

## 5 Two Concepts of Democracy

To what extent should a representative serve his or her conscience as opposed to his or her constituents? This hoary question admits several different interpretations, but I shall address myself to the following traditional version of it: Should a representative vote in accordance with his or her constituents' actual preferences on a given issue, or should the representative vote *against* those preferences when he or she believes that compelling purposes would be better served by a contrary vote? These "other purposes" may be the interests of the constituents (as distinguished from what they want), the interests of the nation as a whole, the interests of mankind, or the ends of justice (for example, protection of the legitimate rights of some minority group).

How this question is to be answered depends on the perspective from which we view it. We can view it, in the first instance, from the perspective of a constitutional convention, and ask whether or not political institutions should be designed to minimize the extent to which representatives will vote against their constituents' expressed preferences. Such minimization can be accomplished by a variety of means: educational and socialization techniques may be employed to ensure that representatives are motivated to vote in accord with their constituents' wishes; the electoral system can be structured to guarantee that representatives vote against their constituents only on imminent peril of losing office; rules governing the decision processes in representative bodies can be designed to bind the representatives' votes to expressions of preferences obtained through popular referenda. Similar tools can be employed to secure the opposite effect of obtaining for the representatives greater freedom of judgment and scope for leadership. In deciding this question, no doubt attention

must be paid to the nature of the issue being voted on in a particular case; perhaps fundamental policy issues should be decided in accordance with the constituents' preferences, while issues concerning the application of these policies to technical areas may be left to the independent judgment of the representatives.

But we may view our question in the second instance from the perspective of an individual representative; given his or her concrete historical context, should a representative vote in accordance with his or her constituents' preferences or in accordance with some contrary compelling purpose? In this chapter I will focus on the question from this second perspective. I shall argue that to answer it we must distinguish between two different conceptions of democracy, and that on one of these conceptions, arguably the most important, democratic considerations themselves do not compel the representative to vote in accordance with his or her constituents' preferences.

### I

Before addressing ourselves to the question from this second perspective, let us review briefly the kinds of considerations that have been offered on either side of the question. Standard treatments of this issue typically fail to distinguish between the two perspectives I have described, but the arguments advanced tend to be ones more relevant to the question as viewed from the constitutional convention stance. Rehearsal of these arguments provides background for approaching our target, namely the question as viewed from the stance of the individual representative.

On the side of allowing the representative not to be bound by his or her constituents' preferences, it is most commonly said that the people as a whole lack the information and intelligence to make wise decisions on most questions of public policy, whereas their elected representatives possess these attributes in sufficient degree to assure the adoption of policies consonant with the true public good. It is also argued that the people as a whole lack the requisite motivations to determine public questions adequately: the people are largely indifferent to political issues, and may lack the patriotism and love of justice that characterize their representatives. It is further claimed that a system that allows great latitude to the judgment of representa-

tives is more efficient, since, for example, the information necessary to make informed decisions need only be conveyed to a small body of persons. In line with this, it is pointed out that deliberation, discussion, and political compromise are only possible within small groups, but that the goods gained by such methods are utterly lost if the representatives who form such a group must vote in accordance with the preferences of their constituents, who did not benefit from these discussions. It is also argued that on many issues no majority view exists, since the constituents are so ill informed and apathetic; hence, it is impossible for the representative to be guided by his or her constituents' preferences. And it is sometimes suggested that the people have an obligation to further the national interest or the ends of justice, and that if they fail in this obligation, it is the duty of their representatives to act for them.

On the side of restraining the representatives to vote in accordance with their constituents' preferences, it is argued that the electorate as a whole embodies greater wisdom than any single person and, hence, that the representatives should be bound by their declared will on an issue. Some theorists identify satisfaction of preferences with happiness and, for this reason, identify satisfaction of the majority's preferences with the greatest happiness for the group. Thus on utilitarian grounds they advocate voting in accordance with the majority. It is further maintained that voting against the preferences of the constituents leads to popular frustration and eventually to civil discord. But the primary justification advanced in favor of representatives' voting in accord with their constituents' preferences is that their doing so brings their political system, on this occasion, closer to the ideal of pure democracy, in which the people themselves regulate their own affairs.

