

[28] *A Treatise on Indigence* (1806), pp. 7–8.

by the unfortunate did not flow from an enrichment of the status of citizenship. Where they were given officially by the State, this was done by measures which, as I have said, offered alternatives to the rights of citizenship, rather than additions to them. But the major part of the task was left to private charity, and it was the general, though not universal, view of charitable bodies that those who received their help had no personal right to claim it.

Nevertheless it is true that citizenship, even in its early forms, was a principle of equality, and that during this period it was a developing institution. Starting at the point where all men were free and, in theory, capable of enjoying rights, it grew by enriching the body of rights which they were capable of enjoying. But these rights did not conflict with the inequalities of capitalist society; they were, on the contrary, necessary to the maintenance of that particular form of inequality. The explanation lies in the fact that the core of citizenship at this stage was composed of civil rights. And civil rights were indispensable to a competitive market economy. They gave to each man, as part of his individual status, the power to engage as an independent unit in the economic struggle and made it possible to deny to him social protection on the ground that he was equipped with the means to protect himself. Maine's famous dictum that 'the movement of the progressive societies has hitherto been a movement from Status to Contract'[27] expresses a profound truth which has been elaborated, with varying terminology, by many sociologists, but it requires qualification. For both status and contract are present in all but the most primitive societies. Maine himself admitted this when, later in the same book, he wrote that the earliest feudal communities, as contrasted with their archaic predecessors, 'were neither bound together by mere sentiment nor recruited by a fiction. The tie which united them was Contract.'[28] But the contractual element in feudalism co-existed with a class system based on status and, as contract hardened into custom, it helped to perpetuate class status. Custom retained the form of mutual undertakings, but not the reality of a free agreement. Modern contract did not grow out of feudal contract; it marks a new development to whose progress feudalism was an obstacle that had to be swept aside.

[27] H. S. Maine: *Ancient Law* (1878), p. 170.
[28] ibid., p. 365.

For modern contract is essentially an agreement between men who are free and equal in status, though not necessarily in power. Status was not eliminated from the social system. Differential status, associated with class, function and family, was replaced by the single uniform status of citizenship, which provided the foundation of equality on which the structure of inequality could be built.

When Maine wrote, this status was clearly an aid, and not a menace, to capitalism and the free-market economy, because it was dominated by civil rights, which confer the legal capacity to strive for the things one would like to possess but do not guarantee the possession of any of them. A property right is not a right to possess property, but a right to acquire it, if you can, and to protect it, if you can get it. But, if you use these arguments to explain to a pauper that his property rights are the same as those of a millionaire, he will probably accuse you of quibbling. Similarly, the right to freedom of speech has little real substance if, from lack of education, you have nothing to say that is worth saying, and no means of making yourself heard if you say it. But these blatant inequalities are not due to defects in civil rights, but to lack of social rights, and social rights in the mid-nineteenth century were in the doldrums. The Poor Law was an aid, not a menace, to capitalism, because it relieved industry of all social responsibility outside the contract of employment, while sharpening the edge of competition in the labour market. Elementary schooling was also an aid, because it increased the value of the worker without educating him above his station.

But it would be absurd to contend that the civil rights enjoyed in the eighteenth and nineteenth centuries were free from defects, or that they were as egalitarian in practice as they professed to be in principle. Equality before the law did not exist. The right was there, but the remedy might frequently prove to be out of reach. The barriers between rights and remedies were of two kinds: the first arose from class prejudice and partiality, the second from the automatic effects of the unequal distribution of wealth, working through the price system. Class prejudice, which undoubtedly coloured the whole administration of justice in the eighteenth century, cannot be eliminated by law, but only by social education and the building of a tradition of impartiality. This is a slow and

difficult process, which presupposes a change in the climate of thought throughout the upper ranks of society. But it is a process which I think it is fair to say has been successfully accomplished, in the sense that the tradition of impartiality as between social classes is firmly established in our civil justice. And it is interesting that this should have happened without any fundamental change in the class structure of the legal profession. We have no exact knowledge on this point, but I doubt whether the picture has radically altered since Professor Ginsberg found that the proportion of those admitted to Lincoln's Inn whose fathers were wage-earners had risen from 0.4 per cent. in 1904–8 to 1.8 per cent. in 1923–7, and that at this latter date nearly 72 per cent. were sons of professional men, high-ranking business men and gentlemen.[29] The decline of class prejudice as a barrier to the full enjoyment of rights is, therefore, due less to the dilution of class monopoly in the legal profession than to the spread in all classes of a more humane and realistic sense of social equality.

It is interesting to compare with this the corresponding development in the field of political rights. Here too class prejudice, expressed through the intimidation of the lower classes by the upper, prevented the free exercise of the right to vote by the newly enfranchised. In this case a practical remedy was available, in the secret ballot. But that was not enough. Social education, and a change of mental climate, were needed as well. And, even when voters felt free from undue influence, it still took some time to break down the idea, prevalent in the working as well as other classes, that the representatives of the people, and still more the members of the government, should be drawn from among the *élites* who were born, bred and educated for leadership. Class monopoly in politics, unlike class monopoly in law, has definitely been overthrown. Thus, in these two fields, the same goal has been reached by rather different paths.

The removal of the second obstacle, the effects of the unequal distribution of wealth, was technically a simple matter in the case of political rights, because it costs little or nothing to register a vote. Nevertheless, wealth can be used to influence an election, and a series of measures was adopted to reduce this influence. The

[29] M. Ginsberg: *Studies in Sociology*, p. 171.

earlier ones, which go back to the seventeenth century, were directed against bribery and corruption, but the later ones, especially from 1883 onwards, had the wider aim of limiting election expenses in general, in order that candidates of unequal wealth might fight on more or less equal terms. The need for such equalizing measures has now greatly diminished, since working-class candidates can get financial support from party and other funds. Restrictions which prevent competitive extravagance are, therefore, probably welcomed by all. It remained to open the House of Commons to men of all classes, regardless of wealth, first by abolishing the property qualification for members, and then by introducing payment of members in 1911.

It has proved far more difficult to achieve similar results in the field of civil rights, because litigation, unlike voting, is very expensive. Court fees are not high, but counsel's fees and solicitor's charges may mount up to very large sums indeed. Since a legal action takes the form of a contest, each party feels that his chances of winning will be improved if he secures the services of better champions than those employed on the other side. There is, of course, some truth in this, but not as much as is popularly believed. But the effect in litigation, as in elections, is to introduce an element of competitive extravagance which makes it difficult to estimate in advance what the costs of an action will amount to. In addition, our system by which costs are normally awarded to the winner increases the risk and the uncertainty. A man of limited means, knowing that, if he loses, he will have to pay his opponent's costs (after they have been pruned by the Taxing Master) as well as his own, may easily be frightened into accepting an unsatisfactory settlement, especially if his opponent is wealthy enough not to be bothered by any such considerations. And even if he wins, the taxed costs he recovers will usually be less than his actual expenditure, and often considerably less. So that, if he has been induced to fight his case expensively, the victory may not be worth the price paid.

What, then, has been done to remove these barriers to the full and equal exercise of civil rights? Only one thing of real substance, the establishment in 1846 of the County Courts to provide cheap justice for the common people. This important innovation has had a profound and beneficial effect on our legal system, and done

much to develop a proper sense of the importance of the case brought by the small man—which is often a very big case by his standards. But County Court costs are not negligible, and the jurisdiction of the County Courts is limited. The second major step taken was the development of a poor person's procedure, under which a small fraction of the poorer members of the community could sue *in forma pauperis*, practically free of all cost, being assisted by the gratuitous and voluntary services of the legal profession. But, as the income limit was extremely low (£2 a week since 1919), and the procedure did not apply in the County Courts, it has had little effect except in matrimonial causes. The supplementary service of free legal advice was, until recently, provided by the unaided efforts of voluntary bodies. But the problem has not been overlooked, nor the reality of the defects in our system denied. It has attracted increasing attention during the last hundred years. The machinery of the Royal Commission and the Committee has been used repeatedly, and some reforms of procedure have resulted. Two such Committees are at work now, but it would be most improper for me to make any reference to their deliberations.[30] A third, which started earlier, issued a report on which is based the Legal Aid and Advice Bill laid before parliament just three months ago.[31] This is a bold measure, going far beyond anything previously attempted for the assistance of the poorer litigants, and I shall have more to say about it later on.

