form of a cover-up! To this, again, we must add unjust laws, mentioning among many possible examples one of the most widespread: those that permit unborn children to be unreasonably killed by their mothers with the assistance of gynecologists. Does the existence of such laws in Western states, as protesters have claimed, invalidate those states’ claims to obedience? Not at all. As one swallow does not make a summer, so one bad law — even a handful — do not make a refusal of right. But consider the hardest case of all: when a section of society marked by some arbitrary characteristic is systematically exploited, not only as it happens to fall into one or another category, as “unborn child,” “tenant,” “day laborer,” or whatever, but perennially and on all fronts, chased by the law from pillar to post, so that wherever it turns it finds itself forbidden to exercise ordinary freedoms, prevented from ordinary social participation, hemmed into a fixed place to fulfill a fixed role. Can the slave-state or the apartheid-state command real political authority? Not, to be sure, over the group it persecutes. Allowing them no right, it can lay on them no obligations. Those whom it treats as citizens by enacting justice for them, however, may owe it the ordinary duties of citizens, though they do not owe it cooperation in its policy of planned injustice.

Short of the horizon, then, lie powers which are political authorities because they take up the tasks of justice, but which are guilty of such grave faults in their performance that we are bound to ask ourselves whether something better may be put in their place. What is required in this case is an act of political reform. “Justified revolution,” around which most discussion of the latter case has been organized, is, when properly conceived, an exercise of political authority governed by constitutional law. There are circumstances (the classic scenario of the “class war,” for instance) in which the cause of the oppressed, reinforced with public identification, generates the appearance of informal authority in the name of which defiance may be hurled at official authorities. But that is a perilous appearance. The fact of a wrong needing to be righted will always provoke some kind of common action, which will in turn command a certain moral authority. Injury unavenged attracts protest; it wins the support of morally responsive people not immediately affected. Yet its authority, based on the claim of right, does not amount by itself to political authority. Lacking the authority of tradition, it can neither demand obedience nor refuse it. Defiance uttered in its name can only weaken government, and tend to
make its already disappointing services even more disappointing. Classical political theology spoke of a duty of “non-resistance,” which, properly understood, was simply the duty to preserve the tradition of relations between ruler and ruled. Reform itself is a way in which this duty is honored. If it is to be of service to the political community, it must be constitutionally carried through.²¹

So much for what lies this side of the horizon, still within the parameters of a political authority that enacts justice somehow or other. On the horizon itself, however, there is simply a political vacuum, and any action taken there is an act of punishing criminality. This was treated schematically by medieval thinkers under the heading of “tyrannicide.” The tyrant controlled the polity not for the common good but for his own private good; which is to say, the public sphere of action and interaction was effectively shut down, and government was abandoned in the pursuit of private interest. Alongside this paradigm, we may put a rather different one, which we may call “tribalism”: here there is indeed a public order, but it is wholly a phenomenon of communal solidarity, not of enacted judgment. Both cases are ideal types. The thinkers who discussed tyrannicide in the fourteenth century, doubting whether the pure tyrant ever existed, spoke more qualifiedly about the problem of “tyrannical rule,” i.e., a political regime which tends towards the horizon of tyranny. In the same way we may doubt whether a purely amoral solidarity can exist for any sustained period of time. But ideal types may usefully display tendencies that emerge at critical moments when political order begins to disintegrate. The horizon is remote, but not unreachable. As the recent histories of Rwanda, Somalia, and Bosnia have demonstrated, from time to time it draws frighteningly close.²²

²¹ The Reform theologians of the sixteenth century and after disagreed on whether only some historically particular constitutional arrangements provided for the possibility of removing a supreme magistrate (thus Calvin and Grotius) or whether such a structure was implicitly present in all states (Beza and Althusius). But all agreed that the structure of any state was governed by natural and divine law, which provided a necessary and universal limitation (“constitutional,” as we would call it) on the power of magistrates to command obedience.

²² And, to go further back in recent history, Uganda, where the murder of Archbishop Janani Luwum on February 17, 1977 (an event commemorated in the Church of England as a martyrdom), focused the question of tyrannicide in its simplest form. There is no reason to doubt that the Archbishop was complicit in a failed attempt to de-

On the opposite horizon we may locate the situation where a breach of tradition causes political authority to disappear irrespective of success in enacting right. Here medieval thinkers spoke of the usurper, who seized power in defiance of existing constitutional law and custom. Usurping regimes they thought void of authority, but added one significant qualification: if in its day-to-day dealings the community tacitly accepts the usurper’s rule, it confers by tacit consent the legitimacy that he lacks by law. It does not matter that the community did not want him; it is enough that it came to terms with him, wove the intrusive thread into the fabric of its tradition. By this means medieval thinkers avoided the nightmarish conclusion that no regime has more legitimacy than lay in its original entitlement—a conclusion that would perpetually set loose past wrongs to destroy present right.

In this they understood correctly that tradition is a function of what the community as a whole is doing. Tradition inherited passes without pause into tradition developed; continuity, like a stream, flows down the most convenient bed. There is no core of tradition which in every case must be carried on; in a crisis a community will preserve what it can, how it can. Recognizing the right of tradition, therefore, is an amoral business, depending on post hoc judgments about how things have actually gone. This truth returns to haunt every attempt to regulate the process of political constitution by law. Even in untroubled times what constitutes the authorizing tradition is open to gradual renegotiation; at a moment of breach the negotiation intensifies and widens its scope.

This observation sheds light upon another case familiar from recent history, that of the regime deserted by its tradition overnight, deprived of its authority by a massive and sudden relocation of the community’s identity. The Soviet government was no usurper in 1991 when it was brushed aside by its constituent republics, and until very shortly before it had not even been weak. Neither was the Yugoslav government
an imposition when Slovenians and Croatians suddenly ceased to think of it as their own government. These renegotiations were carried on apart from, and in disregard of, the existing political structures, which suffered fatal damage from them. In such a situation it is tempting to see the right of tradition as lying with the discarded regimes. Yet we will understand the phenomenon better if we see that the right of tradition itself was what lay in dispute. The tradition of a community is not a homogeneous whole but the confluence of a multitude of streams, and when streams submerged since 1918 burst to the surface, they washed away the more formal but weaker representations of identity, which the regimes — successfully, according to their lights — had upheld.

When we recognize a political authority summoning us to act together in defense of the common good, we recognize ourselves. We conceive ourselves as a “people,” a community constituted by participation in the common good. On the relation between the “people” and the authority that summons it, hangs the delicate question of political representation.

The term “people,” echoing the classical Latin populūs, the Greek laos and the Hebrew ‚am, is unavoidable, despite the irrelevant associations of its corresponding adjective, “popular.” Attempts to find alternative expressions for this moral society constantly lead astray. On the ambiguities of the term “nation” we shall have more to say; it is tied to the historical phenomenon of the “nation-state” of early-modern times, being unsuitable for use either of the ancient polis or of an ancient empire, and it is hardly appropriate either to culturally heterogeneous peoples formed by immigration, e.g., the U.S.A. and Canada, or to peoples formed of parts of larger quasi-national groups, e.g., Austria and Bangladesh. To invoke the term “state” plunges us prematurely into the political organization that serves the moral society; but the moral society has to be conceived in its own right first. “Political society,” preferred by Maritain, also sounds too structural a note, and is cut

off by self-conscious voluntarism from natural affinities. The term "perfect society," favored by the Aristotelian scholastics, is founded on the idea of material self-sufficiency; and though a measure of self-sufficiency may be supposed in a "people," there is no such thing as total self-sufficiency; moreover, a people is defined by its external relations to other peoples, not only by its internal relations to itself.

To see ourselves as a people is to grasp imaginatively a common good that unifies our overlapping and interlocking practical communications, and so to see ourselves as a single agency, the largest collective agency that we can practically conceive. A people is a complex of social constituents: of local societies, determined by the common inhabitation of a place; of institutions, such as universities, banks, and industries; of communities of specialist function, such as laborers, artists, teachers, financiers; of families; and of communities of enthusiasm such as sports clubs and musical organizations. To have identity as a people is to be able to conceive the whole that embraces these various constituents practically, as a coordinated agency. When it is no longer possible to discern the constituent elements within the whole, each with its stock of tradition, its reserve of memory, and its communal habits of practice, then the whole dissolves before our eyes. It also dissolves when it is no longer possible to think of these elements as acting, in some sense, together and for one another.