## II

With this debate as a backdrop, let us now turn to the question of what an individual representative should do in an actual case when faced with the dilemma of having to vote in accord with his or her constituents' preferences or against them in favor of some independent value. In one sense, the answer to this question is simple: a representative confronted with this choice must do whatever is best

overall. What is best overall is a matter of numerous considerations, or values, that may be at stake in the concrete situation. Some of these are short term: the representative's own political commitments and obligations as they impinge on this vote, his or her ability to influence future decisions by willingness to engage in vote-trading on this issue, his or her prospects for re-election as they are affected by this vote. Others are longer-term or more fundamental values: the effect on the welfare of the representative's district, the effect on individual rights, the effect on the welfare of the nation, and so forth. Of course, it is a difficult matter to balance all these considerations against each other when they conflict, but that is not our present concern.

Our present concern is this: Among the various values that may be at stake in such a vote, is there in addition, as many writers have claimed, an intrinsic democratic value that may be realized by the representative's voting in accordance with his or her constituents' preferences? Does such a vote indeed bring the political system, at least on this occasion, closer to the ideal of pure democracy? And, if so, what weight should be ascribed to this value when it conflicts with the other values just described?

To answer this question, we need a definition of democracy. Such definitions are legion, but I shall avail myself of one deriving from a formulation by David Braybrooke and say that democracy is a form of government in which collective preferences determine policy.<sup>1</sup> Although this definition closely resembles many others, it has the virtue of carrying on its face an ambiguity, hitherto largely unnoticed or ignored, that other accounts contain in a more concealed fashion. This ambiguity arises from the word "determine." On one interpretation of this term, the definition must be understood as follows: democracy is a form of government in which policy *accords with*—or *agrees with*—collective preference. The idea here is that public policies are always the ones that the collectivity desires, however that happy result may be brought about. (Of course there are deep problems in specifying what the collectivity desires, but these may be side-stepped in our discussion.) We may call a system of government that satisfies this definition an *accordance democracy*. On the second interpretation of "determine," the root definition may be understood as follows: democracy is a form of government in which policy is *controlled by* collective preferences. The idea here is that the people's

preferences play a controlling or causal role in the selection of policies. (For our purposes, we may assume that such a process always results in policies that accord with their preferences.) A government that satisfies this definition may be called a *control democracy*.

An example will help to clarify the difference between these two concepts of democracy. Imagine a dictator who comes to power by purely military means. Once in power, he feels an obligation to follow the wishes of his new subjects, and so decides every question of policy in accordance with what the people (or a majority of them) prefer. Eventually the people cease resenting his usurpation of power and even prefer his government to any other. However, he retains control of the militia, and the people have no means of deposing him or guaranteeing that he continues to act in accordance with their wishes. Such a government would count as an accordance democracy, but not a control democracy, since actual control of policy decisions is in the hands of the dictator, not the hands of the people. This example may be far-fetched, but historical examples of governments at least claiming to approach such an accordance democracy are available. For example, in certain colonial regimes in Africa, legislators were appointed by the colonial power to "represent" the interests of the native population; such legislators were obligated, in principle, to follow the preferences (or at least the interests) of the native population in issues that came before the government. Certain one-party systems may be seen in the same light: the party comes to power by largely military means and subsequently proposes legislative candidates to the people, whose only option is to ratify these candidates. The elected representative then is supposed to decide on matters of policy by reference to the preferences or interests of his or her "constituents."<sup>2</sup>

It is my impression that most citizens of Western-style democracies would reject the benevolent dictator, the colonial regime, and the one-party system as not being truly democratic, even in theory. Of course, such systems are highly vulnerable to abuses that quickly make them failures as even accordance democracies. But I suspect most people would say that, even if such systems work, they do not count as genuine democracies. If this suspicion is accurate, then it suggests that the core notion of democracy that citizens in Western-

style democracies employ is closer to what I have called control democracy—the idea that the people control what policies shall be made, not just that the policies adopted agree with their preferences in the matter. Of course, the fact (if it is a fact) that control democracy is the dominant conception does not mean that control democracies are better forms of government than accordance democracies. But for the moment, let us put aside the question of which of these two forms of government is the better and employ the control conception of democracy to answer our initial question: whether or not there is an intrinsic democratic value to be achieved by a representative who votes in accordance with his or her constituents' preferences on an issue.

