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THE PRAGMATIC ELECTORATE

FRANCIS G. WILSON

University of Washington

I. DEMOCRATIC CITIZENSHIP

Political science has dealt too long, on the one hand, with the ideal, and, on the other hand, with the abnormal and perverted features of political society, rather than with the normal and the eventual. Our theory of ideal democracy¹ is perhaps more suited to the Greek and Roman city-state, with participation as the test of the good citizen.² Representation has been heralded as the device which makes the ancient ideal possible on a large scale. But in practice it has been found that the enormous expansion of the public, i.e., the body of persons who have the right of participation, has made the problem far more complex than was at first thought possible. Greek ideals of education and coercion of the citizen body toward general improvement have been carried out with greater success, and our statute books reflect a Hobbesian attitude toward human nature which is true only in part. The political philosophy of democracy must be built on the facts of political life.

Shall we break with the Greek and Roman ideal of the participation of the citizen group in the affairs of the state? It is true that the present attitude is a revised form of the demo-

¹ Democracy may mean either a form of government or a social philosophy. The older theory has generally limited it to a form of government. This is clearly shown in the writings of Bryce and Maine. It seems we must think of it more in terms of a general appreciation of human personality, or as a social philosophy underlying the modern constitutional state, though as a political process it may be viewed as a form of government. Pragmatism is here taken to mean the application of the doctrine of consequences to political concepts. The true concept is the workable one. Hence, pragmatism is for politics more than a theory of truth, or a method of ascertaining truth; it becomes, in fact, the justification of a program in which the ideal is tested by the actual.

² Cf. Harrington's "Oceana," in *Ideal Commonwealths* (New York, 1901), p. 239, for an early modern statement of this view.

cratic ideal of antiquity, but with a different interpretation of the meaning of citizenship. All democratic governments must finally rest on some theory of the suffrage; any study of the fact of non-voting must be based on a theory of the suffrage likewise. With the expansion of the theory of citizenship to include all subjects, a corresponding theory of limited participation was developed—no doubt a product of the Middle Ages. The totality of citizens was distrusted, and some test of participation had to be devised. Such was the origin of religious tests for political participation; such was the origin of the distinction between the right to vote and the fact of citizenship.

With the broadening of the franchise in the nineteenth century, the older ideals have come to life again, and in a general way the theory now is that a citizen should vote. Eligibility to vote, as defined by statute, does not logically carry with it the duty to vote, but those who favored or opposed a general franchise assumed that the people would vote. The fact remains that our government was organized during a period of mistrust of the ordinary citizen; it was not designed along the ideals of antiquity, but rather against the harmonizing of political participation and citizenship. The eighteenth-century French distinction between active and passive citizenship, found in the constitution of 1791, is implied in the colonial and early state restrictions on the right to vote. The extreme democratic sentiments developed during the nineteenth century, however,—whether because of frontier influence or of a general world democratic movement does not matter—take a very different position: citizenship, in a real sense, means active participation in politics; it implies very much the same definition as was given by Aristotle.³

³ The conservative contemporary theory is stated very well in W. B. Munro, *The Government of the United States* (New York, 1925), pp. 101-113. Following Thomas M. Cooley, Munro argues the connection between the vote and public welfare; the vote is a privilege given for community benefit, therefore there is an obligation to exercise it. Of course, the qualifications for voting must be laid down by the state. The restrictions imposed are obviously for general welfare,

This paper is an evaluation of these competing claims as to the nature of democratic citizenship. Necessary to it is a theory of the franchise; and the suggestion is made that ultimate participation is more important than constant participation; that the vitality of democracy comes from a right of protest, of self-protection, not from the fact of participation; that the right to vote is not an office, a public trust, or a natural right, but a privilege granted in democracies for self-protection of the individual; that the vote is in reality a check on those who govern; that this is in accord with the general ethical view of the value of human personality; and that such a set of propositions is consistent with a pragmatic view of the state, and with such practical knowledge of the democratic process as we possess.