It is apparent from the events I have briefly narrated that there developed, in the latter part of the nineteenth century, a growing interest in equality as a principle of social justice and an appreciation of the fact that the formal recognition of an equal capacity for rights was not enough. In theory even the complete removal of all the barriers that separated civil rights from their remedies would not have interfered with the principles or the class structure of the capitalist system. It would, in fact, have created a situation which many supporters of the competitive market economy falsely assumed to be already in existence. But in practice the attitude of

[30] The Austin Jones Committee on County Court Procedure and the Evershed Committee on Supreme Court Practice and Procedure. The report of the former and an interim report of the latter have since been published.

[31] The Rushcliffe Committee on Legal Aid and Legal Advice in England and Wales.

mind which inspired the efforts to remove these barriers grew out of a conception of equality which overstepped these narrow limits, the conception of equal social worth, not merely of equal natural rights. Thus although citizenship, even by the end of the nineteenth century, had done little to reduce social inequality, it had helped to guide progress into the path which led directly to the egalitarian policies of the twentieth century.

It also had an integrating effect, or, at least, was an important ingredient in an integrating process. In a passage I quoted just now Maine spoke of pre-feudal societies as bound together by a sentiment and recruited by a fiction. He was referring to kinship, or the fiction of common descent. Citizenship requires a bond of a different kind, a direct sense of community membership based on loyalty to a civilization which is a common possession. It is a loyalty of free men endowed with rights and protected by a common law. Its growth is stimulated both by the struggle to win those rights and by their enjoyment when won. We see this clearly in the eighteenth century, which saw the birth, not only of modern civil rights, but also of modern national consciousness. The familiar instruments of modern democracy were fashioned by the upper classes and then handed down, step by step, to the lower: political journalism for the intelligentsia was followed by newspapers for all who could read, public meetings, propaganda campaigns and associations for the furtherance of public causes. Repressive measures and taxes were quite unable to stop the flood. And with it came a patriotic nationalism, expressing the unity underlying these controversial outbursts. How deep or widespread this was it is difficult to say, but there can be no doubt about the vigour of its outward manifestation. We still use those typically eighteenth-century songs, 'God Save the King' and 'Rule Britannia', but we omit the passages which would offend our modern, and more modest, sensibilities. This jingo patriotism, and the 'popular and parliamentary agitation' which Temperley found to be 'the main factor in causing the war' of Jenkins's era,[32] were new phenomena in which can be recognized the first small trickle which grew into the broad stream of the national war efforts of the twentieth century.

[32] C. Grant Robertson: *England under the Hanoverians*, p. 491.

This growing national consciousness, this awakening public opinion, and these first stirrings of a sense of community membership and common heritage did not have any material effect on class structure and social inequality for the simple and obvious reason that, even at the end of the nineteenth century, the mass of the working people did not wield effective political power. By that time the franchise was fairly wide, but those who had recently received the vote had not yet learned how to use it. The political rights of citizenship, unlike the civil rights, were full of potential danger to the capitalist system, although those who were cautiously extending them down the social scale probably did not realize quite how great the danger was. They could hardly be expected to foresee what vast changes could be brought about by the peaceful use of political power, without a violent and bloody revolution. The Planned Society and the Welfare State had not yet risen over the horizon or come within the view of the practical politician. The foundations of the market economy and the contractual system seemed strong enough to stand against any probable assault. In fact, there were some grounds for expecting that the working classes, as they became educated, would accept the basic principles of the system and be content to rely for their protection and progress on the civil rights of citizenship, which contained no obvious menace to competitive capitalism. Such a view was encouraged by the fact that one of the main achievements of political power in the later nineteenth century was the recognition of the right of collective bargaining. This meant that social progress was being sought by strengthening civil rights, not by creating social rights; through the use of contract in the open market, not through a minimum wage and social security.

But this interpretation underrates the significance of this extension of civil rights in the economic sphere. For civil rights were in origin intensely individual, and that is why they harmonized with the individualistic phase of capitalism. By the device of incorporation groups were enabled to act legally as individuals. This important development did not go unchallenged, and limited liability was widely denounced as an infringement of individual responsibility. But the position of trade unions was even more anomalous, because they did not seek or obtain incorporation. They can, therefore, exercise vital civil rights collectively on behalf

of their members without formal collective responsibility, while the individual responsibility of the workers in relation to contract is largely unenforceable. These civil rights became, for the workers, an instrument for raising their social and economic status, that is to say, for establishing the claim that they, as citizens, were entitled to certain social rights. But the normal method of establishing social rights is by the exercise of political power, for social rights imply an absolute right to a certain standard of civilization which is conditional only on the discharge of the general duties of citizenship. Their content does not depend on the economic value of the individual claimant. There is therefore a significant difference between a genuine collective bargain through which economic forces in a free market seek to achieve equilibrium and the use of collective civil rights to assert basic claims to the elements of social justice. Thus the acceptance of collective bargaining was not simply a natural extension of civil rights; it represented the transfer of an important process from the political to the civil sphere of citizenship. But 'transfer' is, perhaps, a misleading term, for at the time when this happened the workers either did not possess, or had not yet learned to use, the political right of the franchise. Since then they have obtained and made full use of that right. Trade unionism has, therefore, created a secondary system of industrial citizenship parallel with and supplementary to the system of political citizenship.

It is interesting to compare this development with the history of parliamentary representation. In the early parliaments, says Pollard, 'representation was nowise regarded as a means of expressing individual right or forwarding individual interests. It was communities, not individuals, who were represented.'[33] And, looking at the position on the eve of the Reform Act of 1918, he added: 'Parliament, instead of representing communities or families, is coming to represent nothing but individuals.'[34] A system of manhood and womanhood suffrage treats the vote as the voice of the individual. Political parties organize these voices for group action, but they do so nationally and not on the basis of function, locality or interest. In the case of civil rights the movement has been in the opposite direction, not from the representation of

[33] R. W. Pollard: *The Evolution of Parliament*, p. 155.
[34] ibid., p. 165.

communities to that of individuals, but from the representation of individuals to that of communities. And Pollard makes another point. It was a characteristic of the early parliamentary system, he says, that the representatives were those who had the time, the means and the inclination to do the job. Election by a majority of votes and strict accountability to the electors was not essential. Constituencies did not instruct their members, and election promises were unknown. Members 'were elected to bind their constituents, and not to be bound by them'.[35] It is not too fanciful to suggest that some of these features are reproduced in modern trade unions, though, of course, with many profound differences. One of these is that trade union officials do not undertake an onerous unpaid job, but enter on a remunerative career. This remark is not meant to be offensive, and, indeed, it would hardly be seemly for a university professor to criticize a public institution on the ground that its affairs are managed largely by its salaried employees.

All that I have said so far has been by way of introduction to my main task. I have not tried to put before you new facts culled by laborious research. The limit of my ambition has been to regroup familiar facts in a pattern which may make them appear to some of you in a new light. I thought it necessary to do this in order to prepare the ground for the more difficult, speculative and controversial study of the contemporary scene, in which the leading role is played by the social rights of citizenship. It is to the impact of these on social class that I must now turn my attention.