### III

To simplify our task, let us consider a clean case—the sort that never arises in real life, but that philosophers have the privilege of inventing. The case is one in which no other value (besides the putative democratic value) is at stake: no matter how the representative votes, his or her subsequent political influence will not be affected, his or her re-election will not be affected, local interests will not be affected, civil rights will not be affected, the national interest will not be affected, and so forth. Moreover, the representative holds the tie-breaking vote in this case—how he or she votes determines the outcome of the issue. The population in the country outside the representative's district is evenly divided about the issue at hand. But a majority of the representative's constituents prefer that the issue pass. The representative believes all this.

Let us grant, for the sake of argument, that it is indeed an intrinsic value that the political system be brought closer (on any particular occasion) to the ideal of pure democracy—one which outweighs all other values and all other combinations of values. Other theorists would regard this democratic value merely as one that must be weighed in the balance against others and that must sometimes give way to more important considerations. I personally am inclined towards this second position. For example, if a representative's constituents favor a certain segregationist measure, I believe considerations of justice require him or her, nevertheless, to vote against this

measure, even though doing so will forfeit the intrinsic value of rendering the social decision more democratic that would be realized by the representative's voting in accord with his or her constituents' sentiments.<sup>3</sup> But given the way our clean case is structured, so that the value of a democratic decision does not conflict with any other, we may answer our immediate question without resolving how weighty the intrinsic value of democratic decision-making is.

Our immediate question is this: In the clean case, if the representative votes in accordance with the constituents' preferences on the issue, does he or she thereby bring the system closer to the ideal of pure democracy—that is, does he or she realize, in this vote, the intrinsic value of democratic decision-making? If the answer to this question is “yes,” then clearly the representative ought to vote in accordance with his or her constituents' preferences, since we have stipulated that no other values are at stake in the case and we have agreed for the sake of argument that bringing the system closer to pure democracy is indeed a value.

If our ideal of pure democracy is an accordance democracy, then the answer to this question is obviously “yes,” since a positive vote by the representative would ensure that the policy at hand accords with the preferences of the majority of the people.<sup>4</sup> But we have accepted, at least provisionally, the ideal of a control democracy. And on this conception, it appears that the answer to our question is “no.” At least, it appears that if the representative votes positively on the issue merely because he or she believes that democratic considerations obligate him or her to do so, then the vote itself fails to bring the political system closer to pure democracy. For if the representative votes merely out of a feeling of moral obligation to do so, the constituents do not control, through the representative's vote, the policy decision, any more than the people in the benevolent dictatorship control, through the dictator's acts, the policies of their country. The acts of both the representative and the dictator are freely willed. They might easily have chosen to do otherwise, at no peril to themselves. The fact that they chose to do as the people desire does not show that the people themselves controlled the decisions. In view of this, the representative cannot realize the intrinsic value of democratic decision-making through a positive vote, and we must conclude that this value provides him or her with no reason to vote in accordance with his or her constituents' preferences.

Now imagine a case, exactly like the one just described, except that the representative will lose his or her office if he or she does not vote in accord with the constituents' wishes. This prospect is sufficiently unwelcome to motivate the representative to vote as the constituents wish. Such a vote is coerced by the constituents, and through it they control the resulting policy decision. In this case, a vote with the constituents does bring the system closer to an ideal democracy. Thus, there are two reasons the representative ought to vote with the constituents: to save his or her seat, and to engage in democratic decision-making. The second of these values, so to speak, rides piggyback on the first; it would not exist unless the first were sufficient to motivate the representative to vote that way even without the second.