In determining the nature of modern democracy, pragmatic tests are more valuable than absolute ones. It is a fact that most men do not vote unless they feel that they have something at stake; it is probably a fact that few men vote simply because they feel that it is their duty to do so. Perhaps it is possible to learn by experience, but many civic organizations do not. Count over the innumerable elections in which only a portion of the qualified electorate has voted, and on the sheer extensiveness of our political experience we may as well give up as a lost ideal the notion that all persons qualified will or should vote. It is possible that in the reconstruction of the democratic process we will reckon on a fourth or a half of the possible electorate actually voting. Could this not be considered the normal, even ideal, condition in democracies? If such an interpretation were accepted, our whole political life would immediately become more real; the wasted energies directed to-

but these are considered to be exceptions to the general rule that adult citizens, under proper conditions, should be able to vote. It is doubtful whether the privilege of voting was established on a purely general welfare theory. More probably the doctrine of equality and nineteenth-century individualism brought it about. Those who have opposed suffrage extension have undoubtedly made a wide use of the general welfare theory.

ward getting a naturally indifferent electorate to vote might be turned to other and more fruitful channels.

II. THE THEORY OF NON-VOTING

It seems that such an interpretation of the process of democracy may be defended on theoretical as well as practical grounds. An essential part of this notion of the democratic process is, however, that the right of the masses who do not vote should not be taken away. Perhaps once in ten years a citizen may feel a keen interest in a particular public question. He will have an interest in the problem according as he interprets his own relation to his government; and his right of participation, as an habitual member of the inactive electorate, should not be taken from him. It is the ultimate right of protest on the part of the citizen that makes democracy a living force, and not the individual's actual and continued participation.

Let us examine the grounds for this position, without making too great a distinction between theory and practice in democracy. To begin with, the structure and ideals of modern society go counter to the notion of all persons participating in the process of democracy. It is a far cry back to the more simple days when interests in life, aside from the problem of subsistence, were few. Today we accept the settlement which has been reached in the rule of law, in constitutional government, and the responsibility of public officials for their acts. Not only has the problem of governmental structure been settled to the satisfaction of most persons, but the complexity of modern relationships gives men much to think about besides political or religious matters. The modern citizen's mind is filled with the echoes of an industrial society. Only when government intrudes beyond the sphere in which his interests dictate that it should work is he aroused. This may be once in a life-time, or every four years. The field of art in all its complexity, the talkies, the radio, the newspaper carrying the infinite stimulations which society has created, the wealth of

books and magazines—all lead natural interest away from the somber realities of government. Yet government must work, and it must justify itself by the service it performs, not upon an abstraction which may be called perfect democracy. The very nature of modern society demands that we recognize once and for all that, normally, only a few will participate in the conduct and direction of public affairs. As Bryce remarked that there has never been anything but the government of the few, so we might add that the electorate in the active sense will always be the few.⁴

The nature of public opinion justifies the position taken with regard to the democratic process. An immediate and challenging field, indeed, presents itself in the nature of opinion. Is opinion permanent or constantly changing? We may follow the modern prophet of mutability, Lippmann, or a more ancient teacher of permanency in opinion, John Locke. In Section 223 of the *Second Treatise of Civil Government*, the latter remarks: "To this perhaps it will be said, that the people being ignorant and always discontented, to lay the foundation of government in the unsteady opinion and uncertain humor of the people, is to expose it to certain ruin: And no government will be able long to subsist, if the people may set up a new legislative whenever they take offence at the old one. To this I answer, quite the contrary. People are not so easily got out of their old forms as some are apt to suggest. They are hardly

⁴ A recent book by Charles Merz (*The Great American Band Wagon*, New York, 1928) suggests by implication that the really remarkable fact may be that there is as much interest in politics as there is; for politics offers no exciting escape from the realities of life as do a thousand other things, such as the radio, the automobile, and the tabloid. Cf. A. R. Lord, *The Principles of Politics* (Oxford, 1921), p. 161. "The more frequently elections are held, the less interesting and important they appear to be, and the less likely is a busy man to go out of his way to record a vote. Private affairs in populous and prosperous communities have assumed an abnormal and disproportionate importance; and amongst those who are immersed in commercial enterprises, political duties, except where they directly affect private businesses, are apt to be resented as an intrusion upon and an interruption of the normal course of life. The professional and the economically influential classes tend more and more to ask for government without trouble."

to be prevailed with to amend the acknowledged faults in the frame they have been accustomed to.”