Social Rights in the Twentieth Century

The period of which I have hitherto been speaking was one during which the growth of citizenship, substantial and impressive though it was, had little direct effect on social inequality. Civil rights gave legal powers whose use was drastically curtailed by class prejudice and lack of economic opportunity. Political rights gave potential power whose exercise demanded experience, organization and a change of ideas as to the proper functions of government. All these took time to develop. Social rights were at

[35] ibid., p. 152.

a minimum and were not woven into the fabric of citizenship. The common purpose of statutory and voluntary effort was to abate the nuisance of poverty without disturbing the pattern of inequality of which poverty was the most obviously unpleasant consequence.

A new period opened at the end of the nineteenth century, conveniently marked by Booth's survey of Life and Labour of the People in London and the Royal Commission on the Aged Poor. It saw the first big advance in social rights, and this involved significant changes in the egalitarian principle as expressed in citizenship. But there were other forces at work as well. A rise of money incomes unevenly distributed over the social classes altered the economic distance which separated these classes from one another, diminishing the gap between skilled and unskilled labour and between skilled labour and non-manual workers, while the steady increase in small savings blurred the class distinction between the capitalist and the propertyless proletarian. Secondly, a system of direct taxation, ever more steeply graduated, compressed the whole scale of disposable incomes. Thirdly, mass production for the home market and a growing interest on the part of industry in the needs and tastes of the common people enabled the less well-to-do to enjoy a material civilization which differed less markedly in quality from that of the rich than it had ever done before. All this profoundly altered the setting in which the progress of citizenship took place. Social integration spread from the sphere of sentiment and patriotism into that of material enjoyment. The components of a civilized and cultured life, formerly the monopoly of the few, were brought progressively within reach of the many, who were encouraged thereby to stretch out their hands towards those that still eluded their grasp. The diminution of inequality strengthened the demand for its abolition, at least with regard to the essentials of social welfare.

These aspirations have in part been met by incorporating social rights in the status of citizenship and thus creating a universal right to real income which is not proportionate to the market value of the claimant. Class-abatement is still the aim of social rights, but it has acquired a new meaning. It is no longer merely an attempt to abate the obvious nuisance of destitution in the lowest ranks of society. It has assumed the guise of action modifying the whole pattern of social inequality. It is no longer content to

raise the floor-level in the basement of the social edifice, leaving the superstructure as it was. It has begun to remodel the whole building, and it might even end by converting a skyscraper into a bungalow. It is therefore important to consider whether any such ultimate aim is implicit in the nature of this development, or whether, as I put it at the outset, there are natural limits to the contemporary drive towards greater social and economic equality. To answer this question I must survey and analyse the social services of the twentieth century.

I said earlier that the attempts made to remove the barriers between civil rights and their remedies gave evidence of a new attitude towards the problem of equality. I can therefore conveniently begin my survey by looking at the latest example of such an attempt, the Legal Aid and Advice Bill, which offers a social service designed to strengthen the civil right of the citizen to settle his disputes in a court of law. It also brings us face to face at once with one of the major issues of our problem, the possibility of combining in one system the two principles of social justice and market price. The State is not prepared to make the administration of justice free for all. One reason for this—though not, of course, the only one—is that costs perform a useful function by discouraging frivolous litigation and encouraging the acceptance of reasonable settlements. If all actions which are started went to trial, the machinery of justice would break down. Also, the amount that it is appropriate to spend on a case depends largely on what it is worth to the parties, and of this, it is argued, they themselves are the only judges. It is very different in a health service, where the seriousness of the disease and the nature of the treatment required can be objectively assessed with very little reference to the importance the patient attaches to it. Nevertheless, though some payment is demanded, it must not take a form which deprives the litigant of his right to justice or puts him at a disadvantage *vis-à-vis* his opponent.

The main provisions of the scheme are as follows. The service will be confined to an economic class—those whose disposable income and capital do not exceed £420 and £500 respectively.[36] 'Disposable' means the balance after considerable deductions have

[36] Where disposable capital exceeds £500, legal aid may still be granted, at the discretion of the local committee, if disposable income does not exceed £420.

been allowed for dependants, rent, ownership of house and tools, and so forth. The maximum contributable by the litigant towards his own costs is limited to half the excess of his disposable income over £156 plus the excess of his disposable capital above £75. His liability towards the costs of the other side, if he loses, is entirely in the discretion of the court. He will have the professional assistance of solicitor and counsel drawn from a panel of volunteers, and they will be remunerated for their services, in the High Court (and above) at rates 15 per cent. below what the Taxing Master would regard as reasonable in the free market, and in the County Court according to uniform scales not yet fixed.

The scheme, it will be seen, makes use of the principles of the income limit and the means test, which have just been abandoned in the other major social services. And the means test will be applied, or the maximum contribution assessed, by the National Assistance Board, whose officers, in addition to making the allowances prescribed in the regulations, 'will have general discretionary powers to enable them to deduct from income any sums which they normally disregard in dealing with an application for assistance under the National Assistance Act, 1948'.[37] It will be interesting to see whether this link with the old Poor Law will make Legal Aid unsavoury to many of those entitled to avail themselves of it, who will include persons with gross incomes up to £600 or £700 a year. But, quite apart from the agents employed to enforce it, the reason for introducing a means test is clear. The price payable for the service of the court and of the legal profession plays a useful part by testing the urgency of the demand. It is, therefore, to be retained. But the impact of price on demand is to be made less unequal by adjusting the bill to the income out of which it must be met. The method of adjustment resembles the operation of a progressive tax. If we consider income only, and ignore capital, we see that a man with a disposable income of £200 would be liable to contribute £22, or 11 per cent. of that income, and a man with a disposable income of £420 would have a maximum contribution of £132, or over 31 per cent. of that income.

A system of this kind may work quite well (assuming the scale

[37] Cmd. 7563: Summary of the Proposed New Service, p. 7, para. 17.

of adjustment to be satisfactory) provided the market price of the service is a reasonable one for the smallest income that does not qualify for assistance. Then the price scale can taper down from this pivotal point until it vanishes where the income is too small to pay anything. No awkward gap will appear at the top between the assisted and the unassisted. The method is in use for State scholarships to universities. The cost to be met in this case is the standardized figure for maintenance plus fees. Deductions are made from the gross income of the parents on lines similar to those proposed for Legal Aid, except that income tax is not deducted. The resulting figure is known as the 'scale income'. This is applied to a table which shows the parental contribution at each point on the scale. Scale incomes up to £600 pay nothing, and the ceiling above which parents must pay the full costs, without subsidy, is £1,500. A Working Party has recently recommended that the ceiling should be raised 'to at least £2,000' (before tax),[38] which is a fairly generous poverty line for a social service. It is not unreasonable to assume that, at that income level, the market cost of a university education can be met by the family without undue hardship.

The Legal Aid Scheme will probably work in much the same way for County Court cases, where costs are moderate. Those with incomes at the top of the scale will not normally receive any subsidy towards their own costs, even if they lose their case. The contribution they can be called on to make out of their own funds will usually be enough to cover them. They will thus be in the same position as those just outside the scheme, and no awkward gap will appear. Litigants coming within the scheme will, however, get professional legal assistance at a controlled and reduced price, and that is in itself a valuable privilege. But in a heavy High Court case the maximum contribution of the man at the top of the scale would be far from sufficient to meet his own costs if he was defeated. His liability under the scheme could, therefore, be many times less than that of a man, just outside the scheme, who fought and lost an identical action. In such cases the gap may be very noticeable, and this is particularly serious in litigation, which

[38] Ministry of Education: *Report of the Working Party on University Awards*, 1948, para. 60. The general account of the present system is taken from the same source.

takes the form of a contest. The contest may be between an assisted litigant and an unassisted one, and they will be fighting under different rules. One will be protected by the principle of social justice, while the other is left to the mercy of the market and the ordinary obligations imposed by contract and the rules of the court. A measure of class-abatement may, in some cases, create a form of class privilege. Whether this will happen depends largely on the content of regulations which have not yet been issued, and on the way in which the court uses its discretion in awarding costs against assisted litigants who lose their actions.