What is it that gives unity to these various focal points of social tradition? They are likely to have certain things in common: the use of a language, the observance of a religion, beliefs that are accepted as premises for discussion among strangers, a mythology, a literature, spheres of administration, law, and economic interaction. All peoples have some cultural features that unify them internally, though there are great differences in what carries most weight: sometimes it is a common language, sometimes a religious tradition, sometimes a trading pattern. Yet a people is more than an ensemble of its cultural features. These are simply the precondition, the channels worn by habits of communication that have brought the people to birth. To be a people is to put these culturally unifying features to the service of collaborative action, and that is what makes the difference between a group of homogeneous tribes and a viable political entity.

In framing the possibilities of common action, one feature has come to assume a special significance: a defined territory. The more complex the content of the tradition, the more varied culturally and racially it has grown, the more depends on this formal mode of demarcation. There was a "king of the French" before France had defined borders; but today we depend on the borders to know who the French are. Territory gives objective form to the infinitely varied cultural elements that comprise the people's communications. This point is illustrated by the conquest-traditions of Israel. It was not through the promised land that Israel became a people; it was a people already, by descent from the patriarchs, by the common experience of Egyptian bondage and miraculous delivery, by the shared nomadic existence in the desert, and supremely by the law. Territorial existence was an enhancement of Israel's identity, one which the prophets never forgot could be reversed if it were abused. It offered opportunities for growth and maturity, for establishing a civilization with internal disciplines of cultural transmission and ordered relations to surrounding peoples. Territorial boundaries mark the division between the domestic and the foreign. But the effect of the division is not merely to set a limit. It is to form a horizon which will stimulate neighborly relations between the people and other peoples. It defines a "You" in relation to which the people acts as a corporate "I."

To see ourselves as a people is a work of moral imagination. Not arbitrary imagination: it is an insight into reality, the reality of what we are given to be and do together. Nor does it imply "creativity" — the less the better, one might say! When those who wanted to unify the kingdoms of Kent, Wessex, Mercia, and Northumbria into one kingdom urged their claims and fought their battles, it showed creativity of a kind, since the English people was not yet a reality; yet these were merely ambitious warlords, and we need not credit them with any special moral insight. Only when former Mercians, Wessexmen, and, later, Normans called themselves English without thinking, could such a thing as the English people be spoken of unpretentiously. Moral imagination has no business with the unheard-of or the merely possible; its concern is with the familiar and the actual, and its task is to comprehend a multitude of familiar communications in relation to each other, as an identity.

"Identity" refers to a sphere of common action open to us. The people is the largest corporate agent capable of evoking consistent and all-inclusive cooperative action. Treaties provide for areas of coopera-
tion between peoples, but outside the scope of the treaty each people acts and answers for itself. The European states have expanded the scope of their cooperative endeavors far beyond the range of occasional treaty-based collaboration; yet when a disease strikes the cattle, each state acts by itself and for itself. By contrast the community of action achieved by a single people may be described as "universal," meaning that it embraces every area of the common life within its scope. Yet it does not comprise the real universe, but only a provisional one. There is a wider horizon, "universal" in a fuller sense. Human fellowship reaches more widely than even the largest corporate agent. The common action of a people is set against the background of other human communities with whom common existence, though not common action, is possible. Peace has a broader scope than coordinated activity; it involves respect and letting-be. If the people is the largest common "I," the agent to which we commit our energies for cooperative action on a global scale, there is always a "You" for this "I" to confront, and a goal of peaceful fellowship to be sought, the horizon of a "We." So the people's common good of practical cooperation is directed outward towards a truly universal common good of reciprocal acting and being acted upon. Those who plan to overcome our international quarrels by devising a form of world-government fail to understand the distinction between the people as acting subject and the world of reciprocating others. A world-government would have to be predicated on a world-people, but a world-people could come into existence only, one might say, when the Martians arrived — a "You" for a world-people to be an "I" to. With no Martians there can be no external communications, no foreign relations; and without these the moral imagination will not furnish it with identity as a people. If a world-people has no identity, a world-government is an idle imagination, a surplus entity.

In saying that the people is the largest communal agency conceivable, we show why it cannot be included in a list of typical social organizations, as "federal" theories often suggest. One may reach cities by federating households, provinces by federating cities, nations by federating provinces; but the people does not have a place on this scale between a smaller and a larger unit. It is the "universal association," as Althusius called it, the last point on any possible list. So a people may be any size of social unit, provided that no larger unit is practical. How large is largest changes with historical and circumstantial possibilities. The city, the nation, and the continental bloc may each, as circumstances dictate, encompass a people, as each becomes the largest practical unit of agency. Kent, Wessex, Mercia, and Northumbria could each constitute a people for a while; but when operations on the English scale had become natural to their citizens, England was the people they constituted, and then, when communications with Wales and Scotland became so necessary and natural that they could not be excluded from any thought of corporate agency, there was Great Britain. And Europe may possibly follow, but only when European citizens naturally construe their relations with each other in that way. When the Italian who moves in next door is not a foreigner, but merely from out of town; when it requires no comment or explanation that the chief of police for Northern Ireland is hired from Denmark, or a Spaniard heads an elementary school for the children of Prague, and everyone automatically speaks English, then a European people is at hand. Of course, only misplaced moralism makes such a development out as somehow virtuous — as though it were more charitable to travel further! — and only ill-informed dogmatism supposes that history always underwrites the development of larger units. The tide did, indeed, flow that way for the greater part of the second millennium A.D. as a result of improved communications, but in the last century it turned, and the general trend for the past hundred years has been towards separation, not unification. Italy and Germany were the late flowers of early-modern agglomeration; nationalism since then has scattered the map with new and smaller peoples like Slovakia and Macedonia.

We pause over the limits implied by the word "practical." There may be tempting designs of the political imagination which fail to envisage daily communications practically. We are free to think of an independent Scotland, a United States of Europe, or a passport to Pimlico. But to think our existing patterns of communications into the shape of such a thing is quite another matter. The inhabitants of the ancient Greek city-states, with the example of a vast empire before their eyes, could easily imagine themselves its subjects. But they could not conceive practically how the communications to which they were accustomed, and which they thought fitting, could ever be accommodated in such an agglomerate. They could not imagine its undertakings and their undertakings woven into a single fabric of common responsibility.
Such an empire seemed to them merely imposed. Its inhabitants, as they saw it, were not “free.” The danger of dreaming up abstract schemes of political union on paper—a danger never far from the European Union—is that they do not accord with the way the member-peoples actually conceive their practical engagements.

What is practical about a people is its defense of the communications that make it up. The largest practical unit within which communications can be sustained is the one that can gather the appropriate resources for defending them. Political thinkers influenced by Aristotle liked to refer to the “perfect society,” conceiving this as a society independent of its neighbors. Although in a literal sense no such society could exist, since mutual dependence is as much the rule for political entities as for individuals, the term can be understood sympathetically to mean a society capable of its own defense. But as the common good is many-faceted, so is its defense. A large military empire may be capable of defending its borders but incapable of defending anything else; the diversity of its elements may make it unable to sustain the mutual sympathy and interest essential to more subtle forms of defense, such as good lawmaking. A society is “perfect” when it is too small to rally against a threat, not too diverse to be interested in doing so.

The people is imaginatively envisaged when and as its common good is in need of defense. The idea of the people and the idea of the authority that summons it to defend its common good arise together. The summons evokes the idea that the ensemble of communications is in fact a people. Yet here it is easy to leap too far too fast. The idea of the people is not the same as that of a juridical or law-based entity with a political order. Political authority does not “make” a people; it “finds” it. The governing state-structure serves the defense of something other than itself. The point of the state is not to defend the state but the people. The people, the subject of the common good, must be imagined apart from its political and juridical arrangements if either people or state is to be imagined properly at all. Otherwise the juridical unity of the state is simply imposition, not protection.

Here we touch upon the chief point at issue in the theories of constitution that occupied the minds of sixteenth- and seventeenth-century thinkers, culminating in the absolutist conclusion of Hobbes: “it is the unity of the representor, not the unity of the represented, that maketh the person one. . . . And unity cannot otherwise be conceived in multitude.” Without a full-blown government, that is, the people is precisely nothing. There is no community prior to the uniting of many under one sovereign, no social order to mediate between the unity imposed by government and the fragmented disorder of a multiplicity of wills. This gave a radical turn to opinions already entertained by such a respectable constitutionalist as Suárez: “Unity arises in large measure . . . from subjection to a single rule”; and “if there were not a government, this body could not be directed to one end and to the common good.” Suárez, of course, would not have wished to contradict the more traditional view, expressed by the anonymous Huguenot “Stephanus Junius Brutus,” that “the people may subsist of themselves and are prior to the king.” Yet the people’s subsistence, Suárez thought, was already implicitly political, “as by a special act of will or agreement it comes together to form a single political community, bound by a single tie of association for mutual assistance in the pursuit of one political end.”