If this is the nature of opinion, does it need to be expressed and re-expressed in constantly recurring elections? Suppose the government is following without deviation the fundamental views of most of the electorate. Should the electorate reaffirm their views every two years? Fundamentally, Locke is correct. Ancient and modern study of social attitudes demonstrates that political views are long in development and firm in their constancy. Public opinion should generally be associated by its very nature with the fundamentals of government, not with superficial, pendulary oscillations. There is, in fact, no more easy misconstruction of public opinion than that which arises from the shift of views on personalities and policies of passing interest. Public opinion is not formed today, but through many yesterdays. It swings back and forth, to be sure, but only in a narrow ambit. It is natural for the mass of men, conservative in their political views and appreciations, to accept government so long as government obeys the fundamental currents of opinion. What difference does it make in the average of public personalities if one man or another is chosen, so long as the government is thus conducted? Men, and therefore governments, react in patterns.⁵

Constitutional government, while originally designed to prevent the balder forms of tyranny, has enabled government to provide an eventual control of misconduct through its internal machinery, and has given politics a stability which makes it conform with the essential contents of public opinion. Americans are fond of the phrase “a government of laws and not of men.” They recognize the constitutional structure as fundamental, and so long as it is not impaired they do not worry. Constitutionalism provides grooves along which all public officials, whether efficient or inefficient, must move. For the sake

⁵ Cf. A. V. Dicey, *Law and Opinion in England* (London, 1920), p. 19; also H. S. Maine, *Popular Government* (New York, 1886), pp. 127ff, stressing the essentially conservative character of public opinion.

of security, we have hampered the genius in politics in order to add strength to the weak and the mediocre. A government of laws makes the recurring expression of opinion less necessary than in a government of men with democratic leanings. It may be supposed that there is no government save that of men. Men control, but it is Cæsarism according to law. Perhaps Hobbes deserves as much credit as any one for pointing out that men in society are largely equal in their overt political capacities. Subjective elements loom large at given times, but in the long run men govern as equals in ability. This may be noted as the great justification for the rule of law and the restrictions which it places on the rulers and the ruled alike. Our political structure depends upon fundamental opinions expressed in the rule of the constitution, and not upon the free play of individual genius. Thus the very nature of our government makes the continuous expression of opinion less necessary. We have so organized government that people may place reasonable trust in it, even if this means that mistrust may limit it. The structure of constitutional government makes it possible for a small minority, controlled by fundamentals of opinion expressed in the constitution, to direct public affairs satisfactorily.⁶

Let us consider the function of the judiciary in the democratic state. Upon what do political and civil rights depend? Do they depend on the continuous consent, expressed in recurring elections, of the electorate that such rights shall be preserved? They depend, rather, on one great expression of popular belief embodied in the written constitution. A constitution is more than a system of limitations on government; it is the synthesis of the public opinion of a generation. State constitutions are growing at present along economic lines. Fundamental opinion is slowly changing and finding a lasting expres-

⁶ Cf. J. Allen Smith, *The Spirit of American Government* (New York, 1916), pp. 209ff, for an adverse criticism of American government on these grounds. Smith contends that the devices in the American Constitution to check ordinary majorities tend to defeat popular will and rob it of vitality, thus diminishing interest in government.

sion in the constitution as the supreme law of a political unit. The constitution represents the organization of stable opinion, and, so far as the individual citizen shares in these views, he may consider them safely preserved. He need not go to the polls on each election day; his life, liberty, and property are safe in the hands of the government. Active interest does not lead him to participate in public affairs; rather does it lead him away from such participation. Rulers may come and go, but they are bound by law to give reality to the lasting elements of public opinion. It is the judiciary, enforcing the constitutions of the states of the United States, that gives safety and reason to the lethargic policy of the electorate. If an official is dishonest, an effective remedy for the wrongs for which he is responsible is not at the polls, but in impeachment or criminal prosecution. What has the average man to do with this? His opinion, or that of his forebears in which he tacitly concurs, is crystallized and guaranteed in fundamental law. His government is organized to hold his confidence from birth to death. It matters little if civic organizations cry for a full registration, if party workers offer transportation to voting booths, or if other influence is brought to bear upon him; he may rest comparatively assured that the winning organization is bound by law, and that he still has protection under the constitution through the judicial branch of the government. He knows also that if he should need the ballot box it is always there as his residual right of protest. The judiciary, or opinion expressed by other means than the vote, will enforce the rules of the game of politics.⁷

We must re-evaluate the democratic process. An older and unsound theory must go by the board if a pragmatic test is of any value. But democracy as an expression of the value of human personality would not be impaired by a revision

⁷ See C. M. Walsh, *The Political Science of John Adams* (New York, 1915), p. 226: "Still, the Constitution . . . exists. It is the instrument attesting the people's act. It frees them from the need of continual surveillance, which, in fact, is left to the judiciary as the custodian of the people's reserved rights." Cf.

of the process through which it is expressed. Intelligent citizens who do not vote do not prove by their actions that they do not believe in democracy as a social ideal. By staying away from the polls they set forth anew their belief that constitutional government works, and protest, perhaps unconsciously, their disbelief in the current idea of the democratic process. If a man does not vote, it does not mean that he values his political personality less than do those who vote. He merely sets up a value in competition with the value of the vote. The non-voter would never admit that he has no rights in the government; he is not convinced by mere argument that as a public duty he should vote when he does not feel that it is necessary. Should we not reconstruct our theory to fit this political reality?