This particular difficulty could be overcome if the system were made universal, or nearly so, by carrying the scale of maximum contributions up to much higher income levels. In other words, the means test could be preserved, but the income limit dropped. But this would mean bringing all, or practically all, legal practitioners into the scheme, and subjecting them to controlled prices for their services. It would amount almost to the nationalization of the profession, so far as litigation is concerned, or so it would probably appear to the barristers, whose profession is inspired by a strong spirit of individualism. And the disappearance of private practice would deprive the Taxing Masters of a standard by which to fix the controlled price.

I have chosen this example to illustrate some of the difficulties that arise when one tries to combine the principles of social equality and the price system. Differential price adjustment by scale to different incomes is one method of doing this. It was widely used by doctors and hospitals until the National Health Service made this unnecessary. It frees real income, in certain forms, from its dependence on money income. If the principle were universally applied, differences in money income would become meaningless. The same result could be achieved by making all gross incomes equal, or by reducing unequal gross incomes to equal net incomes by taxation. Both processes have been going on, up to a point. Both are checked by the need to preserve differential incomes as a source of economic incentive. But, when different methods of doing much the same thing are combined, it may be possible to carry the process much further without upsetting the economic machine, because their various consequences are not easily added together, and the total effect may escape no-

tice in the general confusion. And we must remember that gross money incomes provide the measuring-rod by which we traditionally assess social and economic achievement and prestige. Even if they lost all meaning in terms of real income, they might still function, like orders and decorations, as spurs to effort and badges of success.

But I must return to my survey of the social services. The most familiar principle in use is not, of course, the scaled price (which I have just been discussing), but the guaranteed minimum. The State guarantees a minimum supply of certain essential goods and services (such as medical attention and supplies, shelter and education) or a minimum money income available to be spent on essentials—as in the case of Old Age Pensions, insurance benefits and family allowances. Anyone able to exceed the guaranteed minimum out of his own resources is at liberty to do so. Such a system looks, on the face of it, like a more generous version of class-abatement in its original form. It raises the floor-level at the bottom, but does not automatically flatten the superstructure. But its effects need closer examination.

The degree of equalization achieved depends on four things—whether the benefit is offered to all or to a limited class; whether it takes the form of money payment or service rendered; whether the minimum is high or low; and how the money to pay for the benefit is raised. Cash benefits subject to income limit and means test had a simple and obvious equalizing effect. They achieved class-abatement in the early and limited sense of the term. The aim was to ensure that all citizens should attain at least to the prescribed minimum, either by their own resources or with assistance if they could not do it without. The benefit was given only to those who needed it, and thus inequalities at the bottom of the scale were ironed out. The system operated in its simplest and most unadulterated form in the case of the Poor Law and Old Age Pensions. But economic equalization might be accompanied by psychological class discrimination. The stigma which attached to the Poor Law made 'pauper' a derogatory term defining a class. 'Old Age Pensioner' may have had a little of the same flavour, but without the taint of shame.

The general effect of social insurance, when confined to an income group, was similar. It differed in that there was no means

test. Contribution gave a right to benefit. But, broadly speaking, the income of the group was raised by the excess of benefits over total expenditure by the group in contributions and additional taxes, and the income gap between this group and those above it was thereby reduced. The exact effect is hard to estimate, because of the wide range of incomes within the group and the varying incidence of the risks covered. When the scheme was extended to all, this gap was reopened, though again we have to take account of the combined effects of the regressive flat-rate levy and the, in part, progressive taxation which contributed to the financing of the scheme. Nothing will induce me to embark on a discussion of this problem. But a total scheme is less specifically class-abating in a purely economic sense than a limited one, and social insurance is less so than a means-test service. Flat-rate benefits do not reduce the gaps between different incomes. Their equalizing effect depends on the fact that they make a bigger percentage addition to small incomes than to large. And, even though the concept of diminishing marginal utility (if one may still refer to it) can strictly be applied only to the rising income of one unchanging individual, that remains a matter of some significance. When a free service, as in the case of health, is extended from a limited income group to the whole population, the direct effect is in part to increase the inequality of disposable incomes, again subject to modification by the incidence of taxes. For members of the middle classes, who used to pay their doctors, find this part of their income released for expenditure on other things.

I have been skating gingerly over this very thin ice in order to make one point. The extension of the social services is not primarily a means of equalizing incomes. In some cases it may, in others it may not. The question is relatively unimportant; it belongs to a different department of social policy. What matters is that there is a general enrichment of the concrete substance of civilized life, a general reduction of risk and insecurity, an equalization between the more and the less fortunate at all levels—between the healthy and the sick, the employed and the unemployed, the old and the active, the bachelor and the father of a large family. Equalization is not so much between classes as between individuals within a population which is now treated for

this purpose as though it were one class. Equality of status is more important than equality of income.

Even when benefits are paid in cash, this class fusion is outwardly expressed in the form of a new common experience. All learn what it means to have an insurance card that must be regularly stamped (by somebody), or to collect children's allowances or pensions from the post office. But where the benefit takes the form of a service, the qualitative element enters into the benefit itself, and not only into the process by which it is obtained. The extension of such services can therefore have a profound effect on the qualitative aspects of social differentiation. The old elementary schools, though open to all, were used by a social class (admittedly a very large and varied one) for which no other kind of education was available. Its members were brought up in segregation from the higher classes and under influences which set their stamp on the children subjected to them. 'Ex-elementary schoolboy' became a label which a man might carry through life, and it pointed to a distinction which was real, and not merely conventional, in character. For a divided educational system, by promoting both intra-class similarity and inter-class difference, gave emphasis and precision to a criterion of social distance. As Professor Tawney has said, translating the views of educationalists into his own inimitable prose: 'The intrusion into educational organization of the vulgarities of the class system is an irrelevance as mischievous in effect as it is odious in conception.'[39] The limited service was class-making at the same time as it was class-abating. Today the segregation still takes place, but subsequent education, available to all, makes it possible for a re-sorting to take place. I shall have to consider in a moment whether class intrudes in a different way into this re-sorting.

Similarly the early health service added 'panel patient' to our vocabulary of social class, and many members of the middle classes are now learning exactly what the term signifies. But the extension of the service has reduced the social importance of the distinction. The common experience offered by a general health service embraces all but a small minority at the top and spreads across the important class barriers in the middle ranks of the hier-

[39] R. H. Tawney: *Secondary Education for All*, p. 64.

archy. At the same time the guaranteed minimum has been raised to such a height that the term 'minimum' becomes a misnomer. The intention, at least, is to make it approximate so nearly to the reasonable maximum that the extras which the rich are still able to buy will be no more than frills and luxuries. The provided service, not the purchased service, becomes the norm of social welfare. Some people think that, in such circumstances, the independent sector cannot survive for long. If it disappears, the skyscraper will have been converted into a bungalow. If the present system continues and attains its ideals, the result might be described as a bungalow surmounted by an architecturally insignificant turret.

Benefits in the form of a service have this further characteristic that the rights of the citizen cannot be precisely defined. The qualitative element is too great. A modicum of legally enforceable rights may be granted, but what matters to the citizen is the superstructure of legitimate expectations. It may be fairly easy to enable every child below a certain age to spend the required number of hours in school. It is much harder to satisfy the legitimate expectation that the education should be given by trained teachers in classes of moderate size. It may be possible for every citizen who wishes it to be registered with a doctor. It is much harder to ensure that his ailments will be properly cared for. And so we find that legislation, instead of being the decisive step that puts policy into immediate effect, acquires more and more the character of a declaration of policy that it is hoped to put into effect some day. We think at once of County Colleges and Health Centres. The rate of progress depends on the magnitude of the national resources and their distribution between competing claims. Nor can the State easily foresee what it will cost to fulfill its obligations, for, as the standard expected of the service rises—as it inevitably must in a progressive society—the obligations automatically get heavier. The target is perpetually moving forward, and the State may never be able to get quite within range of it. It follows that individual rights must be subordinated to national plans.