Real cases, of course, will involve situations in which any number of values are at stake in the representative's vote. Without examining all the possibilities in detail, we can draw the following general conclusion. When the prospect of sanctions from the constituents—if the representative fails to vote in accord with their preferences—is *sufficient* to motivate him or her to vote with them, or is a *necessary part* of considerations that are sufficient to so motivate the representative, then the intrinsic value of democratic decision-making is realized in that vote. However, this value only arises because the representative is already sufficiently motivated to vote this way by independent considerations. When the prospect of sanctions from the electorate does not motivate the representative, then a vote in accord with the constituents' preferences does not realize the intrinsic value of democratic decision-making. In short, when a representative is trying to decide how to vote, he or she need not consider whether a given vote would enhance democracy, since, even if it would, this fact cannot tip the balance in favor of voting that way.<sup>5</sup>

#### IV

At this point an objection might be raised. Suppose, in the first case just described, the representative believes there is a moral obligation to vote as the constituents wish. After eliciting their preferences, the representative votes accordingly. Clearly, in such a case, the constituents' preferences caused the representative's vote and the ensuing policy decision. In view of this, how can it be said that there is a

significant difference between this case and the one in which the constituents cause the representative's vote by threatening to remove him or her from office? In both cases the constituents cause the ultimate vote, and it appears we must say, as well, that they control it—and, hence, that the value of democratic decision-making is equally realized in both cases, contrary to the conclusion just drawn.

I believe this objection rests on a mistake. To see this, let us return to our definition of democracy as "a form of government in which collective preferences control policy." This definition implicitly contrasts democracy with forms of government in which the preferences of some person or group distinct from the collectivity control policy. Or more accurately, since many groups may have a hand in controlling policy, it implies that whether or not a government is democratic depends on which group has greater control over policy decisions—the collectivity or some subset of it. Thus, to determine whether or not the policy decisions in the cases just described are truly democratic in the control sense, we must know whether the constituents or the representative has greater control over the decision in question. The issue is not whether the constituents cause the ultimate decision, but whether they—as opposed to someone else—control it.

How do we decide who has greater control, or greater power, over a given policy decision? Here it is helpful to introduce an analysis of power proposed by Alvin Goldman in a paper entitled "Toward a Theory of Social Power."<sup>6</sup> Goldman proposes a definition of *comparative power* that incorporates Weber's and Mill's characterizations of power as the ability to get one's way despite resistance.<sup>7</sup> In an initial definition, the power of two individuals is compared with respect to an issue, *E*, that has only two possible outcomes, *e* and  $-e$ :

$S_1$  has more power than  $S_2$  with respect to issue *E* if and only if:

- (1) if  $S_1$  wanted outcome *e* and if  $S_2$  wanted outcome  $-e$ , then *e* would occur; and
- (2) if  $S_1$  wanted outcome  $-e$  and if  $S_2$  wanted outcome *e*, then  $-e$  would occur.<sup>8</sup>

In this definition, the wants in question are assumed to be wants "on the whole" or "overall." Thus, if there are two individuals, Smith and Jones, who are each trying to control whether a door will be open or

shut, the 250-pound Jones has greater power with respect to this issue than does the 90-pound weakling Smith, since, whichever outcome Jones wants, he will get it despite any resistance from Smith. If the "individuals" in question are groups, the counterfactuals in the definition require that each member of the group want the outcome in question. Therefore, if a group of ten burly people and a group of five skinny people are trying to control whether the door will be open or shut, the first group has more power, since, if each of its members wanted the door to be open (or shut), their will would prevail over the combined wills of the members of the smaller group.