Furthermore, we have never completely succumbed to democratic theory. Part of the American concept of public opinion has a tendency to diminish the interest of the voter, since many of the most disturbing political issues have been removed from the immediate theatre of politics and the control of the majority. The rights of the majority have always been limited by the rights of the minority. We are not in reality far from the theory of natural rights, which, through its seventeenth-century spokesman, Locke, contended that men as well as legislatures are bound by the fundamental laws of nature. Rights

the statement of Marshall, cited in C. E. Martin, *An Introduction to the Study of the American Constitution* (New York, 1928), p. 66. Cf. also M. B. Rosenberg, "Administrative Law and the Constitution," 23 *American Political Science Review*, 38-39: "One of the undesirable results of the constitutional, as opposed to the parliamentary, system is that it engenders in our lawmakers a feeling that they are not directly responsible for the consequences of a law if the law is constitutional. In the public mind the responsibility for bad law is placed upon the courts." It should be observed that the effort to make the naval oil leases of the Harding administration a political issue failed, and that judicial remedies are more effective. The ballot seems to be a highly uncertain weapon against corruption. The so-called "aroused electorate" seldom wins against the party or the machine, and even more seldom twice in succession. A few indictments and sentences to terms in the penitentiary are usually more effective in smashing corrupt rings.

were put into the Constitution of the United States because they are fundamental; they are not fundamental because they are in the Constitution. Democracy is thus the functional aspect of government limited by nature. Natural and moral law, it is claimed, are far above the concept of public opinion with its pragmatic ethics. The right of public opinion on certain values is the right and liberty of obedience, not of substantive formation. The liberty of public opinion is the acceptance of ideals "whose service is perfect freedom." So the Supreme Court considered in the *Insular Decisions*, when it spoke of fundamental rights which not even the supreme power of the United States may take away. Republican liberty, it has been believed, is something that not even public opinion can meddle with too much. It has not been long since most men considered the laws of economics as outside the function of the state. But we are beginning to learn, with Mr. Justice Holmes, that, since the Constitution of the United States did not enact the *Social Statics* of Mr. Herbert Spencer, public opinion may construct its own laws of economics.

The prohibitionist does not take the view that public opinion may justly decide against prohibition. The highest and noblest right of public opinion is merely to render homage to the iniquity of drink. Once having recognized this, the function of democracy is over, and the legal and moral absolutism of the state must secure enforcement. It is thus possible for prohibitionists to question the patriotism of those who, under the guise of public opinion, seek to change prohibition legislation. But above all stand the rights of life, liberty, and property against the interference of untaught public opinion. Yet, what more fundamental questions are there in the modern state? If we exclude these questions from public opinion and submit them to the immutable arbitrament of the law, is it remarkable that men do not take the vote as seriously as they might under different circumstances? The patent fact is that these issues have been removed from the scene of active controversy by public opinion itself. They are natural and immutable rights

because we have not yet reached the stage of natural rights with a changing content. If all these more fundamental issues were brought within the range of current political strife, minorities might feel a justly greater hope for change in the future.⁸

III. THE BALLOT AND THE BALANCE OF POWER

A weighty objection to the position here taken is that a full and complete vote by all qualified persons is essential to preserve the ethical content of our political institutions and to enable the fit to govern. It is asserted that those who do not vote are generally the more capable politically. It may be asserted that such a belief is not proved. There are non-voters, both competent and incompetent, in all classes and groups. It is a mere assumption that those who now hold public office and direct policy or administration are more incompetent than would be the case if all qualified persons voted. The balance of power in politics probably would not be shifted if all groups voted uniformly, since the active electorate would draw strength from the competent and incompetent alike. The defect may be in the organization of government rather than in the electorate. Our political science, from the time of *The Federalist* to the present, has been colored by the notion that good organization of government is essential to secure public confidence and efficiency.⁹ We cannot be certain that if all the fit voted any material change would take place in any branch of the government which could not be more adequately secured by proper governmental organization. Woman suffrage has not vindicated the claim that women, being more fit, would purify politics. The woman influence has generally been incor-

⁸ See James Bryce, *The American Commonwealth* (New York, 1919), II, Ch. 58, for a discussion of the relation of interest in politics to the type of issues considered, showing in general that American politics is less interesting than European because of the removal of important issues from active political conflict. Bryce does not, however, in this connection emphasize constitutional provisions.

