

MODERN AGE

A QUARTERLY REVIEW



Majority Rule Revisited

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IN RECENT YEARS majority rule and the problems associated with both its realization and operation have been explored in great detail.¹ Concomitant with this a majoritarian *ethic* has evolved, an ethic which holds that the essential element of democratic (=just and good) government is the extent to which the majorities are able to rule (save, of course, in such areas as "civil" or "minority" "rights").² One has only to read our textbooks in the American field to see this. The majority rule standard is one by which we measure the democratic character of our institutions, be they formal, such as the Supreme Court, the Congress, the Electoral College, or informal, such as our political party structures and operations. Equally impressive evidence to this effect are the decisions of the Warren Court which followed *Baker v. Carr*.³ "One man, one vote" is a direct derivative of the majoritarian ethic which provides proponents for "reform" of our institutions with a very powerful argument, if only because it throws the opponents of this principle on

the defensive. Who would, given our present morality and faith, cherish the task of defending a contrary proposition? Besides which, the "one man, one vote" formula enjoys inherent advantages: it is simple, relatively easy to apply, and does conform with the prevailing ethic which proclaims that all men are created equal.

What is remarkable about this is that no political theorist of the first order has ever advanced the majoritarian ethic, as, say, embodied in the formula "one man, one vote." To put the matter in some perspective, we certainly do not find democracy and the principle of majority rule exalted in our classical literature.⁴ At best, this literature tells us such a decision-making system would survive only under the most propitious circumstances, or when certain barriers or mechanisms are introduced to check or thwart majorities, at least in critical areas of decision-making. What is more, traditional theory on the whole treats the introduction of democracy and majority rule as a prelude to disaster for the political system and society.

I

THE DEVELOPMENT is the more intriguing because there are a host of ethical and prudential considerations which pertain to the majority rule models that have not been fully explored. Our purpose here is to examine some of these considerations in detail. We can most conveniently proceed as follows: there is, indeed, a justification for majority rule—a justification which in our judgment is best and most fully seen when we deal with *model* situations, *i.e.*, not real situations but abstract ones where-in we are forced to face head-on the choices and the ethics involved without extraneous variables clouding our perception. Put otherwise, in such model situations we can discern more clearly and in greater depth the moral and ethical foundations of the majority principle. And such foundations, as we will attempt to show, are as appealing, if not more so, to the generally accepted ethical standards of the Western world than those which buttress non-democratic decision-making theories or models. However, and this to our way of thinking is a crucial problem, when we move from the model situation to, say, the “real” world (as it is fashionably called), we are compelled to ask whether the justifications for the majority principle are still applicable; that is, whether the application of majority rule can still be defended on precisely the same grounds derived from the model situation or whether (and this has yet to occur) a new justification must be offered, or new ethical principles brought forth. And we must go beyond this to ask a question that will seem relevant in light of our subsequent analysis: Does the application of the majority rule principle in non-model situations actually run counter to or even violate the ethical and moral principles which undergird majority rule in the abstract?

Let us take up this matter one point at a time.

1. What is meant by the model situation? As we have said, it is a condition or situation postulated so as to remove extraneous variables. To construct such a situation is a very difficult undertaking and no one to our knowledge has probed into the matter very systematically and in such great detail so that all conceivable variables are removed. We know various devices have been used with the end in mind of asking what principle of decision-making is most ethical without regard to the social structure, economic structure, background or intelligence of the participants, and even the historical context of any given nation. To do this one must postulate a setting in which the question of *who* should decide *what* should be done is highlighted. Such postulations run a wide gamut, from stalled elevators to stockades under Indian attack, from ships at sea in distress to “paradise islands” of one form or another. One illustration should suffice to indicate the nature of such constructions and why they are so difficult to build. We offer it because it is extremely important for our subsequent discussion of the majority principle.

Imagine five men on a raft, equipped with sail, in the middle of the Atlantic Ocean. They are the sole survivors of a shipwreck. They have enough food and water aboard for five days of survival. After collecting themselves, both mentally and physically, the question arises in what direction ought they to sail in order to maximize their chances of rescue. What emerges from their discussion is the following:

(a) They cannot stay where they are because the ship on which they were traveling was traversing a seldom-used route and the chances of another ship happening by are very remote.

(b) Chances of being rescued by going east or west are even worse than staying in place.

(c) In order to survive they must go either north or south.

The issue soon becomes whether they should go north or south, for they can do either given the prevailing wind conditions.