As Goldman notes, this initial analysis is not sufficient. To see this, consider what would be said in a version of the Jones and Smith case in which Smith, the 90-pound weakling, credibly threatens to fire Jones unless Jones lets Smith have her way. Jones cares more about his job than about the door, and so lets Smith win the argument. Intuitively, we want to say in this version of the case that Smith has greater power than Jones over the issue of whether the door will be open or shut. However, the above analysis implies that Jones still has greater power, since it is still true that, if Jones wanted *overall* to open the door when Smith wanted to shut it, Jones would prevail. The analysis must be amended to account for the fact that which person will win in any situation depends on the *cost* to each of them of securing the outcome he or she desires, and the *degree* of desire each has for the outcome in question. In our second case, it is very costly for Jones to balk Smith's will, and, since he cares relatively little about the door, he gives in. Thus, when these factors appropriately are taken into account, Smith has the greater power with respect to this issue.

Since the intuitive point is clear enough, I will not attempt to specify precisely how these factors should play a role in defining comparative power. Let us now return to the question of which group—the constituents or the representative—has the greater power with respect to a particular policy decision.

Our analysis of comparative power now enables us to see that there is a significant difference between the case in which the representative feels obligated to do as his or her constituents wish, and so votes in accordance with their preferences, and the case in which the representative wants to keep his or her seat, and so votes in accordance with the constituents' preferences in order to retain it. In the first case,

the representative has greater power with respect to the policy issue, since, however the representative wanted to vote, he or she could do so without hindrance from any opposing preferences of the constituents. But in the second case, the constituents have greater power with respect to the policy issue, since, if their will were opposed to that of the representative on which way to vote, their will would prevail, given the sanction they are in a position to wield. Their threat to remove the representative from office gives them greater power in this issue, just as Smith's threat to fire Jones gave her greater power in the issue of the door. Thus, the mere fact that the collectivity's preferences cause the representative's vote in both cases does not show that the collectivity controls the policy decision in both cases. To find out if the collectivity controls, we must ask whether the collectivity as opposed to anyone else controls. On our analysis of comparative power, in the first case the representative, as opposed to the collectivity, controls, while in the second case, the collectivity, as opposed to the representative, controls. Hence, the second case but not the first counts as a true case of democratic decision-making, in which the people rather than some subgroup (here the representative) control the policy decision. Our initial distinction between these two cases was correct.

## V

I have argued that we must recognize two concepts of democracy: *accordance democracy*, in which policies accord with the people's preferences, and *control democracy*, in which policies not only accord with but are actively controlled by the people's preferences. A representative who votes in accord with the people's preferences necessarily brings his or her system closer to the ideal of an *accord democracy*. But a representative who votes in accord with popular preferences does not bring his or her system closer to the ideal of *control democracy* unless that vote is independently motivated by *regard for sanctions the people would deploy if a different vote had been cast*. The fact that a vote would bring the system closer to *control democracy* cannot tip the balance of practical reasoning in favor of casting that vote, since the balance must already have been tipped.

But let us now return to the previously deferred question of which of these two forms of democracy is superior. This question primarily has

importance from the perspective of a constitutional convention. If we are designing our government, may we assume that everything valuable about democracy can be achieved by a mere *accordance democracy*, or is there some additional value that can be achieved by a *control democracy*? If some additional value is achievable, then the convention will want to design a system in which representatives are constrained to vote with their constituents, not just by moral compunctions, but by threat of sanctions wielded by the constituents or by binding regulations. Obviously, a *control democracy* has incalculable instrumental value: an *accordance democracy* that is not a *control democracy* is an all too easy target for abuses. Uncontrolled benevolent dictators turn into tyrannical despots; colonial legislators classically ignored or misunderstood the interests of the native groups they were supposed to advance; and one-party states standardly run roughshod over the welfare of their people. An *accordance democracy* is easily converted into no sort of democracy at all, and, of course, the people's actually having control over policy decisions may be the best way of preventing this from happening. This means, among other things, that it may be empirically unrealistic to speak of an *accordance democracy* that is not also a *control democracy*. But we are interested here not just in the instrumental value of *control democracy* but in the question of whether or not a *control democracy* has greater intrinsic value than *accord democracy*.

One way to approach this question is to survey the traditional arguments that have purported to show that democracy is superior to alternative forms of government. Some of these arguments may apply only to *control democracies*, or may apply better to *control democracies*.