⁹ Cf. Henry J. Ford, *Representative Government* (New York, 1924), *passim*, for one of the ablest recent discussions of the importance of the organization of government.

porated into the party organization when there has been any active interest. If the so-called competent citizen voted more, he would probably vote, not for himself or his kind, but for the same class of officials now found in public office. The great public, it would seem, is more interested in rights than in the adumbration of popular sovereignty.

It is argued that with a wide popular vote of all those who now stay away from the polls the power of the party would be broken, or at least that of the machine. Rather—if the history of politics is of any value—this would probably result, at best, only in the substitution of one machine for another, and perhaps the continuation of the old one. Independency without leadership is not a practicable program, and voters of an independent turn of mind must have leadership to be effective in politics. For this they might turn to the party. Such seems to have been one of the motives behind the movement for the direct primary. But, even so, the sanction of honesty in the individual official is before the courts rather than at the ballot box. At any rate, those who are trying to purify politics by getting more persons to vote should try to organize government so that the confidence of the people is readily given, particularly in local government. Yet it is doubtful whether a thoroughly successful city-manager form of municipal government, or the wide use of experts in government, would or could have any other natural effect than to diminish the interest of the voter in the constantly recurring elections.¹⁰

Before leaving this problem, it is well to ask if the fit do not really govern. Corruption in politics and the general venality

¹⁰In a recent article, Professor Munro criticizes civic uplifting campaigns, asserting that the technique employed has not been tested by scientific means, and that much of the money spent is wasted because of the sheer irrelevance of the means employed to the ends desired. Bawling at the voter to come out and vote will neither improve the quality of elective officials nor materially increase the total number of votes cast. "Physics and Politics—An Old Analogy Revised," 22 *American Political Science Review*, 7. The ultimate deductions from his position would lead to conclusions suggested by this paper. But see also an article by the same author, "Is the Slacker Vote a Menace?" 17 *National Municipal Review*, 80-86.

of local government may be pointed out. This, however, is being changed rapidly, not by an increase in the number of votes cast, but by bettering the organization of government and making more secure the lines of legal and administrative responsibility. Direct responsibility to the people, as in the recall, has proved abortive, and even direct legislation has had little influence. Men have recognized from ancient times, as Beard has shown, that economic forces tend to hold the balance of power. Our current theory is that men who are economically successful display some ability and superior talent, though this may not be a thoroughly safe conclusion. But if we admit that economic interests tend to dominate politics, it is indicative that even if all persons voted, the real character of leadership would not be changed.¹¹

Wealth, moreover, is a leader in a long-run sense. The formation of attitudes is going on every day in our public schools, in the press, and by writers of large influence. But all of these agencies of importance are controlled by conservative influences. Leadership tends to become a recognition of the influence of those who have economic power in the present order of society. A large, active electorate would have little influence in changing this condition. As has been stressed, the right of protest embodied in a broad franchise will always permit a real opposition from the masses to be felt. The populist movement of the nineties was no doubt defeated by the natural leaders of society—if one may borrow an idea from Burke.

IV. DEMOCRATIC MECHANICS

It has been realized of late that the mechanical problems involved in securing a large vote are not simple. We have depended too long on the simple formula of stressing duty to government. It has never worked, and now we are in a fair way to realize that such a formula will never be successful. As Merriam and Gosnell have shown in *Non-Voting*, general

¹¹ Cf. C. E. Merriam, H. E. Barnes, and Others, *A History of Political Theories; Recent Times* (New York, 1924), p. 383.

indifference is not the only cause of the inactive electorate. Some of the causes are physical, e.g., sickness, invalidity, or distance from the polls;¹² others spring from the organization of industry under which men fear the loss of profits or wages; many of the causes come from defective organization of democracy, such as congested polling places, an unintelligibly long ballot, restrictive registration arrangements, or a discouraging frequency of elections, which obliges many intelligent citizens to face popular government with a deep sense of frustration. Still other causes are to be discovered in disbelief in the ability of the people to control, and in a conviction of the thorough and final corruption of politics. Where education along civic lines will help, the state should make it available to the voter, but where other causes are concerned a more perfect organization of democracy would aid. Men, however, often do not feel the need to vote. Government wends its way without serious mishap, and it is a real conviction, which mere talk will not down, that one vote does not make much difference. Abstractly, the single vote is important. But the average man, busy in a work-a-day world, views himself atomistically; he is the real unit that his consciousness knows, and his own interests loom largest in his thoughts. If men really wanted to vote, an imperfect organization of democracy would not greatly deter them. To organize democracy perfectly would still leave the enormous problem of the inactive electorate.