Expectations officially recognized as legitimate are not claims that must be met in each case when presented. They become, as it were, details in a design for community living. The obligation

of the State is towards society as a whole, whose remedy in case of default lies in parliament or a local council, instead of to individual citizens, whose remedy lies in a court of law, or at least in a quasi-judicial tribunal. The maintenance of a fair balance between these collective and individual elements in social rights is a matter of vital importance to the democratic socialist State.

The point I have just made is clearest in the case of housing. Here the tenure of existing dwellings has been protected by firm legal rights, enforceable in a court of law. The system has become very complicated, because it has grown piecemeal, and it cannot be maintained that the benefits are equally distributed in proportion to real need. But the basic right of the individual citizen to have a dwelling at all is minimal. He can claim no more than a roof over his head, and his claim can be met, as we have seen in recent years, by a shake-down in a disused cinema converted into a rest centre. Nevertheless, the general obligation of the State towards society collectively with regard to housing is one of the heaviest it has to bear. Public policy has unequivocally given the citizen a legitimate expectation of a home fit for a family to live in, and the promise is not now confined to heroes. It is true that, in dealing with individual claims, authorities work as far as possible on a priority scale of needs. But, when a slum is being cleared, an old city remodelled, or a new town planned, individual claims must be subordinated to the general programme of social advance. An element of chance, and therefore of inequality, enters. One family may be moved ahead of its turn into a model dwelling, because it is part of a community due for early treatment. A second will have to wait, although its physical conditions may be worse than those of the first. As the work goes on, though in many places inequalities vanish, in others they become more apparent. Let me give you one small example of this. In the town of Middlesbrough, part of the population of a blighted area had been moved to a new housing estate. It was found that, among the children living on this estate, one in eight of those who competed for places in secondary schools were successful. Among the section of the same original population that had been left behind the proportion was one in one hundred and fifty-four.[40] The contrast is so staggering that one hesitates to offer any precise expla-

[40] Ruth Glass: *The Social Background of a Plan*, p. 129.

nation of it, but it remains a striking example of inequality between individuals appearing as the interim result of the progressive satisfaction of collective social rights. Eventually, when the housing programme has been completed, such inequalities should disappear.

There is another aspect of housing policy which, I believe, implies the intrusion of a new element into the rights of citizenship. It comes into play when the design for living, to which I have said individual rights must be subordinated, is not limited to one section at the bottom of the social scale nor to one particular type of need, but covers the general aspects of the life of a whole community. Town planning is total planning in this sense. Not only does it treat the community as a whole, but it affects and must take account of all social activities, customs and interests. It aims at creating new physical environments which will actively foster the growth of new human societies. It must decide what these societies are to be like, and try to provide for all the major diversities which they ought to contain. Town planners are fond of talking about a 'balanced community' as their objective. This means a society that contains a proper mixture of all social classes, as well as of age and sex groups, occupations and so forth. They do not want to build working-class neighbourhoods and middle-class neighbourhoods, but they do propose to build working-class houses and middle-class houses. Their aim is not a classless society, but a society in which class differences are legitimate in terms of social justice, and in which, therefore, the classes co-operate more closely than at present to the common benefit of all. When a planning authority decides that it needs a larger middle-class element in its town (as it very often does) and makes designs to meet its needs and fit its standards, it is not, like a speculative builder, merely responding to a commercial demand. It must re-interpret the demand in harmony with its total plan and then give it the sanction of its authority as the responsible organ of a community of citizens. The middle-class man can then say, not 'I will come if you pay the price I feel strong enough to demand', but 'If you want me as a citizen, you must give me the status which is due as of right to the kind of citizen I am'. This is one example of the way in which citizenship is itself becoming the architect of social inequality.

The second, and more important, example is in the field of education, which also illustrates my earlier point about the balance between individual and collective social rights. In the first phase of our public education, rights were minimal and equal. But, as we have observed, a duty was attached to the right, not merely because the citizen has a duty to himself, as well as a right, to develop all that is in him—a duty which neither the child nor the parent may fully appreciate—but because society recognized that it needed an educated population. In fact the nineteenth century has been accused of regarding elementary education solely as a means of providing capitalist employers with more valuable workers, and higher education merely as an instrument to increase the power of the nation to compete with its industrial rivals. And you may have noticed that recent studies of educational opportunity in the pre-war years have been concerned to reveal the magnitude of social waste quite as much as to protest against the frustration of natural human rights.

In the second phase of our educational history, which began in 1902, the educational ladder was officially accepted as an important, though still small, part of the system. But the balance between collective and individual rights remained much the same. The State decided what it could afford to spend on free secondary and higher education, and the children competed for the limited number of places provided. There was no pretence that all who could benefit from more advanced education would get it, and there was no recognition of any absolute natural right to be educated according to one's capacities. But in the third phase, which started in 1944, individual rights have ostensibly been given priority. Competition for scarce places is to be replaced by selection and distribution into appropriate places, sufficient in number to accommodate all, at least at the secondary school level. In the Act of 1944 there is a passage which says that the supply of secondary schools will not be considered adequate unless they 'afford for all pupils opportunities for education offering such variety of instruction and training as may be desirable in view of their different ages, abilities and aptitudes'. Respect for individual rights could hardly be more strongly expressed. Yet I wonder whether it will work out like that in practice.

If it were possible for the school system to treat the pupil en-

tirely as an end in himself, and to regard education as giving him something whose value he could enjoy to the full whatever his station in after-life, then it might be possible to mould the educational plan to the shape demanded by individual needs, regardless of any other considerations. But, as we all know, education today is closely linked with occupation, and one, at least, of the values the pupil expects to get from it is a qualification for employment at an appropriate level. Unless great changes take place, it seems likely that the educational plan will be adjusted to occupational demand. The proportion between Grammar, Technical and Modern Secondary Schools cannot well be fixed without reference to the proportion between jobs of corresponding grades. And a balance between the two systems may have to be sought in justice to the pupil himself. For if a boy who is given a Grammar School education can then get nothing but a Modern School job, he will cherish a grievance and feel that he has been cheated. It is highly desirable that this attitude should change, so that a boy in such circumstances will be grateful for his education and not resentful at his job. But to accomplish such a change is no easy task.

I see no signs of any relaxation of the bonds that tie education to occupation. On the contrary, they appear to be growing stronger. Great and increasing respect is paid to certificates, matriculation, degrees and diplomas as qualifications for employment, and their freshness does not fade with the passage of the years. A man of forty may be judged by his performance in an examination taken at the age of fifteen. The ticket obtained on leaving school or college is for a life journey. The man with a third-class ticket who later feels entitled to claim a seat in a first-class carriage will not be admitted, even if he is prepared to pay the difference. That would not be fair to the others. He must go back to the start and re-book, by passing the prescribed examination. And it is unlikely that the State will offer to pay his return fare. This is not, of course, true of the whole field of employment, but it is a fair description of a large and significant part of it, whose extension is being constantly advocated. I have, for instance, recently read an article in which it is urged that every aspirant to an administrative or managerial post in business should be required to qualify 'by passing the matriculation or equivalent

examination'.[41] This development is partly the result of the systematization of techniques in more and more professional, semi-professional and skilled occupations, though I must confess that some of the claims of so-called professional bodies to exclusive possession of esoteric skill and knowledge appear to me to be rather thin. But it is also fostered by the refinement of the selective process within the educational system itself. The more confident the claim of education to be able to sift human material during the early years of life, the more is mobility concentrated within those years, and consequently limited thereafter.