If state-totalitarianism prioritizes government over society, the constitutionalist postulate of a political order prior to political order yields the “nation-state,” an idea perfectly expressed by its hyphen: first we have the “nation,” a self-evident political totality, and then the “state,” which is the nation in its organized form. Our political obligation then consists in attaching the second to the first. Given the nation, we must fashion a state to its dimensions and demands. Any political failure is traceable to a failure of constitution. Where the contractarian approach failed to grasp the fact of popular unity prior

2. *Leviathan* 1.16.13. Later in the seventeenth century a similar thesis is maintained by Bossuet, *Politics Drawn from Holy Scripture*, 1.3.3, trans. P. Riley (Cambridge: Cambridge University Press, 1990), p. 15: “It is by the sole authority of government that union is established among men. . . . Otherwise there is no union; the people become wanderers, like a flock dispersed.”

3. *De Lege et Deo Legislatore* 3.2; IG, p. 732.

4. *Vindiciae, contra Tyrannos* 82; IG, p. 719.

5. *Vindiciae, contra Tyrannos* 82; IG, p. 719.

to political constitution, the constitutionalist approach failed to see that this popular unity was a moral unity, comprised by a common good rather than by a political structure.

Misconceived in this way, society is impregnated with an ideological self-consciousness from the beginning. In a contemporary form this is done when we think of society as a network of quasi-legal rights. When John Rawls, for example, distinguishes "liberal peoples" (fully democratic) from "decent peoples," the qualification "decent" is not meant in a moral sense — decent to each other — but denotes an elementary political structure: "whose basic institutions meet certain specified conditions of political right."? Instead of imagining our membership of one another in terms of what we communicate in — our neighborhoods, our businesses, our wisdom, our songs, and stories, we are taught to think of ourselves as united wholly by a political vocation, which, precisely because it is not rooted in ordinary life, requires constant reinforcement by indoctrination. This overwhelms the simple and honest work of government, that of judging between a man and his neighbor, with a constant need to see the political vocation realized; political functions bear too heavy a burden of identity-conferral.

But mankind is communal by virtue of God’s creation, not by political invention. Political order discovers and defends the social order; it does not construct it. At the heart of the false turn of the early-modern period away from pre-political society there lie two mistakes, one methodological, the other moral. Methodologically it was wrong to depend upon the narrative myth of constitution to perform the task of political analysis. Rightly judging that pre-political society could have no self-standing existence in the world, outside the Garden of Eden at least, they wrote it out of their "history" of the foundation of states, forgetting that that was not history that they were concerned with, but political analysis, and that pre-political society was indispensable for focussing the political, even if it never occurred. The moral mistake was a false suspicion of the ordinary, a doubt of human nature as known in the simple communication of food, wisdom, and affection. It could not

7. The Law of Peoples, pp. 3f. "People" so clearly implies for Rawls this apparatus of political order, that he judges the term unusable without it; collectives lacking even this elementary constitutional "decrecy" must be referred to by another noun, as "outlaw states" or "burdened societies."

see that a common good could be composed of such humble engagements, and thought the only worthwhile mode of human cooperation lay in jurisdiction. It failed to hear the word of Jesus, "Judge not!"

* * *

In awakening our sense of ourselves as a people, political authority simultaneously awakens us to itself. We become aware of an authority that commands us, not abstractly but in a concrete form, as "our" government. Political awareness always has this double object, people and government, two corresponding subjects that cannot be collapsed into one. Politics arises only in the vis-à-vis of government to people and people to government. But they are not equal and opposite subjects: a government exists to preserve and secure its people, not vice versa, and the condition for its doing so is that it is "ours," i.e., that it "represents" the people. Through its agency the people assumes a concrete judicial form. The representative bears the people’s image, makes the people visible and tangible, to itself and to others. Yet the representative does not bring the people into existence, but simply makes it appear.

The notion of representation in the Western political tradition is grounded on the relation of redeemed humanity to Christ, the representative of all humanity in his death and glorification. "One has died for all, therefore all have died."8 In Christ the world is judged, "in Christ" redeemed; that much-discussed prepositional phrase sums up the belief in moral identity. But the identity of mankind with Christ is not merely posited as a unique, cosmic event. It is described by two Christological titles, which related him to the social and political structures of Israel: he was priest, and he was king; both of these representational roles. The priest stood before the altar of Yahweh bearing the names of the tribes of Israel on his shoulders, and by his acts of confession, prayer, and sacrifice involved the whole nation in the identity conferred on it by God. The king marched at the head of Israel’s armies, and upheld Israel’s identity in its struggles with neighbors and enemies; furthermore, he embodied and safeguarded Israel’s identity by the careful study of Israel’s laws, a matter of some importance to the Deuteronomic reform.

8. 2 Cor. 5:14. Cf. also St. Paul’s extended comparisons of Christ and Adam at 1 Cor. 15:22 and Rom. 5:12-19.
ers. These models, constantly discussed in the Reformation period, are potently influential on the early-modern sources of our conception of political representation. In one direction they were deployed as paradigms for political constitution in general; in another, they were regarded as irreplaceably fulfilled in the person of Christ and unavailable for direct imitation or replication. By this dialectic of affirmation and negation an analogical structure of representation was conceived: the representative solidarity of a people in its ruler reflects, while it cannot eclipse, the universal solidarity of mankind in its head.

King and priest both represented Israel; but neither of them was appointed by Israel or was answerable to Israel. They were chosen from Israel, and given to Israel to represent them, it was said, by God.10 To Thomas Hobbes we owe the decisive assertion that political representation does not subordinate the representative to the people’s will. The relation of owning and serving which binds political society to its government is different from that in which a delegated agent represents a principal. Hobbes used the word “personation” for this special form of representation underlying political authority. The weakness of monarchism in his day, Hobbes thought, was that it failed to understand that the “sovereign” was in fact “the sovereign representative,” and so allowed the idea of representation to be appropriated exclusively by Parliament.11 The representative acts for the people, and in his action the people acts, which “is more than consent or concord; it is a real unity of them all, in one and the same person.” Despite this major borrowing from the theopolitical tradition, Hobbes insists on the popular will, rather than the appointment of God, as the original source of representative authority. The multitude, in a famous passage, “confer all their power and strength upon one man . . . that may reduce all their wills . . . into one will . . . which is as much as to say, to bear their person; and every one to own, and acknowledge himself to be author of whatsoever he that so beareth their person shall act.”12 So the high

9. See, e.g., Deut. 17:18f.
10. A point made explicitly about the high priest by the author to the Hebrews (5:4). Forms of acclamation were, of course, in use with respect to the king—a point out of which Huguenot and other constitutionalist thinkers of the sixteenth century squeezed the maximum possible yield.
11. Leviathan 19.
12. Leviathan 17.13.

claims for the binding force of political obligation are taken back to “every subject”: “Every subject is author of the actions of his sovereign.”13 Yet since the popular will was an ideal will, not bound to any particular act of choice in history but always presupposed and irrevocably given in the existing fact of the political community, Hobbes could return a distant echo to the theological conviction that representation was given de facto. This distinction of ideal and actual will, perpetuated by Rousseau, was faithfully abandoned by Locke. The false turn lies in the thought that representation is founded in the will. It is founded in the imagination. That the representative may act for us, and we in him, it is necessary that we see ourselves in him. Representation is a case of symbolization; the representative “stands for” our consciousness of our common association.