V. THE DECLINE OF THE BALLOT

Up to this point, the problem of the nature of democracy has been considered from the viewpoint of controlling funda-

¹² See *The Federalist* (Ford's edition), No. 61 (60), p. 405. The framers of the Constitution seemed to appreciate the inevitability of indifference in the electorate. See 69th Cong., 1st Sess., House Doc. 398, p. 192. Here Madison reports Mr. Jennifer as observing that "too great frequency of elections rendered the people indifferent to them." Madison also reports Mr. Gerry as saying (*ibid.*, p. 442): "The election of the Executive Magistrate will be considered as of vast importance and will excite great earnestness."

mentals in politics. Should all men vote on questions of policy? Or are there really important matters of policy to be considered in the ordinary election? One may easily minimize the importance of election issues. Enough of our theory of democracy has been suggested to show that often the fundamental principles behind an issue have already been settled by general currents of opinion embodied in constitutional provisions, or that the immediate solution is so technical that only thorough students can apply it. The paucity of real issues between the two major parties may be explained in part by this, though the need of having a unified national organization to control the electoral college might explain the two parties themselves. We have arrived at a fundamental question. If it could be shown that the vote is the best and most important way of ascertaining public opinion where it is not already known or determined, it might conceivably be argued that all qualified voters with an instructed opinion should cast a ballot. It must be admitted that there are not many issues upon which there is no readily applicable constitutional or traditional principle which leaders could apply to the satisfaction of all those really interested. The prohibition of child labor by congressional legislation was demanded on humanitarian grounds, but the principle behind its unconstitutionality was already in existence. When an amendment was submitted later, a more real issue was raised; but an acute observer might have ventured the opinion that most of the people had no very decided opinions, since individually they had no very decided interests involved of which they were conscious. The amendment was rejected, without formal submission to the people, on the basis of a long accepted principle, i.e., the prevention of federal encroachments on the states. The more fundamental opinion of the people was followed in the rejection of the amendment.

This leads to a further consideration. If the settled principles are not available as a guide, are there other means of determining opinion than a resort to the ballot box? A mem-

ber of the legislature knows, in general, what the leaders of his district think the people think. He has in this a fairly accurate guide. As Burke argued, the people must be thought of in connection with their natural leaders. It is no far cry to say that, if organized groups in the community want something and the leaders of one kind and another agree, there is as effective an expression of opinion as if a popular election were held forthwith to determine public sentiment. The influence of the press has already been noted, and this, along with the formation of attitudes by influential individuals and by belligerent groups, and even the disregard of laws, should be given equal shrift with the vote in the modern democratic process. It is an old and unworkable ideal of democracy which connects public opinion too intimately with the ballot box. The ballot box is becoming, in this age of innumerable social contacts and channels of expression, a less and less significant fact. The fundamental idea involved is that opinion on passing matters of policy and personality is *formed*, and the process of formation radiates from points of interest, whether ethical or material. In other words, it must be admitted that the opinion of those who have no specific interest in unforeseen issues is formed by those who have a case to present, and the opinions formed are usually conservatively in harmony with older opinions. To argue against this situation is merely to chide human nature, and such an argument has no place in the philosophy of democracy or in a scientific evaluation of its process.

In the federal form of government, as Bryce indicated, there is more chance for political experiment in the smaller units of government. Each experiment in a small unit is indicative of a drift in opinion. Members of a state legislature do not have to go back to the people to determine majority opinion on the liquor question when two-thirds of the counties in the state are dry by local option. Members of Congress do not have to await a national election to determine sentiment on prohibition when a large number of the states are dry. State legislatures in ratifying an amendment give an accurate indication

of opinion in much the same way that a national referendum might. The competition of policies, and even of personalities, as shown by the national convention system, is not always for the ballot box, and no injustice to what active party opinion exists is done thereby. The radio may come to be of importance in the formation of opinion on current issues of policy and personality, and to know radio policy (if any) will, within limits, constitute a knowledge of public opinion.¹³