The right of the citizen in this process of selection and mobility is the right to equality of opportunity. Its aim is to eliminate hereditary privilege. In essence it is the equal right to display and develop differences, or inequalities; the equal right to be recognized as unequal. In the early stages of the establishment of such a system the major effect is, of course, to reveal hidden equalities —to enable the poor boy to show that he is as good as the rich boy. But the final outcome is a structure of unequal status fairly apportioned to unequal abilities. The process is sometimes associated with ideas of *laissez faire* individualism, but within the educational system it is a matter, not of *laissez faire*, but of planning. The process through which abilities are revealed, the influences to which they are subjected, the tests by which they are measured, and the rights given as a result of the tests are all planned. Equality of opportunity is offered to all children entering the primary schools, but at an early age they are usually divided into three streams—the best, the average and the backward. Already opportunity is becoming unequal, and the children's range of chances limited. About the age of eleven they are tested again, probably by a team of teachers, examiners and psychologists. None of these is infallible, but perhaps sometimes three wrongs may make a right. Classification follows for distribution into the three types of secondary school. Opportunity becomes still more unequal, and the chances of further education has already been limited to a select few. Some of these, after being tested again, will go on to receive it. In the end the jumble of mixed seed origi-

[41] J. A. Bowie, in *Industry* (January 1949), p. 17.

nally put into the machine emerges in neatly labelled packets ready to be sown in the appropriate gardens.

I have deliberately couched this description in the language of cynicism in order to bring out the point that, however genuine may be the desire of the educational authorities to offer enough variety to satisfy all individual needs, they must, in a mass service of this kind, proceed by repeated classification into groups, and this is followed at each stage by assimilation within each group and differentiation between groups. That is precisely the way in which social classes in a fluid society have always taken shape. Differences within each class are ignored as irrelevant; differences between classes are given exaggerated significance. Thus qualities which are in reality strung out along a continuous scale are made to create a hierarchy of groups, each with its special character and status. The main features of the system are inevitable, and its advantages, in particular the elimination of inherited privilege, far outweigh its incidental defects. The latter can be attacked and kept within bounds by giving as much opportunity as possible for second thoughts about classification, both on the educational system itself and in after-life.

The conclusion of importance to my argument is that, through education in its relations with occupational structure, citizenship operates as an instrument of social stratification. There is no reason to deplore this, but we should be aware of its consequences. The status acquired by education is carried out into the world bearing the stamp of legitimacy, because it has been conferred by an institution designed to give the citizen his just rights. That which the market offers can be measured against that which the status claims. If a large discrepancy appears, the ensuing attempts to eliminate it will take the form, not of a bargain about economic value, but of a debate about social rights. And it may be that there is already a serious discrepancy between the expectations of those who reach the middle grades in education and the status of the non-manual jobs for which they are normally destined.

I said earlier that in the twentieth century citizenship and the capitalist class system have been at war. Perhaps the phrase is rather too strong, but it is quite clear that the former has imposed modifications on the latter. But we should not be justified in as-

suming that, although status is a principle that conflicts with contract, the stratified status system which is creeping into citizenship is an alien element in the economic world outside. Social rights in their modern form imply an invasion of contract by status, the subordination of market price to social justice, the replacement of the free bargain by the declaration of rights. But are these principles quite foreign to the practice of the market today, or are they there already, entrenched within the contract system itself? I think it is clear that they are.

As I have already pointed out, one of the main achievements of political power in the nineteenth century was to clear the way for the growth of trade unionism by enabling the workers to use their civil rights collectively. This was an anomaly, because hitherto it was political rights that were used for collective action, through parliament and local councils, whereas civil rights were intensely individual, and had therefore harmonized with the individualism of early capitalism. Trade unionism created a sort of secondary industrial citizenship, which naturally became imbued with the spirit appropriate to an institution of citizenship. Collective civil rights could be used, not merely for bargaining in the true sense of the term, but for the assertion of basic rights. The position was an impossible one and could only be transitional. Rights are not a proper matter for bargaining. To have to bargain for a living wage in a society which accepts the living wage as a social right is as absurd as to have to haggle for a vote in a society which accepts the vote as a political right. Yet the early twentieth century attempted to make sense of this absurdity. It fully endorsed collective bargaining as a normal and peaceful market operation, while recognizing in principle the right of the citizen to a minimum standard of civilized living, which was precisely what the trade unions believed, and with good reason, that they were trying to win for their members with the weapon of the bargain.

In the outburst of big strikes immediately before the First World War this note of a concerted demand for social rights was clearly audible. The government was forced to intervene. It professed to do so entirely for the protection of the public, and pretended not to be concerned with the issues in dispute. In 1912 Mr Askwith, the chief negotiator, told Mr Asquith, the Prime Minister, that intervention had failed and government prestige

had suffered. To which the Prime Minister replied: 'Every word you have spoken endorses the opinion I have formed. It is a degradation of government.'[42] History soon showed that such a view was a complete anachronism. The government can no longer stand aloof from industrial disputes, as though the level of wages and the standard of living of the workers were matters with which it need not concern itself. And government intervention in industrial disputes has been met from the other side by trade union intervention in the work of government. This is both a significant and a welcome development, provided its implications are fully realized. In the past trade unionism had to assert social rights by attacks delivered from outside the system in which power resided. Today it defends them from inside, in co-operation with government. On major issues crude economic bargaining is converted into something more like a joint discussion of policy.

The implication is that decisions reached in this way must command respect. If citizenship is invoked in the defence of rights, the corresponding duties of citizenship cannot be ignored. These do not require a man to sacrifice his individual liberty or to submit without question to every demand made by government. But they do require that his acts should be inspired by a lively sense of responsibility towards the welfare of the community. Trade union leaders in general accept this implication, but this is not true of all members of the rank and file. The traditions built up at a time when trade unions were fighting for their existence, and when conditions of employment depended wholly on the outcome of unequal bargaining, make its acceptance very difficult. Unofficial strikes have become very frequent, and it is clear that one important element in industrial disputes is discord between trade union leaders and certain sections of trade union members. Now duties can derive either from status or from contract. Leaders of unofficial strikes are liable to reject both. The strikes usually involve breach of contract or the repudiation of agreements. Appeal is made to some allegedly higher principle—in reality, though this may not be expressly asserted, to the status rights of industrial citizenship. There are many precedents today for the subordination of contract to status. Perhaps the most familiar are to be

[42] Lord Askwith: *Industrial Problems and Disputes*, p. 228.

found in our handling of the housing problem. Rents are controlled and the rights of occupants protected after their contracts have expired, houses are requisitioned, agreements freely entered into are set aside or modified by tribunals applying the principles of social equity and the just price. The sanctity of contract gives way to the requirements of public policy, and I am not suggesting for a moment that this ought not to be so. But if the obligations of contract are brushed aside by an appeal to the rights of citizenship, then the duties of citizenship must be accepted as well. In some recent unofficial strikes an attempt has, I think, been made to claim the rights both of status and of contract while repudiating the duties under both these heads.