Political representation is a special case of a wider phenomenon. Many kinds of practical cooperation which have no political authority depend on the emergence of a representative to provide them with what we imprecisely describe as “leadership.” Representatives afford us a sense of ourselves in action, an “identity” that is not the whole of what we know about ourselves, but locates certain specific endeavors as part of a larger corporate undertaking. Every activity generates its representatives, who are authorized to speak and act for everyone else. Identifying ourselves through our representatives, we construct a picture of the world in which our collective endeavors are significant. Community yearns to make its mark upon the world. The picture may be true or false, realistic or delusory; it may disclose real occasions of cooperation with our neighbor, or it may hide them behind an illusion of practical involvement. The successful and the prominent will always gather a following of hangers-on, who need the sense of being part of something to which in fact they cannot contribute. “Therefore the people turn to them, and find no fault in them” (Ps. 73:10). Film-stars, pop-stars, and, more recently, football heroes function as surrogate representatives for the masses of our identity-starved public realm. True or false, the picture we construct is important to us; and when it is challenged, we respond with defensive pugnacity. There is no reason for surprise that the ecstasies of a crowd of sporting fans are so often violent. The self-esteem of any social body has a demon inhabiting it,

13. Leviathan 18.5.
which may always break out when there are no structures of responsibility to restrain it.

Popular identity, however, serves also as a structure of responsibility. It directs the energies of solidarity to serve the constructive political tasks of judgment, and in so doing subjects them to constant testing against reality. Yet it may itself become the problem rather than the solution. The demon is never fiercer than when it inhabits the largest practicable agency of common action. The romantic primitivism of the national idea can breed a popular identity obsessed with the vision of itself as an ideal and incapable of interesting itself in the complex communications which actually comprise the social content of its experience. The terrible fate to which nationalism condemned many communities was to be ruled by visionary-terrorists, the violence to which they were addicted reflecting the breach that had opened up between the ideal people of their imaginations and the reality.14

The representative commands the authority of the community's "tradition" — not, as we have said, the authority of its past but the authority of its present, the continuity of the acting community with its own history. To command the authority of tradition is to be the link between what the community has come to be and what it is to undertake, the cord which attaches new actions to existing identity. The question, Who bears the authority of tradition? is equivalent to the question, Who represents the community? There can be no political authority without an effective claim to the authority of tradition, because there can be no political authority which does not represent a given community in its actions. An unrepresentative power might do all kinds of good, but it would do it from the outside; it would not be good done by that community.

To illustrate this we may point to the long and still ongoing struggle to establish a "power-sharing government" (so-called) in the province of

Northern Ireland, an arrangement which, if "tradition" were no more than what was done in the past, would have to be judged very untraditional. What politicians from Britain, Ireland, and Northern Ireland have labored for so patiently and courageously is a more representative government. But a more representative government is a government that will be more effectively tradition-bearing. That is to say, both the constituent communities in that society must be able to see themselves and their histories reflected in it; it will be capable of carrying into a common enactment of right the parallel and antithetical historical identities in which each community has been formed. Only by achieving this extraordinarily delicate balance could a government in Northern Ireland have political authority over its people — a warning against every attempt to resolve the problems of that province by imposing a "program" of liberal rights conceived and developed in some other corner of the world as a patent medicine suitable for curing all maladies.

We speak of this "seeing" of ourselves in the representative as "recognition." To "recognize" something is not simply to know it, but to know it in relation to oneself. We may recognize an element of past experience, like a place we have been before; or we may recognize a vocation for the future, as when one recognizes a duty or a life-partner. The second kind of recognition is involved in political authority: through this particular actor we recognize ourselves as summoned to a collective action. It is an affective as well as a cognitive movement. Political recognition is like the recognition we accord to a face or form, the recognition of Gestalt, grasped at once in a moment of acknowledgment and welcome. Underlying many ancient political conceptions, there is a visual aesthetic. The language of light, radiance, and display permeates classical political symbolism, in notions such as "splendor," "magnificence," "glory." These elicit something akin to erotic fascination. Eros is that form of love which responds to visual beauty; through it we respond to the sight of ourselves reflected in another, the familiar within the strange. Ancient societies reckoned, one might say, to fall in love with their ruler's image. The thought that the king marries his kingdom is found in folk narrative of every provenance, and is taken up in the eschatological visions of the Apocalypse. In Scripture the story of David and Abigail (1 Sam. 25:2-42) is a paradigm case. Abigail, the beautiful wife of the quarrelsome and violent landowner Nabal, the "fool" who is incapable of recognizing or supporting the political authority

14. Seán South, a young IRA terrorist killed in a cross-border escape in January 1957, was remembered for the telling phrase with which he would dismiss the claims of the Irish government: "Ní ionann Éire dúnna" — "We have a different Ireland!" Mainchín Seoighe, Maithidh Seán Sabhat Ar Air (Baile Átha Cliath: Sáirséal agus Dill, 1964), p. 10, in a commemorative poem by Críostóir Ó Floinn. Another insight into the mind of the romantic terrorist is given in the author's observation (p. 224) that the death influenced him more than the living: "Ba mhó a d'òigigh na maithbh ar Sheán ná na beo."
of David as the Lord’s anointed, propitiates David’s anger with her husband and teaches him the restraint that is necessary for a true king. In marrying her after her husband’s death, David marries his own kingly vocation to rule Judah mercifully; and she marries her own political destiny, which is the sovereignty of the Davidides.\(^{15}\)

The coronation of a monarch used to be such a moment of recognition. In modern democracies the general election, not so overtly ceremonial but every bit as instinctual, takes its place, sealing the bond of identification between people and rulers. These two forms of ceremonial recognition differ in one important respect: where the coronation of a monarch suppressed all sign of political rivalry to present a tableau of unanimity, the election actively exploits the affective power of contest and victory, like those primitive kingships attested in myth in which the throne was won by slaying the incumbent in single combat. The “election behavior” of politicians, party organizations, media, and ordinary voters is an important trace of this deeper political imagination buried beneath formal theories of popular sovereignty. The overflowing of collective feeling in hyperbolic rhetoric, the drowning-out of measured reflection, the ritual enactment of conflict between unreal enemies, the crude attempt of contenders to make symbolic contact with powerful sectors of society, all serve to affirm a common political identity binding the people to its government. The reflective critic naturally feels disturbed by it, as one might feel disturbed by being forced to take part in a tribal war dance. The wise, however, will not mouth the time-worn objections to “the low level of debate.” An election is not the time for debate; if debate has not taken place already, it never will. Debates are about issues, elections about people. Which is not to say that serious decisions cannot be taken in elections, or that electorates are incapable of deciding rationally — those gloomy and anxious doubts which continue to surface in our higher democratic cultures — but simply that these decisions, however serious and rational they may be, still require the orgiastic ceremonial of a formal investiture. The media must strike up their drumbeat, the politicians must dance their steps, and we must all let out the whoops and cries that the occasion demands of us.

\(^{15}\) A grimmer aspect to the erotic character of political bonding is given in the Succession Narrative, where Absalom’s beauty is the basis on which he can alienate political authority from his father David (1 Sam. 14:25; 15:6).

The affective dimension is entirely absent from official theories of representation in the modern West. The understanding of ceremonial recognition was lost to Western political philosophy at the point where God was lost to it; for it is essentially an acknowledgment of providence. The representative is recognized because he is there; God “raises up” leaders of the peoples. That God does so with patient regularity is no reason to suppress our wonder at it, let alone imagine that we ourselves arranged for it to happen. The first sign that this was being forgotten occurred, paradoxically, in a development which seemed to take it seriously, the early seventeenth-century reworking of the older theory of the divine right of kings. This sought to restrict providence to underwriting the legal claims of a given dynasty. Instead of the mysterious political happening which attests God’s action in the world, it argued for a simple right of possession, inherited and bequeathable, the irrevocable gift of a providence which had made its dispositions and had nothing further to say.\(^{16}\) This theory was at once a reaction to, and a cause of reaction in, the momentous train of thought which has come to be called “contractarianism.” This, too, dispensed with the moment of recognition, conceiving the representative relation as achieved by a once-for-all act of the human will. The point was to establish lawful and binding authority for all existing political orders, deriving them from a supposed contractual agreement in the past, just as the divine-right theory, of which it was a mirror-image, sought to derive them from a past act of God. Once conceived as a purely contractual status, representation lost touch with the moment of collective self-discovery, in which the sociality of the people, reflected in the person of its representative, dawns on its recognition. In its place was a legal form.

\(^{16}\) Thus “indefeasible hereditary right,” as maintained in England by Jacobites after 1688. But an alternative version of divine-right doctrine was held by Whigs and Hanoverian Tories, much more in tune with a doctrine of providence. See J. C. D. Clark, English Society 1660-1832 (Cambridge: Cambridge University Press, 2000), pp. 105-23.
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Legitimacy

God raises up those who will bear authority. The mysterious alchemy of the affections elicits recognition, a people sees itself in the face of an individual thrown forward for the occasion, and representation occurs. When the representative enacts judgment, God’s gift of political authority is bestowed upon the people. But what when that representative status is contested? Must human judgment not resolve how political authority shall be constituted in that case? And if so, to what canons of justice may it be answerable? With questions of this kind thinkers of the early-modern period brought constitution to the fore of political philosophy, a fateful development that has influenced us deeply ever since. For those of us who fall under that influence, it is important to recall that there are other more pressing questions of political right. The more dominant the constitutional question, the more abstract the political discussion, and the further removed from reality. “A Constitution can be built,” scoffed Carlyle, “Constitutions enough à la Sieyès: but the frightful difficulty is, that of getting men to come and live in them!”1 In normal circumstances we do not often have to found new regimes; and on the rare occasions that we do, the situation is one of such disorder that we have little practical scope for our discretion. Yet the question has its own theoretical weight: how are the responsibilities of government to be attributed justly? In this and the two succeeding chapters we shall consider three types of answer.