What is the future of democracy if we admit that in its process the inactive electorate must be assumed as a permanent factor? A pragmatic interpretation and the scientific method must be used in investigating modern democracy. If there are assumptions which have never worked, and which have been given adequate trial, it is not undermining the ideals of democracy as a social purpose to change the standard of its process. Democracy is a more vital principle in government when it rests on the ultimate right of protest of all qualified voters, and not upon the continuous participation of each in the affairs of government. The inactive electorate is, nevertheless, the real electorate. Its opinions are crystallized in fundamental law and color the operation of the rule of law, which is the heart of constitutional government. Good citizenship should be tested by attitude and intention with regard to social order, and not by political participation. Moreover, it is a legitimate extension of the representative principle to say that the active electorate is, in a true sense, the representative of the inactive electorate. An additional step between the ruled and the rulers is recognized in this revision of the democratic process.

As the authors of *The Federalist* knew, the balancing of interests is one of the prime functions of government. Modern pluralism comes ultimately to a compromise theory of government. It is interests that count in the long run in politics, and it is interests that must seek a real expression, not opinions

¹³ See C. E. Merriam, *American Political Ideas, 1865-1917* (New York, 1920), pp. 305ff, for a discussion of the influence of non-official agencies in expressing public opinion on matters of policy.

or ideals abstracted from their setting among interests. A working theory of government must assume that men generally know their own interests. It is only when an interest as conceived by an individual is thwarted by the state that he feels the need of a right of protest, and it is here that the right to vote may become real. Nor can we assume without danger that the state should undertake the education of the individual along the lines of his real interests. The state must surely remember something of the code of individualism, no matter how far along the road of collectivism it may travel. Interests are real, not mere fictions. If they are vital in given instances, they will develop their leaders and means of expression. Interests should have free access to the ear of the state; their representatives should be recognized in order that they may write boldly across the page of the statute book. The competition and compromise of interests give a pragmatic test of public interest which the arm of supreme legal will may reach out to protect. And it must be recognized that those whose interests have been assaulted will use the ballot box, among other means, to voice their protest. To say that interests are partial and biased is to say no less of opinion.¹⁴

VI. BASES OF POLITICAL INTEREST

On psychological grounds it may be said that there must be excitement and conflict before there will be wide public inter-

¹⁴See J. C. Calhoun, "A Disquisition on Government," *Works*, I, pp. 75-76. Calhoun associates the press with the right of suffrage. Both are organs of public opinion, but the press aids more in forming opinion, while the suffrage is a more authentic expression of it. But what is called public opinion, instead of being the united opinion of the whole community, is usually the opinion or voice of the strongest interest or combination of interests; and not infrequently, of a small, but energetic and active, portion of the whole. Cf. G. C. Havenner, "Voteless Washington Expresses Itself," 17 *National Municipal Review*, 326; E. P. Herring, *Group Representation Before Congress* (Baltimore, 1929), p. 2, *passim*; W. Y. Elliott, *The Pragmatic Revolt in Politics* (New York, 1928), p. 13. Elliott says: "The experience of men holds the great state to be alien to their daily control, remote, gigantic, capable of being moved only by the pressure of great interest groups, in which the individual is almost as much lost as he is in the state."

est. If elections offer no real conflict, great numbers of the electorate will not care to vote. One would think that the election of a president of the United States would always present such a conflict situation, but it is obvious, since ordinarily about one-half of the possible electorate votes in such elections, that, apart from the many and complicated physical and legal causes for non-voting, many persons think it does not matter greatly which party or person wins. Public issues, in the United States, tend to arouse less interest than in former times, or than in other countries where the parliamentary system without judicial control prevails. Psychological excitement produced by opposition and conflict between sets of interests is the final physical or emotional basis of public interest. When mental attitudes, or habitual pattern reactions, come in contact with vigorous opposition, it is certain that excitement or interest will be aroused, and within limits a wide vote obtained. The persistence, or even existence, of tradition shows the slow growth of such reaction types. A traditional point of view that has been maintained for a hundred years is not to be changed in a month. When such a reaction type as a tradition has been secured in the constitutional structure, there is less hope of opposition arousing a wide vote than would be the case if the maintenance of the tradition depended on each legislative body. Habit and tradition are fundamentals in opinion, and they are the secure basis of intense interest.