How should (=ought) the decision be made? Should, to get to our problem, the majority rule in this context? As a matter of ethics and plain common sense it would seem to depend on a number of considerations. We shall deal with some of them.

(A) What if one among the survivors is extremely knowledgeable about the trade routes across the Atlantic? We can imagine that the other four will listen to his words and that he ought to be able to convince them concerning the proper course of action. This, of course, is a gratuitous assumption, provided by proponents of the "open" society, and one which frequently creeps into our discussion about such matters without so much as a "by your leave." In any event, we must say as detached observers that his opinion should prevail, which would of course lead us away from the majority principle. So it is best for our purposes to assume that all five survivors are equally knowledgeable about trade routes and other relevant information which bears upon the matter of survival. Better yet, we should assume that all of them are possessed of the fullest information conceivable.

(B) Even assuming the fullest possible information and, let us add, equal intelligence, we still must ask whether each vote should count equally? It may be that one of the men is 75 and in very poor health, whereas another is 21, quite vigorous, for whom the correct decision obviously has enormous consequences. Should not the vote of the 21-year-old count more?

And we must face the consequences if we say "yes" to this proposition. The vote of a 12-year-old should perhaps count more than that of a 21-year-old.⁵ Indeed, and we can't go into this matter here, the logic of our thinking about these matters would dictate that anyone who understands how to vote *should* vote and be accorded that privilege. In any event, such considerations certainly do lead us away from the majority rule principle. Similarly, we can also imagine the possibility that one or more of the men might be committed to make the "wrong" decision, that is to vote for a movement in a direction that seems least likely to effect rescue. In our model, this poses no problems because the proper direction (*i.e.*, the one that increases the probability of rescue) might as well be determined by a flip of a coin. However, we can easily see that when we turn to the real world this does constitute a problem of immense proportions for supporters of the majority rule doctrine.

We can remove all of these difficulties by again postulating that all five are of the same age, that their goal is to maximize the possibilities of rescue, and that, moreover, each possesses the same potential and bears the same responsibilities in the more general society.

(C) We are still left with other difficulties.⁶ One or more of the survivors might well resort to a form of bribery to win votes. He may, for example, have in his possession some extra food which he has managed to secure. He may use this food as a bribe; or, he may hold out the promise of future rewards of one kind or another. In such a case, we see at once that the majority rule ethic as it has been set forth in our literature is prostituted. Perhaps our ethic ought to be that only those who can resist such temptations ought to be able to cast votes in the particular situation. Beyond this, again to return for a moment to

the real world, we see that this is an important problem because we have been told by our highest authorities that all of politics is essentially "bribery" of sorts. And this certainly has ramifications for the majority rule principle, at least in its purest form.⁷

We can, of course, because we are dealing with a model situation, dispense with these difficulties. Indeed, we can go on and on dealing with these and similar problems simply through this dispensation process. Is one individual among the survivors a gifted orator who can use his forensic endowments to deceive the others? Well, again, we can stipulate *no*—we can stipulate that all have the same abilities in this respect. But having noted these difficulties, or at least a few of those that would arise before one would endorse the majority principle as an ethical or prudent decision-making rule, let us proceed to the essence of such model-building enterprises.

2. We must first note that we have been free in our dispensations in an effort, as we have said, to reach a condition wherein the basic ethical and moral arguments for majority rule are put in their best light. However, we should be quick to note, such dispensations cannot be granted in a real world context. We shall return to this matter shortly for it does have an important bearing on the application of the majority rule principle. Nor have we granted all the dispensations necessary to do away with all conceivable difficulties. But we can say that all dispensations have one end in mind, which we can put as follows: The impact and consequences of the decision, whether good or ill, should affect all of the participants equally. Put otherwise: *All should suffer equally or benefit equally from the decision.* And when this condition is postulated we find the strongest defense, morally and ethically, for the majority principle.