This is not the same question as the classical question about the best form of regime, in which theologians have generally displayed comparatively little interest. That was never seriously raised in Christian thought before the Aristotelian revival of the thirteenth century, and when at that point it began to be discussed, commonly in expositions of Aristotle’s Politics 3.8, it was characteristically answered evasively: the best regime was a mixed regime.2 But since the question meant, “Where should the sovereign power be vested, in a single figure, in an elite, or in the mass of the population?” this was actually no answer at all. It merely conveyed that a developed political society should have certain features: an identifiable head of government to ensure coherence; a functional governing class that could ensue communication, and adequate organs for popular consultation to ensure sufficient representative legitimacy. But since any constitution could with good will be developed to satisfy those demands, what made a good regime was not, in the end, its form of representation at all, but the exercise of political virtues by government and governed, allowing it to develop into a humane ensemble of relations.

The first of the three answers is given with the concept of “legitimacy.” Legitimacy is the subjection of representation to law. Not only the conduct of government but its constitution, too, is to be law-governed. Legitimate rulers are not merely representative rulers; they meet legal conditions for their representative status; they have an entitlement to exercise political authority. Here we confront at once the disturbing abstractness of the idea of constitution: how can we be sure that any legal conditions for representative status will coincide with the reality on the ground? Representation is something that happens, a relation that arises between community and representative. If it fails, no legal entitlement will produce it. Entitlements were never proof against deep-rooted alienation of society from government. Constitutional law is neither natural nor divine law, but merely customary hu-

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man law. The legal right it confers can do no more than reinforce relations that are sound and defensible in substance. This point was recognized early in Christian political history in a striking case from medieval history. As chancellor of the passive West Frankish King Childeric, Pepin, father of Charlemagne, was authorized by Pope Zacharias in AD 751 to supplant the monarch, with the argument that “it was better for the man who had power to be called king.” Royal dignity, that is, must be associated with practical responsibilities, and whoever had those responsibilities should have the dignity—a striking repudiation in principle of what today is called “constitutional,” but might more properly be called “ceremonial” monarchy.

For this reason, to ensure the conjunction of title and substantial representation, there emerged from among the variety of legitimating titles that early-modern theorists acknowledged—inheritance, sale, dowry, conquest, etc.—one entitlement that came to be regarded as uniquely authoritative, because it seemed to promise political substance as well as legal form. Rulers are legitimated on the basis of popular election. Narrowly understood, the word “democracy” refers to this electoral concept of legitimacy.

We must comment first of all on the dramatic transvaluation of terms that is implied in the use of the word, “democracy.” In the classical doctrine of the types of regime, it referred to something quite unlike our modern democracy: the immediate government of the polis by an assembly of the demos, that is to say, by the laboring and trading citizen-classes that lacked accumulated wealth. The anxieties surrounding this form of government concerned its liability to develop a malfunction (“ochlocracy”) where the initiative fell into the hands of “the crowd.” The crowd is a collapse of internal political relations. In the well-ordered polity everyone who participates enters the consultative process with a perspective won from the course of life he or she leads, bringing sufferings, skills, projects, and experiences to bear on common questions. In every debate there are privileged perspectives: the butcher, the baker, the candlestick-maker look out among themselves for the stock-grazing, agricultural, and petrochemical interests of society. But mix them all up in a crowd with students, teachers, trad-

ers, business managers, and a shrewd politician or two to get them chanting a slogan, and the whole is much less than the sum of its parts. Aggregated in a mass, their separate contributions lose their distinctive basis in experience, and are reduced to a fraction of a decibel. The power of the crowd is the power of none. The price paid for strengthening its voice is for everyone to lose his own. “Demagoguery” was the name given to the reductive technique of political management that appealed to the crowd rather than the people, suppressing the relational structures that made for common practical reasonableness.

The verdict of antique and early modern thought on this technique was unambiguous. Savanorola urged that it should be viewed as tyranny to ring the tocsin in Florence, so causing the citizens to rush pell-mell into the city square where decisions could be thrust upon them by the cleverest operator. Curiously, it was the French Revolution, the scene of the most savage instances of destructive crowd-politics, that prompted a measure of reevaluation. This displayed Christian roots and post-Christian suppositions. It was not a Condorcet or a Proudhon that persuaded Europe of the nineteenth century that the French Revolution was, despite everything, a step forward in civilization. It was a handful of conservative Protestants, appealing to the legacy of Pentecostal aspiration, a prophetic view of history as the disclosure of divine purpose, and a romantic admiration for passionate feeling. In the fury of the masses it seemed possible to find an ecstatic freedom that answered Christian hopes for the goal of history. “Philosophy, too,” as Kant had said, “may have its chiliastic expectations.” In calling its electoral legitimation “democratic,” late-modern politics reawakened to chiliastic longings. We do not understand the democratism of our own time unless we appreciate its ambivalent attitude to the crowd: hoping to exploit its aggregative power in legitimating a regime, it is at one moment on its guard against its anarchic possibilities, and at the next moment toys with them.

Yet modern democratism is not confined to an electoral device for legitimating government. When we discuss democracy today, we have in mind a conjunction of two elements. One is the electoral device for


legitimation; the other is a substantive account of what good government requires. This account has a number of elements, all to do with responsiveness to the real and felt needs of society: an elected Parliament as a formal court of pleas; local representative organs with local autonomy; the admission of candid and open speech on all matters relating to the common good; the obligation of government to natural and divine law; the recognition of basic individual rights at law as a limiting constraint upon inequalities of social order; the independence of courts from executive interference; due forms of consultation and deliberation in preparing legislation and due process for promulgating it, and so on. It is a defensible use of terms, which I shall follow, to call this ideal of government "liberal," and so to use the phrase "liberal democracy" for the conjunction of liberal virtues in government and electoral forms of legitimation. For the purpose of this discussion, which is specifically to explore its concept of legitimacy, I shall not treat here a third strand in the late-modern idea of democracy, that of non-hierarchical social organization, from which has sprung the recent debased fashion of counting the capitalist market-system as a founding element of democracy.

One could almost say that there is only one political question worth asking about liberal democracy: how firmly are the two elements, political freedom and electoral legitimation, bound together? Is their conjunction a matter of necessity? Or is it merely the product of a peculiar socio-ecological niche, perhaps too fragile or too specialized to transplant?

It is a matter of historical record that liberal virtues in government were admired and cultivated long before the idea of democratic legitimation was at all widely countenanced. The common view of those who admired and advocated these virtues was "that democracy or popular government is usually the worst."5 The liberal ideal was the distillation of the high period of political theology, the twelfth to seventeenth centuries, which reflected on an eclectic mix of Old Testament and Hellenistic teachings about rulers' virtues that had grown up during the first millennium. Charlemagne was familiar with a prototype of

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5. This is the title of chapter 6 of Richard Baxter's *The Holy Commonwealth* (1646). The significance of the context of this writing in the English Civil War should not be missed, nor the fact that Baxter was a prominent supporter of the Parliament.

magistracy together as a General Council — could meet that criterion. As a Dominican, Savonarola had formally to admit the Aristotelian doctrine, taught in the pseudo-Thomistic De regimine principum, that monarchy was the best of all political forms. But this doctrine was, he thought, irrelevant — irrelevant to Florence, in the first place, because of its peculiar endowment of genius and temperament, and irrelevant to the new age of which Florence was the prototype, since new times required new forms. Any form of government would be irrelevant that did not express and embody the city’s vocation as a reformed church, where every citizen and every rank of society was to participate directly in the worship of the angelic hierarchies. So the form of government was wholly dictated by the ecclesiological moment: “Christ will found his church better than he has founded it hitherto!”

The thought that is likely to cause us most difficulty here, that a new dispensational era was beginning with the dawn of the sixteenth century, was so far from troubling to some of Savonarola’s Protestant admirers that it could seem quite simply self-evident. Protestants from Hergot to Hegel made free use of this constellation of ideas. The philosophy of history was an irrevocably prophetic enterprise, a point brought out by the “postmillennial” eschatologies popular in progressive America in the nineteenth century. By the mid-twentieth century such prophetic narratives had fallen out of favor. In the heyday of Popperian suspicion it seemed that the greatest danger to the “open society” was the theological readiness to write the history of the future in advance. In recent decades, however, teleological narratives of the progress and achievement of democracy have reappeared in a secularized form, a development illustrated by the title of Francis Fukuyama’s book, The End of History and the Last Man. This change of intellectual fashion has coincided with a more strident ideological tone on the part of the democratic West.