Justifications for democracy tend to fall into two categories. One school of thought, exemplified by Bentham and James Mill, stresses the results or benefits to be gained from democracy.<sup>9</sup> Members of this school argue that in a democracy, as opposed to such alternative forms of government as oligarchies, the people will suffer less, they will be treated in a more equal fashion, more of their liberties and general civil rights will be preserved, and so forth. This argument seems to assume that in a democracy the people will get what they want, as opposed to what some leader misguidedly wants for them, or what some despot wants for himself. And it is assumed that the people do not want to

suffer, to have their liberties constrained, and so on. Whatever we may think of the success of this argument, it is clear that it does not differentiate between accordance and control democracies. The guiding premise is that a democracy results in policies that accord with the people's preferences, and this is true in both kinds of democracy with which we are concerned. Such an argument cannot be used to show that a control democracy is superior (or inferior) to an accordance democracy.

A second school of thought, exemplified by John Stuart Mill and Rousseau, stresses not so much the benefits of democracy as the benefits of the democratic decision-making process.<sup>10</sup> Adherents of this view claim that when people participate in decisions affecting their lives, the participatory process itself, quite apart from the policies ultimately decided upon, provides significant benefits. For example, it is argued that political participation induces people to develop ties with others in the community, to identify more closely with each other, to appreciate the viewpoint of other persons, to become better informed about the issues of the day, to accept community decisions more readily, and so forth. Clearly, there is reason to think that if such benefits do arise, they will arise in a control democracy, where the people are actively engaged in decision-making and in the supervision of their representatives. But it is not impossible for such benefits to arise as well in an accordance democracy that is not a control democracy. For example, in the benevolent dictator case, if the people know that the dictator takes their preferences seriously and always adopts policies that accord with them, it is reasonable to think they will inform themselves about the issues of the day on which decisions must be made, join political debating societies, create forums for public discussion, and in other ways achieve the enhanced sense of community usually associated with control democracies. However, it seems to be a plausible empirical generalization that the benefits of participation are more strongly associated with control democracy than with mere accordance democracy.

This may be reason enough to induce a constitutional convention to adopt a control democracy rather than a mere accordance democracy (assuming that this arises as a practical choice, which, as we noted before, may not happen). But I suspect that the difference between these two forms of government runs deeper than anything we can grasp

by focusing on the kinds of effects just cited. It seems to me that the contrast between these two forms of democracy can be illuminated by comparing it with another contrast, now deeply entrenched in philosophical mythology—the contrast between the life of an ordinary person and the life of a “brain in a vat.” The brain in the vat is simply a detached brain, nourished by chemicals in its vat, and electronically stimulated by attendant scientists in such a way that it seems to the brain that it is living a normal human life. It can even be arranged that the life the brain appears to lead is spectacularly successful, pleasurable, and rewarding: perhaps the brain thinks that it participates in continuous orgies, or is the first person to conquer Mt. Everest, or discovers the cure for cancer, or has twelve children, all of whom are marvelous human beings and Nobel laureates to boot—whatever we like. When people are asked whether they would prefer living an ordinary life such as they can realistically expect to lead, or being a brain in a vat who lives a seemingly marvelous life (and who is never apprised of the true state of affairs), reactions differ. Some people choose the life of the brain in a vat. But in my experience the majority prefer the ordinary life. Such a life contains a full measure of suffering and anxiety—but it also contains a few, perhaps minor, but genuine accomplishments and worthwhile experiences. And a person who prefers this ordinary life evidently prefers the reality of being his high school's second-best violinist to the illusion of being a Jascha Heifitz, when actually he has never done anything more significant than tremble in his nutrient bath.

One can have a similar attitude toward political life: one can prefer controlling one's life and the decisions that affect it to living under a government whose policies accord with one's wishes but whose strings are controlled by someone else. Such a preference for a control over a mere accordance democracy may be almost metaphysical, but I suspect in many people it is deep and genuine nonetheless.