But my main concern is not with the nature of strikes, but rather with the current conception of what constitutes a fair wage. I think it is clear that this conception includes the notion of status. It enters into every discussion of wage rates and professional salaries. What *ought* a medical specialist or a dentist to earn, we ask? Would twice the salary of a university professor be about right, or is that not enough? And, of course, the system envisaged is one of stratified, not uniform, status. The claim is not merely for a basic living wage with such variations above that level as can be extracted by each grade from the conditions in the market at the moment. The claims of status are to a hierarchical wage structure, each level of which represents a social right and not merely a market value. Collective bargaining must involve, even in its elementary forms, the classification of workers into groups, or grades, within which minor occupational differences are ignored. As in mass schooling, so in mass employment, questions of rights, standards, opportunities and so forth can be intelligibly discussed and handled only in terms of a limited number of categories and by cutting up a continuous chain of differences into a series of classes whose names instantly ring the appropriate bell in the mind of the busy official. As the area of negotiation spreads, the assimilation of groups necessarily follows on the assimilation of individuals, until the stratification of the whole population of workers is, as far as possible, standardized. Only then can general principles of social justice be formulated. There must be uniformity within each grade, and difference between grades. These principles dominate the minds of those discussing wage claims, even

though rationalization produces other arguments, such as that profits are excessive and the industry can afford to pay higher wages, or that higher wages are necessary to maintain the supply of suitable labour or to prevent its decline.

The White Paper on Personal Incomes[43] flashed a beam of light into these dark places of the mind, but the end result has been only to make the process of rationalization more intricate and laborious. The basic conflict between social rights and market value has not been resolved. One labour spokesman said: 'An equitable relationship must be established between industry and industry.'[44] An equitable relationship is a social, not an economic, concept. The General Council of the T.U.C. approved the principles of the White Paper to the extent that 'they recognize the need to safeguard those wage differentials which are essential elements in the wages structure of many important industries, and are required to sustain those standards of craftsmanship, training and experience that contribute directly to industrial efficiency and higher productivity'.[45] Here market value and economic incentive find a place in an argument which is fundamentally concerned with status. The White Paper itself took a rather different, and possibly a truer, view of differentials. 'The last hundred years have seen the growth of certain traditional or customary relationships between personal incomes—including wages and salaries—in different occupations. . . . These have no necessary relevance to modern conditions.' Tradition and custom are social, not economic, principles, and they are old names for the modern structure of status rights.

The White Paper stated frankly that differentials based on these social concepts could not satisfy current economic requirements. They did not provide the incentives needed to secure the best distribution of labour. 'Relative income levels must be such as to encourage the movement of labour to those industries where it is most needed, and should not, as in some cases they still do, tempt it in a contrary direction.' Notice that it says '*still* do'. Once

[43] Cmd. 7321, 1948.
[44] As reported in *The Times*.
[45] Recommendations of the Special Committee on the Economic Situation as accepted by the General Council at their Special Meeting on 18 February 1948.

again the modern conception of social rights is treated as a survival from the dark past. As we go on, the confusion thickens. 'Each claim for an increase in wages or salaries must be considered on its national merits', that is, in terms of national policy. But this policy cannot be directly enforced by the exercise of the political rights of citizenship through government, because that would involve 'an incursion by the Government into what has hitherto been regarded as a field of free contract between individuals and organizations', that is, an invasion of the civil rights of the citizen. Civil rights are therefore to assume political responsibility, and free contract is to act as the instrument of national policy. And there is yet another paradox. The incentive that operates in the free contract system of the open market is the incentive of personal gain. The incentive that corresponds to social rights is that of public duty. To which is the appeal being made? The answer is, to both. The citizen is urged to respond to the call of duty by allowing some scope to the motive of individual self-interest. But these paradoxes are not the invention of muddled brains; they are inherent in our contemporary social system. And they need not cause us undue anxiety, for a little common sense can often move a mountain of paradox in the world of action, though logic may be unable to surmount it in the world of thought.

Conclusions

I have tried to show how citizenship, and other forces outside it, have been altering the pattern of social inequality. To complete the picture I ought now to survey the results as a whole on the structure of social class. They have undoubtedly been profound, and it may be that the inequalities permitted, and even moulded, by citizenship do not any longer constitute class distinctions in the sense in which that term is used for past societies. But to examine this question I should require another lecture, and it would probably consist of a mixture of dry statistics of uncertain meaning and meaningful judgements of doubtful validity. For our ignorance of this matter is profound. It is therefore perhaps fortunate for the reputation of sociology that I should be obliged to confine myself to a few tentative observations, made in an attempt

to answer the four questions which I posed at the end of my introduction to my theme.

We have to look for the combined effects of three factors. First, the compression, at both ends, of the scale of income distribution. Second, the great extension of the area of common culture and common experience. And third, the enrichment of the universal status of citizenship, combined with the recognition and stabilization of certain status differences chiefly through the linked systems of education and occupation. The first two have made the third possible. Status differences can receive the stamp of legitimacy in terms of democratic citizenship provided they do not cut too deep, but occur within a population united in a single civilization; and provided they are not an expression of hereditary privilege. This means that inequalities can be tolerated within a fundamentally egalitarian society provided they are not dynamic, that is to say that they do not create incentives which spring from dissatisfaction and the feeling that 'this kind of life is not good enough for me', or 'I am determined that my son shall be spared what I had to put up with'. But the kind of inequality pleaded for in the White Paper can be justified only if it *is* dynamic, and if it *does* provide an incentive to change and betterment. It may prove, therefore, that the inequalities permitted, and even moulded, by citizenship will not function in an economic sense as forces influencing the free distribution of manpower. Or that social stratification persists, but social ambition ceases to be a normal phenomenon, and becomes a deviant behaviour pattern—to use some of the jargon of sociology.

Should things develop to such lengths, we might find that the only remaining drive with a consistent distributive effect—distributive, that is, of manpower through the hierarchy of economic levels—was the ambition of the schoolboy to do well in his lessons, to pass his examinations, and to win promotion up the educational ladder. And if the official aim of securing 'parity of esteem' between the three types of secondary school were realized, we might lose the greater part even of that. Such would be the extreme result of establishing social conditions in which every man was content with the station of life to which it had pleased citizenship to call him.

In saying this I have answered two of my four questions, the

first and the last. I asked whether the sociological hypothesis latent in Marshall's essay is valid today, the hypothesis, namely, that there is a kind of basic human equality, associated with full community membership, which is not inconsistent with a superstructure of economic inequality. I asked, too, whether there was any limit to the present drive towards social equality inherent in the principles governing the movement. My answer is that the preservation of economic inequalities has been made more difficult by the enrichment of the status of citizenship. There is less room for them, and there is more and more likelihood of their being challenged. But we are certainly proceeding at present on the assumption that the hypothesis is valid. And this assumption provides the answer to the second question. We are not aiming at absolute equality. There are limits inherent in the egalitarian movement. But the movement is a double one. It operates partly through citizenship and partly through the economic system. In both cases the aim is to remove inequalities which cannot be regarded as legitimate, but the standard of legitimacy is different. In the former it is the standard of social justice, in the latter it is social justice combined with economic necessity. It is possible, therefore, that the inequalities permitted by the two halves of the movement will not coincide. Class distinctions may survive which have no appropriate economic function, and economic differences which do not correspond with accepted class distinctions.

My third question referred to the changing balance between rights and duties. Rights have been multiplied, and they are precise. Each individual knows just what he is entitled to claim. The duty whose discharge is most obviously and immediately necessary for the fulfilment of the right is the duty to pay taxes and insurance contributions. Since these are compulsory, no act of will is involved, and no keen sentiment of loyalty. Education and military service are also compulsory. The other duties are vague, and are included in the general obligation to live the life of a good citizen, giving such service as one can to promote the welfare of the community. But the community is so large that the obligation appears remote and unreal. Of paramount importance is the duty to work, but the effect of one man's labour on the well-being of the whole society is so infinitely small that it is hard for him

to believe that he can do much harm by withholding or curtailing it.