9. This was not prompted solely by the collapse of communism in Eastern Europe. A heightening of the pitch of democratic claims, fuelled by the need to invest the nuclear confrontation with a suitably apocalyptic justification, was already in evidence in the 1980s. On this see my remarks in Peace and Certainty (Oxford: Oxford University Press; Grand Rapids: Eerdmans, 1989).

20th-century apologies for democracy offer a range of narrative possibilities, from the most metaphysically adventurous to the most metaphysically reserved. As a simple exercise in representative typology, we may consider three examples, at decreasing levels of moral pitch and predictive confidence. They are illustrations only, representing a variety of possibilities depending, for instance, on which of the liberal virtues are most emphasized — equality, freedom, accountability of government, etc., etc.

(a) At the highest pitch a narrative of democracy may aim to demonstrate irreversible ideological progress. Liberal virtues and democratic practices are simply the earlier and later stages in the forward march of a single idea: democracy is latent in liberal ideals, liberal ideals are explicated in democracy. This type of narrative is attractive to a progressivist theology looking to find the history of redemption expressed within the history of civilization. The writings of Jacques Maritain and after the Second World War offer an example: democracy is “a temporal manifestation of the inspiration of the Gospel,” in its progressive realization of “truths of evangelical origin” about the dignity of the human person. In their religious form these narratives emphasize evangelical freedom. Non-religious versions turn on the leading motif of individual rights. The early-modern rights to life, liberty, and property pointed the way forward to a right to participate in political power; property-right was the bridgehead through which democratic representation was established.

One difficulty of this approach is to match the high pretensions of this narrative with the prosaic realities of electoral democracy as we know it. It seems to aim at nothing less than moral regeneration, and this is something altogether grander than the humdrum practice of voting in elections. There is something slightly ridiculous about talk of the dignity of human personality which comes to rest in a slip of paper where we set a cross against the name of someone we do not know! The
argument would seem to require at the very least that each individual should make his or her judgments on substantive issues heard in the deliberative councils that shape public policy. And so this type of narrative is liable to conclude with the admission that real democracy has yet to be achieved. “The tragedy of the modern democracies is that they have not yet succeeded in realizing democracy.” But that is to overshoot the mark. What was wanted was a demonstration of the aptness of the arrangements for legitimating government that do exist, not a plea for arrangements that never have existed and perhaps never could.

There are other objections to the approach, more political in character. Its notions both of representation and of the scope of government are open to suspicion. Representative government is seen as a means by which each individual’s power of action is granted a universal scope. Every individual was implicitly a sovereign ruler, waiting only for a representative mechanism to exercise powers of rule that belonged originally to the human personality as such. In summoning the representative to rule, then, nothing is added that the pre-political, ungoverned community had not in principle envisaged on its own account. The ruler is a delegated agent to administer the inalienable powers of others. This shrunken notion of representation greatly inflates the scope of governmental powers. For nothing can be excluded from the scope of government action that could be included in the scope of human action. Government is not assigned the special task of defending against wrong. The drift of such a narrative, as of all narratives that derive political goals directly from private or public goals, is totalitarian.

(b) A second type of narrative attempts to demonstrate a less decisive form of progress, not ideological but institutional. The democratic form has evolved in order to embody the liberal ideal of good government; but in embodying it, it also secures it and makes it easier of realization. Within this category arise a plethora of “restraint and accountability” arguments for democracy, which find in popular election the best guarantee — not strong prediction, but reasonable expectation — that government will continue along the broadly liberal lines we have hitherto valued. Reinhold Niebuhr’s famous apophthegm that “man’s capacity for justice makes democracy possible; man’s capacity for injustice makes democracy necessary” can be taken as typical. Democratic forms entrench and secure a general relation of rulers to people which is characterized by justice.

But what is the just relation of rulers to people that such a device secures? It can only be that envisaged by the contractarian myth, which sees political authority as derived from a founding act of popular will. Otherwise we would not look to democracy to achieve justice, but to intra-governmental “checks and balances.” The power of an electorate to dismiss and choose its rulers can only be a guarantee of good government, if good government is understood as that which rulers exercise under the authority of the popular will. But this is to force too restricted an interpretation on the liberal ideal. To be sure, there are features in the liberal ideal that may encourage this interpretation: that government should consult, for example, and respond to complaints. But there is a great deal besides, much of which is not at all easy to ensure by popular election: the responsibility of governments to obey law, both their own and God’s; the responsibility to temper justice with mercy; the responsibility to protect individuals and minorities against majority dominance. To accommodate these broader liberal concerns, some contractarian theorists drew a sharp line between the actual and the ideal popular will; but precisely this distinction makes popular election less attractive, since it is actual popular will, with all its injustices, that finds expression through election.

The claims made for democracy by this second narrative, then, are metaphysically more modest, but still very uncompromising. The claim that electoral democracy is the key to just government has the disconcerting flavor of social engineering that characterizes every attempt to ensure morality by managing systems. That certain constitutional ar-

13. Maritain, Christianity and Democracy, p. 17.
14. With Rousseau the contractarian tradition takes a new turn, in which the multitude never alienates its sovereignty; actual rulers are only officials, appointed by the sovereign people. This removes the need for a concept of representation of the many by the one; but representation as such remains central to the contractarian theory of political authority. The sovereign, i.e., “the state, the nation,” is a “legal person,” an “artificial and collective body.” Each member of the community understands its will to be his own will, his will to live under the protection of an ordered community. He commits himself to the principle that whoever refuses to obey the general will shall be “forced to be free” (The Social Contract 2.4, 1.6, 7, trans. M. Cranston [Harmondsworth: Penguin, 1968], pp. 74, 61, 64).

rangements may tend to encourage the development of certain virtues we may easily believe. That there is one constitutional arrangement that will tend to encourage more virtues than any others we may believe with some effort. But that this arrangement consistently and predictably ensures the virtues of justice in whatever government, is a very large claim indeed to swallow, and democratic electorate, habitually on guard against their governments, show little sign of swallowing it.

However that may be, and with whatever modesty or lack of it, these two narratives of democracy have held sway within Western civilization, except where Marxism prevailed, until the late twentieth century, and the evolution of democratic forms was understood as a kind of moral progress. They have provided grounds for the Western democratic powers to commend democracy as the answer to every question, and generally to disapprove of non-democratic regimes. In the late- and post-Marxist period, however, liberal democracy has begun to fall under new suspicion in its traditional heartlands — one symptom of that flurry of intellectual restlessness and suspicion variously called “post-liberal,” “postmodern,” or “modernity-critical.” Late-liberal suspicion of large totalitarian narratives has turned back on itself, to question the potentially totalitarian claim of democracy, too. One object of suspicion is the extension of the democratic apologetic to include a central role for market-economics. Another is the expansionist demand to impose democratic forms on all political societies. War, famine, bad communication, and under-education can all undermine democracy, and these are common enough conditions. Do not the shirt-tails of historical master-narrative hang out in the assumption that these can somehow be managed out of existence? Finally, there are doubts about the idea of legitimacy itself and its claim to maintain substantive justice. Do democratic governments win their legitimacy only at the cost of deferring or evading the most unpopular tasks of justice, not least those presented by the environmental crisis?

(c) A third type of narrative has seemed to be required, more modest still, the outline of which has begun to appear. Renouncing the claim of democracy to foster liberal government directly, we find its value solely in the good order it brings to the representational forms themselves. Rather than underpinning justice, democracy is a task of justice on the narrow front of political representation. By providing a just settlement to thorny conflicts of representation, democracy adds a further layer to liberal government. To take an illustration from the idyllic past: suppose that for generations the Duke’s eldest son has sat for the county in Parliament, and everyone has been happy; the Duke has maintained his family’s position, the county has enjoyed noble patronage. But now the tradition is challenged, feelings are running high, and the outside world, with no first-hand knowledge of the Duke and his ways, has to decide whether this relation is oppressive or constructive. So let the Duke’s son stand at the hustings, it says; then, if the county wants him, it can have him. Election serves as a court of final instance, a point of constitutional anchorage. While it does nothing to ensure the just conduct of elected power-holders, it ensures at least the justice of their means of acquiring power, and that is not nothing. On this basis, it would seem, we are free to promote democracy where it has not hitherto prevailed, or, where it has prevailed to a degree, to “remedy the democratic deficit.”