#### Notes

1. David Braybrooke, *Three Tests for Democracy* (New York: Random House, 1968), p. 149. Braybrooke himself does not put this forward as a definition of democracy. Of course there are numerous problems with this definition that are not germane to our enquiry.

2. These cases are described in Stanley I. Benn, "Democracy," *The Encyclopedia of Philosophy* (1967), vol. 2, p. 339.

3. It might be argued that, in the case of an American representative, the Constitution requires this vote, and since the Constitution is itself supported by the people, the vote is not contrary to democracy. But it is clear that the representative's own constituents do not support at least this provision of the Constitution.

4. Whether or not such a vote enhances democracy is a much more difficult question in a case where the vote does not actually affect which policy is selected, or where the preferences of the representative's constituents are opposed to those of the majority in the country as a whole. I shall not attempt to deal with this problem.

5. In a given case, the representative's self-interest in being re-elected might not qualify as a moral consideration in favor of the vote. If this interest nevertheless leads the representative to cast a vote with the constituents' preferences, then by so doing he or she brings the system closer to ideal democracy. Thus there is at least one moral value in favor of this vote, even if there are no others, and in a sense this tips the *moral* argument in favor of the vote. But the moral argument only comes into existence when the representative has *already decided on other* (self-interested) grounds to vote this way.

6. Alvin I. Goldman, "Toward a Theory of Social Power," *Philosophical Studies* 23 (1972): 221-68. For a further development of this theory, see Alvin I. Goldman, "On the Measurement of Power," *The Journal of Philosophy* 71 (May 2, 1974): 231-51.

7. Goldman, "Toward a Theory of Social Power," p. 246; Max Weber, *The Theory of Social and Economic Organization* (New York: Oxford University Press, 1947), p. 152; and C. Wright Mills, *The Power Elite* (New York: Oxford University Press, 1959), p. 9.

8. Goldman, "Toward a Theory of Social Power," p. 244.

9. James Mill, *Essay on Government* (Cambridge: Cambridge University Press, 1937); Jeremy Bentham, *Works*, ed. J. Bowring (Edinburgh: W. Tait, 1843). See discussion in Barry Holden, *The Nature of Democracy* (New York: Barnes and Noble, 1974), ch. 8.

10. John Stuart Mill, *Considerations on Representative Government* (Oxford: Oxford University Press, 1946), and J. J. Rousseau, *Political Writings of Jean Jacques Rousseau*, ed. C. E. Vaughan (Cambridge: Cambridge University Press, 1915). For discussion see Carole Pateman, *Participation and Democratic Theory* (Cambridge: Cambridge University Press, 1970), ch. 2.

## 6 Legislators and the Morality of Their Constituents

### I

Somewhat neglected by philosophers is the general question whether the morality of its citizens is an appropriate area of concern for a government.<sup>1</sup> In this chapter I shall deal with this general question only as it relates to the activity of legislators. I shall consider, first, whether it is possible (conceptually) for a legislator to strengthen the morality of his or her constituents. I shall then consider the question whether, if this is possible, it is justifiable, and on what grounds. The discussion of these two questions, particularly of the second, will be shown to provide the answer to a third question: to what extent the attempt by a legislator to strengthen the morality of his/her constituents counts as serving the legislator's conscience and to what extent it counts as serving constituents' interests.

But first I must explain what I shall mean by "strengthening the morality" of an individual. To explicate what it means to "have a morality" I adopt Frankena's account:

X has a morality, or a moral AG (Action Guide), only if it includes judgments, rules, principles, ideals, etc., which concern the relations of an individual (e.g., X) to others . . . (and) involve or call for consideration of the effects of his actions on others (not necessarily all others), not from the point of view of his own interests or aesthetic enjoyments, but from their own point of view.<sup>2</sup>

By the expression "Y strengthens the morality of X" I shall mean "Y strengthens in X the disposition to consider 'the effects of his actions on others . . . from their own point of view.'" I shall call this the "fundamental moral disposition" (FMD).



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# Ethical Issues in Government

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