When social relations were dominated by contract, the duty to work was not recognized. It was a man's own affair whether he worked or not. If he chose to live idly in poverty, he was at liberty to do so, provided he did not become a nuisance. If he was able to live idly in comfort, he was regarded, not as a drone, but as an aristocrat—to be envied and admired. When the economy of this country was in process of transformation into a system of this kind, great anxiety was felt whether the necessary labour would be forthcoming. The driving forces of group custom and regulation had to be replaced by the incentive of personal gain, and grave doubts were expressed whether this incentive could be relied upon. This explains Colquhoun's views on poverty, and the pithy remark of Mandeville, that labourers 'have nothing to stir them up to be serviceable but their wants, which it is prudence to relieve but folly to cure'.[46] And in the eighteenth century their wants were very simple. They were governed by established class habits of living, and no continuous scale of rising standards of consumption existed to entice the labourers to earn more in order to spend more on desirable things hitherto just beyond their reach—like radio sets, bicycles, cinemas or holidays by the sea. The following comment by a writer in 1728, which is but one example from many in the same sense, may well have been based on sound observation. 'People in low life', he said, 'who work only for their daily bread, if they can get it by three days work in the week, will many of them make holiday the other three, or set their own price on their labour.'[47] And, if they adopted the latter course, it was generally assumed that they would spend the extra money on drink, the only easily available luxury. The general rise in the standard of living has caused this phenomenon, or something like it, to reappear in contemporary society, though cigarettes now play a more important role than drink.

It is no easy matter to revive the sense of the personal obligation to work in a new form in which it is attached to the status of citizenship. It is not made any easier by the fact that the essential

[46] B. Mandeville: *The Fable of the Bees*, 6th ed. (1732), p. 213.
[47] E. S. Furniss: *The Position of the Laborer in a System of Nationalism*, p. 125.

duty is not to have a job and hold it, since that is relatively simple in conditions of full employment, but to put one's heart into one's job and work hard. For the standard by which to measure hard work is immensely elastic. A successful appeal to the duties of citizenship can be made in times of emergency, but the Dunkirk spirit cannot be a permanent feature of any civilization. Nevertheless, an attempt is being made by trade union leaders to inculcate a sense of this general duty. At a conference on November 18 of last year Mr Tanner referred to 'the imperative obligation on both sides of industry to make their full contribution to the rehabilitation of the national economy and world recovery'.[48] But the national community is too large and remote to command this kind of loyalty and to make of it a continual driving force. That is why many people think that the solution of our problem lies in the development of more limited loyalties, to the local community and especially to the working group. In this latter form industrial citizenship, devolving its obligations down to the basic units of production, might supply some of the vigour that citizenship in general appears to lack.

I come finally to the second of my original four questions, which was not, however, so much a question as a statement. I pointed out that Marshall stipulated that measures designed to raise the general level of civilization of the workers must not interfere with the freedom of the market. If they did, they might become indistinguishable from socialism. And I said that obviously this limitation on policy had since been abandoned. Socialist measures in Marshall's sense have been accepted by all political parties. This led me to the platitude that the conflict between egalitarian measures and the free market must be examined in the course of any attempt to carry Marshall's sociological hypothesis over into the modern age.

I have touched on this vast subject at several points, and in the concluding summary I will confine myself to one aspect of the problem. The unified civilization which makes social inequalities acceptable, and threatens to make them economically functionless, is achieved by a progressive divorce between real and money incomes. This is, of course, explicit in the major social services,

[48] *The Times*, 19 November 1948.

such as health and education, which give benefits in kind without any *ad hoc* payment. In scholarships and legal aid, prices scaled to money incomes keep real income relatively constant, in so far as it is affected by these particular needs. Rent restriction, combined with security of tenure, achieves a similar result by different means. So, in varying degrees, do rationing, food subsidies, utility goods and price controls. The advantages obtained by having a larger money income do not disappear, but they are confined to a limited area of consumption.

I spoke just now of the conventional hierarchy of the wage structure. Here importance is attached to differences in money income and the higher earnings are expected to yield real and substantial advantages—as, of course, they still do in spite of the trend towards the equalization of real incomes. But the importance of wage differentials is, I am sure, partly symbolic. They operate as labels attached to industrial status, not only as instruments of genuine economic stratification. And we also see signs that the acceptance of this system of economic inequality by the workers themselves—especially those fairly low down in the scale—is sometimes counteracted by claims to greater equality with respect to those forms of real enjoyment which are not paid for out of wages. Manual workers may accept it as right and proper that they should earn less money than certain clerical grades, but at the same time wage-earners may press for the same general amenities as are enjoyed by salaried employees, because these should reflect the fundamental equality of all citizens and not the inequalities of earnings or occupational grades. If the manager can get a day off for a football match, why not the workman? Common enjoyment is a common right.

Recent studies of adult and child opinion have found that, when the question is posed in general terms, there is a declining interest in the earning of big money. This is not due, I think, only to the heavy burden of progressive taxation, but to an implicit belief that society should, and will, guarantee all the essentials of a decent and secure life at every level, irrespective of the amount of money earned. In a population of secondary schoolboys examined by the Bristol Institute of Education, 86 per cent. wanted an interesting job at a reasonable wage and only 9 per cent. a job in which they could make a lot of money. And the average intelli-

gence quotient of the second group was 16 points lower than that of the first.[49] In a poll conducted by the British Institute of Public Opinion, 23 per cent. wanted as high wages as possible, and 73 per cent. preferred security at lower wages.[50] But at any given moment, and in response to a particular question about their present circumstances, most people, one would imagine, would confess to a desire for more money than they are actually getting. Another poll, taken in November 1947, suggests that even this expectation is exaggerated. For 51 per cent. said their earnings were at or above a level adequate to cover family needs, and only 45 per cent. that they were inadequate. The attitude is bound to vary at different social levels. The classes which have gained most from the social services, and in which real income in general has been rising, might be expected to be less preoccupied with differences in money income. But we should be prepared to find other reactions in that section of the middle classes in which the pattern of money incomes is at the moment most markedly incoherent, while the elements of civilized living traditionally most highly prized are becoming unattainable with the money incomes available—or by any other means.

The general point is one to which Professor Robbins referred when he lectured here two years ago. 'We are following', he said, 'a policy which is self-contradictory and self-frustrating. We are relaxing taxation and seeking, wherever possible, to introduce systems of payments which fluctuate with output. And, at the same time, our price fixing and the consequential rationing system are inspired by egalitarian principles. The result is that we get the worst of both worlds.'[51] And again: 'The belief that, in normal times, it is particularly sensible to try to mix the principles and run an egalitarian real income system side by side with an inegalitarian money income system seems to me somewhat *simpliste*.'[52] Yes, to the economist perhaps, if he tries to judge the situation according to the logic of a market economy. But not necessarily to the sociologist, who remembers that social behaviour is not governed by logic, and that a human society can

[49] *Research Bulletin*, No. 11, p. 23.
[50] January 1946.
[51] L. Robbins: *The Economic Problem in Peace and War*, p. 9.
[52] ibid., p. 16.

make a square meal out of a stew of paradox without getting indigestion—at least for quite a long time. The policy, in fact, may not be *simpliste* at all, but subtle; a newfangled application of the old maxim *divide et impera*—play one off against the other to keep the peace. But, more seriously, the word *simpliste* suggests that the antinomy is merely the result of the muddled thinking of our rulers and that, once they see the light, there is nothing to prevent them altering their line of action. I believe, on the contrary, that this conflict of principles springs from the very roots of our social order in the present phase of the development of democratic citizenship. Apparent inconsistencies are in fact a source of stability, achieved through a compromise which is not dictated by logic. This phase will not continue indefinitely. It may be that some of the conflicts within our social system are becoming too sharp for the compromise to achieve its purpose much longer. But, if we wish to assist in their resolution, we must try to understand their deeper nature and to realize the profound and disturbing effects which would be produced by any hasty attempt to reverse present and recent trends. It has been my aim in these lectures to throw a little light on one element which I believe to be of fundamental importance, namely the impact of a rapidly developing concept of the rights of citizenship on the structure of social inequality.