But this brings us back to the doubts we raised at the beginning. Democratic forms regulate representation, but cannot produce it. Behind the legalities of the electoral mechanism there must be the social event of representation, the cohering of a more complex network of relations — institutions, sectors, traditions, and loyalties — to forge an identification between a people and its government. Election can only be the lynchpin holding the wheel of tradition in place. So we must ask not only about the procedural justice of regulative electoral rules, but about their attributive justice — whether they express the identity and concerns of the people and their enduring loyalties; whether, in other words, they successfully represent. Representative relations have to work at the level of the imagination. Do electoral mechanisms assist them, or may they even impede them?

A characteristically unpopular and yet universally necessary institution of electoral democracy is the political party. Democratic suffrage has given birth to this typically “aristocratic” formation, the function of which is precisely to counterbalance the expression of the popular will by creating strong political elites. They are supposed to assist rep-

16. This distinction is sometimes made by contrasting the adjectives “representative” and “representational.”

17. The struggle over the necessity of parties was decisive for the failure of Savonarola’s democracy. See G. C. Garfagnini, ed., Savonarola e la Politica (Firenze: Sismel, 1997).
representation by functioning as a permeable membrane through which the alarms and concerns that might rend the body politic are assimilated into the system of government and made susceptible to judgment. Parties are organs of representation in their own right, even apart from elections; they facilitate consultation between government and people. Their control of elections, sometimes brutal, sometimes delicate and unobtrusive, is an indication that the electoral form on its own cannot be relied upon to deliver representation, but can only be serviceable when put at the disposal of substantially representative institutions. Yet substantial representation is not guaranteed by the parties either. It is achieved only as the real issues that trouble society come to government notice through effective structures of consultation. Of parties, as of other institutions, we can ask how effective they are at representing, how successfully they express the concerns and loyalties of the people at large. The membrane can become sclerotic. Like other aristocracies, parties may lose their representative status, and become absorbed with the narrow concerns of the elites themselves.

When a government that is "democratic" by every constitutional canon ceases, by dereliction of duty, to be recognized by its people, or when a people undergoes a revolutionary change of sentiment that sets it at odds with its government, there is a crisis of representation. We were told that when Mr. Henry Kissinger was detailed by the U.S. cabinet in 1974 to persuade President Nixon to resign, he urged upon him the problem of "legitimacy," by which he certainly did not mean to cast doubt on the President's electoral legitimation, but on his ability, in his disgrace, to prevent his representative status from evaporating. A different case, and in some ways more fascinating, is that of the regime that has yet to achieve representative status. The European Union has difficulty in winning popular recognition for its infant institutions; they are too remote both geographically and in terms of population-numbers; the task of representing so many peoples is too diverse; the tradition of common cooperation is too recent and lacking in history, to secure any measure of imaginative identification; so the citizens of its member-states do not think of its actions as their own actions. To this problem of "disconnection," as they call it, European leaders propose an answer: to "remedy the democratic deficit." "More" democracy (measured out by the 15cm medicine-spoon!) will solve the problem of insufficient representation. And that while citizens of member-states stay at home in their hundreds of millions every time a European election is held!

Electoral forms cannot remedy a deficit of substantial representation, but they can repress and erode traditional representative relations. To return to our illustration, suppose that the Duke's son braves opposition at the polls and is handsomely elected. Has everything in the county returned to the status quo? Far from it. The whole balance of relations between the Duke and the county has changed, for now his son serves as the electors' current choice, not the ducal family's traditional service to its community. The regulation of the old informal pattern has left it eviscerated. This illustration from the idyllic past carries a warning for the less idyllic present: the policy of building up direct elections for European institutions runs the risk of sapping authority from national governments while still failing to invest European institutions with sufficient authority to replace them, so creating a dangerous vacuum of political authority. The greatest strength of the European Community in its early phases was to confer a dignity on its member-states, especially the smaller ones that could cut a figure in the world for the first time, and so strengthen responsible authority within them. The wise founders of European statesmanship began by building onto strong existing buildings; their foolish successors think they can scavenge stones from them to throw up weaker ones.

At a politically less weighty level we may consider the perennial desire to improve democracy by refining electoral processes. The enterprise of what is called "proportional" representation has this to be said for it: it recognizes the problem that electoral forms as such may fail to secure representation. But it underestimates the problem in hoping to solve it formally by fine-tuning the voting-system to get a precise proportional match of votes cast for parties and the assignment of parliamentary seats. As though our liberties depended on having parties adequately represented! To get the right number of Liberal Democrats in the House of Commons is an idle pastime, but to get the right number of British Asians is a most important matter, and no amount of finessing the electoral rules will help us achieve it. All formal electoral rules have the potential to betray our trust. One-man-one-vote produced minority exclusion in the old Northern Ireland, while proportionalism in Israel has constantly given bellicose minorities the power
to frustrate the popular will for peace. “So pregnant with weight,” as de Tocqueville exclaimed, “are hollow forms!”

Electoral forms, then, not only fail to guarantee a just, or liberal, government; they are no guarantee of material representation either. The defense of Western democracy must, it seems, be even more modest than the most modest defense current among apologists. Perhaps it may take some form such as this: Modes of representation cannot be chosen in a vacuum; they are dependent upon the conditions of society and on the forms of spontaneous representation that arise unbidden. In a society that has lost most of its traditional representative forms to the unstable and shifting relations built on individualism and technology, but which can count on economic wealth, good communications, and general literacy, there is no serious alternative to the ballot box. Attempts to revive lost forms of loyalty are liable to be Ersatz and morally hollow; we had better secure ourselves against the temptations they present by setting a high procedural threshold for movements of spontaneous popular identity, and this electoral democracy provides. The case for democracy is that it is specifically appropriate to Western society at this juncture. It is a moment in the Western tradition; it has its own ecological niche. This allows us no universal claims of the “best regime” kind, nor does it permit the imperialist view that the history of democracy is the history of progress. Yet within its own terms it allows us to be positive about democracy’s strengths. The best regime is precisely that regime that plays to the virtues and skills of those who are governed by it; and this one serves us well in demanding and developing certain virtues of bureaucratic and public discourse that the Western tradition has instilled. It is our tradition; we are bred in it; we can, if we are sensible about it, make it work.

We should, however, be suspicious of demands for continual improvements to our democratic credentials, multiplying occasions of electoral legitimation and sweeping away whatever vestiges of informal representation may still operate. A defense of democracy should be content to persuade those who live in the West that they are sufficiently well represented to allow them to attend to the substantial tasks of just government. One of the most important of those substantial tasks is consultation. Much advocacy of democracy confines two quite different things: electing governments and consulting about policy. Election is an aggregative exercise, roping different points of view together to form a majority. Consultation is a discriminative exercise, which entails weighing up different points of view. For representative action to have moral depth, the representative needs a comprehensive sense of what the people at its best, i.e., at its most reflective and considerate, is concerned about. The “on behalf of” and “in the name of,” which are proper to representation, must not displace the “with” and the “for.” The representative does and says on the people’s behalf what it cannot do and say by itself; yet what the representative does and says must be recognizable as what the community does and says. The people must be able to acknowledge as their own the common good that their representatives summon them to defend.

As the electoral system expands, organs of consultation ossify and fall away. The more the political classes are set to the task of fighting elections, the less they will be free to attend to what they hear. The roar of the heavy machinery of legitimation drowns out the very possibility of listening to voices that reason, plead, celebrate, or lament in public. The price of legitimist purity is a high one, paid in practical and moral impotence. Some democracies resemble nothing so much as the giant panda, needing to eat so constantly that there is no distinction between recruiting energy and expending it. So the state becomes cut off from the realm of public communications, and, by ignoring it, denies its own proper responsibility to it. “Democracy” can be alleged as a justification of this divorce, consciously wrapping all consultation up into a single movement of popular legitimation. Common deliberation on the common good is banished from the political realm, and replaced with rules-of-procedure. It was the sight of this bleak nemesis that led that great Christian advocate of democracy, John Paul II, to

18. The Ancien Régime 2.3, trans. J. Bonner (London: Dent, 1988), p. 41. For good measure, let us recall a witicism that circulated in Britain during December 2000. Why, it was asked, did a famously liberal newspaper time its latest campaign against the British monarchy to coincide with a U.S. Presidential election? Answer: a palace mole. At what point, then, should we expect it to begin its next campaign for proportional representation? Answer: to coincide with the Israeli general election.