But the plain fact is that in American politics one is not at all certain that an attack on tradition will excite the electorate. Perhaps a wide uniformity in fundamentals in politics has much to do with the state of American opinion regarding the need to vote. Sectionalisms are tending to disappear. Many channels of communication are breaking down differences, and the man in San Francisco is little different politically from the man in New York. The general agreement of the American people that socialism is a menace to the country, or that bolshevism should not be tolerated, shows the conformity of all sections on certain political views of a fundamental character.

The more agreement there is on fundamentals, the less need there is to vote. Psychologically, we must feel that opposition to our habit reactions is real before we enter the arena to defend them. Indeed, if politics is largely non-rational, as Mr. Graham Wallas once led us to believe, it is a tribute to the rational character of the citizen that he is little interested in voting.¹⁵

Party spoils was one of the old incentives to interest in politics. While it is dangerous to idealize the past, one might say that if interest in elections is the fundamental desideratum, a return to the spoils system would bring out a larger vote. The winning of an election by a party would mean something tangible in the fruits which the spoils system might offer. But the merit system has robbed us of this incentive to bitter party controversy, and party controversy, to be real, must be bitter. Men must actually be angry at the opposition party in order to fight it. A keynote speech may be just a keynote speech today, a harking back to pleasant traditions and memories of the party, while in times past the spoils of party war no doubt gave it a ring of sincerity and importance which the average voter today no longer feels. But he would be a foolhardy citizen who would advocate the return of the spoils system in order to stimulate party spirit. With less of spoils, there is less of partisanship. Where there is partisanship, it will express itself in the vote. Officials chosen by merit are less apt to be corrupt, and corruption is often a good war-cry to arouse the electorate. Incidentally, the development of a permanent body of officials constitutes an interest group in the state which will, in some ways, make up for the lack of interest resulting from the abolition of the spoils system.¹⁶

VII. CONCLUSION

In conclusion, this investigation has suggested that the meaning of democracy depends on a theory of the functions

¹⁵ See Bryce, *op. cit.*, II, Ch. 58.

¹⁶ Cf. Léon Duguit, *Law in the Modern State*, tr. by H. and F. Laski (New

of citizenship; and that experience has suggested a revival of the early modern distinction between citizenship and participation in government because of the complexity of modern society, the permanent nature of public opinion, the security of opinion in constitutional government with judicial review and a limited majority, the uncertain results of increased voting either in improving the character of public officials or in influencing the power of party organization, the non-mechanical nature of the problem of non-voting, the decline of the ballot as a means of expressing public opinion, particularly where interests are concerned, and the unimaginative and unstimulating character of political contests.

Democracy is not radical. Whether because opinion is formed essentially by leadership or because human beings prefer conservative government, it is true, as the late Professor Dicey pointed out, that democratic history disproves the notion that democratic governments are radical, or even progressive. The masses upon whom modern democracy rests have been in turn the supporters of theocracy, absolutism, feudalism, monarchy by divine right, democratic monarchy, and democratic republicanism. It is asking too much of the peaceful citizen, interested chiefly in an already assured public order and security, to be continually disturbed about the competition of shading policies and law-bound public personalities. Occasions do, however, normally arise in the life of the individual when he feels an interest in directing policy and choosing public officers.¹⁷ He may cherish his prejudices; but that is no sin.

York, 1919), p. xii; also C. E. Merriam, *American Political Ideas, 1865-1917*, p. 277, for a similar position taken by Wendell Phillips.

¹⁷As indicated by the increased vote, the presidential election of 1928 was undoubtedly such a juncture in the lives of a large number of American electors. Cf. P. L. Ford, *Pamphlets on the Constitution of the United States* (Brooklyn, 1888), "Address by Melancthon Smith," p. 99: "But when a government is adopted that promises to effect this [union], we are to expect the ardour of many, yea, of most people, will be abated. . . . Besides, the human mind cannot continue intensely engaged for any great length of time upon one object. As after a storm, a calm generally succeeds, so after the minds of a people have been ardently employed upon a subject, especially upon that of government, we com-

Democracy is conservative, and it moves in the accepted channels prescribed by the prejudices of the citizen body. We have absorbed democracy as a philosophy of political authority, but historically the safeguard of democracy as a process of government has been in the rule of law rather than in the extensiveness of popular participation in government.

monly find that they become cool and inattentive. . . ." See *ibid.*, "Remarks by Alexander Contee Hanson," p. 249: "To acquit themselves, like men, when visible danger assails; and, when it is repelled, to sink like savages into indolence, is said to be characteristic of Americans."