19. The question of whether electronic communications assist democracy turns, in the end, upon whether they help the politicians reflect discriminately on what is said to them, or merely encourage them to count the messages they receive on one side or the other like votes. For further reflections upon this question, see Gordon Graham, The Internet: A Philosophical Enquiry (London: Routledge, 1999), pp. 62-83.
principles, but simply ways of holding principles, political or otherwise. As a political principle, on the other hand, "conservatism" means making the continuity of tradition foundational to the political task. The identity of a people becomes the ultimate justification for the political structures that express it. As a contemporary advocate puts it, "One belongs to a continuing and pre-existing social order, and ... this fact is all-important in determining what one ought to do." The "will to live which constitutes conservatism" is a matter of the "intricate entanglement of individual and society"; the vitality of the one and the vitality of the other reinforce each other, and of this the state is the expression and not the means. It is itself an "end," as social life is an end. Self-identity is one and the same with allegiance.22

But to what do we owe this allegiance? Not to the universal society of the kingdom of God, of which conservative theory disdains all knowledge — but to one particular society among others. Conservatism characteristically repudiates universals. Its strongest point in criticism of Western liberalism is precisely that, without a true kingdom of heaven, the pretended universals are suppositious and abstract.23 The justification for any society's structures is simply what they are, not that they share something with other societies, nor that they approximate to any kind of ideal.

There is another "intricate entanglement" to consider besides that of individual and society, which is that of social and political institutions. As the individual finds him- or herself in existing institutions and practices, the state comes to birth. The unity of state and civil society is organic; from which it follows that there are no limits on the interpenetration of government and society. The term "state," indeed, comes in conservative theory to sum up precisely that interpenetration.

This book was remarkable for its thorough conservative critique of that economic neoliberalism which was at that very moment coming to power in Britain under the label "conservative."

23. This renunciation of universal perspectives was famously articulated by Michael Oakeshott’s contention that politics was susceptible only of practical rationality, not of deep theory. Those who have advanced the claims of a conservative "doctrine" are content to view that doctrine as something of a second-order construct; the conservative theorist, in Scruton’s memorable analogy (p. 135), "resembles the functionalist anthropologist."

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tion: it is government institutions conceived as an expression of social identity. “Wherever states exist or have existed, their sphere of operations has embraced the whole life and aspiration of a nation with all its material and moral purposes,” wrote F. J. Stahl in 1858.24 “Military might and rank, public welfare, public education, public honors, the moral structure of the family, the education of the next generation in morality and learning: among civilized peoples all these have lain permanently within the sphere of the state.”

But in what, we ask, does the justice of such a state consist? Here we may usefully refer back to Hegel, the inspiration of most subsequent conservative theory, and to his modification of Montesquieu’s famous triad of “powers” of government. The legislature enunciates the justice of the state in universal (i.e., generic) laws; the executive acts to subsume particular decisions under the laws; but the judiciary is replaced in Hegel’s scheme by the monarch (constitutional, not absolute), who embodies the personality of the state. The executive holds the whip-hand, generating the substance of the state’s activities; neither monarch nor legislature needs any measure of independence from it.25 Its obligation to act justly derives from the principle that all decisions must be subsumed under universal laws. But as the earliest and best critic of Kant, Hegel knows that law cannot embody right merely by being universalized, but needs a determinate social content.26 Where is this to come from, if not from the practical activities of the executive? So we run into a disquieting circularity: justice in executive decisions consists in conformity to law, but justice in law consists in accommodation to the exigencies of executive decisions.

Our disquiet is increased by Hegel’s observations on how the executive is to be prevented from abusing its position to serve bourgeois class-interests: it is restrained by “the sovereign working at the middle class at the top, and corporation-rights working on it at the bott-

tom.”27 That is to say: government has to satisfy the demand for a coherent and unified state-policy and the various claims made by associations of common interest among the trading and manufacturing classes. In determining the practical decisions of the state, the executive is informed by contact with these special interest groups, each representing an abstract right of property. But justice so conceived is no more than “adjustment,” the negotiation of competing property-claims in a moderate compromise. Here we see the point of Hegel’s remark that legislative business is comprised under the two heads of provision for well-being and the exaction of services, i.e., benefits and taxation. We need not elaborate on the difficulties which this creates for claims that are not economic interests: the right to life of unborn and handicapped children, for example, the right of threatened linguistic or cultural heritages, or the protection of environmental values against industrial development.

In conservatism we encounter the most self-aware and supple of the modern doctrinal options, the only option of purely modern provenance, indeed, and wholly imbued with modern skepticism. It is telling critical of the ideological rigidities of liberalism, yet offers the strongest imaginable defense of liberal democracy. Its Protean capacity for mutation allows it constant revivals of influence, most recently under the guise of “communitarianism.” Though the lyre it plays is a state-of-the-art electronic instrument, its appeal rests on its ability to sound in an antique mode. Founding itself on a certain self-complacency as the generating principle of society, it gives a modern look to the antique centrality of honor. Representation must take different forms, for there are different honors to be prized, different social selves to be the object of self-satisfaction. What gives them their common cause is simply the need to disabuse themselves of liberal dogma with its de-traditionalizing bent.

But here we must glance sideways at another manifestation of “identity-politics,” nationalism. Nationalism is a posture of demand or recrimination: demand for a political order based on national identity, or recrimination for threats made against an existing one. Its mood is very different from conservatism, the revolutionary or protectionist note sounding discordantly against the harmonious conservative reso-

24. Der christliche Staat (Berlin: Oehmigke, 1858), p. 3.
25. Philosophy of Right, trans. T. M. Knox (Oxford: Oxford University Press, 1932), §301, pp. 195-97. Hegel argues that if the aim of government were simply to get the best laws in the most efficient way, there would be nothing to prevent the executive from assuming the legislators’ work, for by virtue of its own activity it acquires most of the necessary knowledge. The distinct importance of Parliament is to ensure the consent of the various classes of society; like the monarch, it exists to legitimate.
26. Philosophy of Right §335, pp. 89-90.
nance with tradition. And to single out national identity as a uniquely important cause repudiates the conservative faith that the totality of existing practices creates national identity. Yet for all these differences there is a deep affinity between nationalism and conservativism, which should not be missed. Both adhere to the vision of the state as expression. Conservatism is necessarily nationalist in a weak sense, in that it regards all social institutions as contributing to an organic whole which finds expression in the state. The strong nationalist is, one could say, a conservative who has lost his faith, for whom the sense of identity is no longer given immediately and on the surface of things, but must be recovered from the depths in which it has been buried. So nationalism stands to conservatism as a warning of dissolution, a constant reminder that a political vessel launched on the calm waters of self-satisfaction may founder in the neurotic waves of insecurity.

For Christian believers conservatism brings to light in the clearest possible way the problematic character of all political representation: in the representative the self becomes its own end. The peril of representation is idolatry, the projection of the collective self and the exaltation of man’s honor over God’s. When the identity of a society is held to be sufficient justification in itself for all the abridgments of social freedom that government requires, it has become an idol. In the political self-consciousness of Israel there was a polemic against national representation in the insistence that YHWH alone could represent his people. This conflict echoes through subsequent confrontations of kings and prophets. Even that most royalist of prophets, Isaiah of Jerusalem, argues the same point relentlessly: if the identity of Judah is to be protected by YHWH, it must be stripped of all its self-complacency. YHWH will “shave with a razor,” as the prophet’s violent metaphor puts it, “the head, the pubic hair, and the beard, too” (Isa. 7:20).

To ask about the justice with which any particular representative arrangement comes to obtain, is to ask about a universal justice. But that is to ask about the kingdom of God, and about the obedience to his rule on the part of a multitude of peoples and tribes and nations, not by one tribe on its own. To each particular identity, then, is put the question: how can the defense of this common good, focussed around this common identity at this time and in this way, be brought to serve that common good which belongs to the all-embracing identity, individual and collective, of God’s kingdom? That question conservatism refuses to answer. But the liberal proceduralist answer, given in terms of electoral legitimacy, was too weak — a deist answer to a Christian question. It did justice neither to the particular nor to the universal: the abstract voluntarism of its idea of representative choice failed to acknowledge the binding force of historical and local particularities, while the abstract legalism of its idea of justice failed to recognize the kingdom of God in the Incarnation. God’s kingdom is not first of all universal law, but universal representation: the disclosure of godhead and manhood at the river Jordan, which affords a universal identity in baptism. The representation decisive for God’s kingdom is not that of any single nation by its ruler, but the representation of all mankind by the man anointed with the Holy Spirit. Savonarola was right to think that it was the social self-realization of the church that put the question of political constitution at the top of the agenda.