To put this another way and bring to bear one of the oldest arguments for democratic government, we can surmise that the people can best tell when the shoe pinches, where, and how much. There is, of course, a good deal of merit in this position. But we know that the shoe does not always pinch all of the people with the same degree of intensity in the same place or at the same time. When, that is, we leave the conditions stipulated in the model, we soon come to the realization that any policy decision or, for that matter, any lack of policy, program, or law in areas where it is sought, affects individuals and groups differently and unequally. We may call this the law of *differential impact*, a law which has a bearing upon the imposition or implementation of majority rule. The fact is that politics in the modern nation state system in so many ways resembles what in legal terms is considered an equity proceeding. And this inevitably means that we must take into consideration a complex of factors, not the least of which is whose shoes ought to be fixed so that they don't pinch any more. For instance, there are few individuals or groups within a viable society, whose shoes do not pinch and we are faced with the immediate question of priorities—whose shoes pinch the most and what the costs will be to alleviate the pain. And a host of relevant considerations, quite apart from the majority principle, enter into our deliberations. How large is the group affected or involved? How intense is the pinching pain when compared with other groups seeking relief or action of some sort? Can we devise a feasible program to alleviate their problems? What will the costs be for other segments of the community? And we ask such questions in a context that so much as tells us that if we fix one batch of shoes, we increase the pinch in another batch so that we are always dealing at the level of marginality. That certainly seems to be the

way the world is constructed which, of course, is not one in which the majority rule principle seems appropriate by any ethical standards known to the Western world. We repeat, it is only when we have model conditions such as these set forth above, wherein there is no differential impact, that we can justify majority rule without violating more sacred principles associated with our traditional conceptions of justice. There is no avoiding these problems and the theory of majority rule gives us no tools with which to deal with them.⁸

The point here is an important one, the more so as majoritarians in the social sciences have taken on a distinctly behavioral orientation, placing emphasis upon analysis of quantitative data without, it seems, a sufficient concern for the very considerations which we have mentioned. We talk of the internal inconsistency of the average citizen; he will subscribe to the maxims or principles of majority rule but he seems reluctant to practice them. For example, most individuals will say that each vote should count equally, that they do share the value of political equality as embodied in the formula "one man, one vote." But when faced with special circumstances, numerous studies have shown they will seemingly disavow their belief in political equality.⁹ Our point is that, rather than trying to explain away or deplore this discrepancy, one ought to hail it. It signifies that more basic ethical considerations, along the lines we have suggested, are accorded more weight than the majority rule principle. And we would suggest that the behavioralist, the next time he ventures forth from Ann Arbor, New York, or Chicago, should take into account the fact that respondents, when answering questions of this nature, are being placed in a very unrealistic, if not unfair, position. In the abstract (=our model situation), we venture to suggest that most would subscribe to the

equality principle and thus majority rule. But in a real situation, one which almost invariably introduces complexities that lead to significant deviations from model conditions, other considerations obviously play a more dominant role in the valuational processes. We shall return to this matter shortly.

3. We can forcefully emphasize the points we have brought forth by presenting the following possibility which is now within the realm of our technological capability: Suppose we construct a device (perhaps we could attach it to television sets) that would instantaneously register the will of the people on matters of public policy. Suppose, moreover, that the alternatives could be structured such that a majority was able to express its will through these electronic devices. We could then have direct majority rule or, more simply, plebiscitary democracy.

Those committed to the majority principle, we would submit, are obliged to support and advance such a system. If they do not, they are obliged to tell us why. (We leave here to one side the "technical" complications which could easily be handled by "experts.") But most of us would be inclined to say that we are committing collective suicide and for the very reasons we have pointed out. Yet, we do find in our midst those who support the majority rule system as we have pictured it. And we ask: Could it be that they cling to the notion that there will be a collective cancellation of the difficulties presented in our model situation; that, in other words, all will come out clean from the wash? This is a fair presumption for we seldom find any introspection on the part of those who are the strongest advocates of majority rule. For instance, the notion of differential impact is usually ignored on grounds, we would suspect, that either this should not be taken into account

or that the pluses and minuses will cancel out; that is, that the affected parties will divide in the same proportion as the majority. This observation is reinforced when we look at the majoritarians' criticisms of our existing institutions and procedures which are in many cases directed to the proposition that because we do not have majority rule certain groups are permanently deprived, whereas other groups (those with more representation than their numbers would seem to entitle them) are benefited. With such criticisms we find the implicit recognition of differential impact without, however, any suggested remedy other than the stricter adherence to the majority principle. The same would seem to hold true with the question of the relative intelligence of individuals; the assumption is that on any given issue the brightest among us will divide in roughly the same fashion as the dullest. These are, we submit, gratuitous assumptions on behalf of the majority ethic *in the sense we are speaking of it* at this point.

II

WE CAN approach the ethical and moral underpinnings of majority rule from still other angles which do eventually bring us back to the questions or problems that we have posed. First, we must admit the possibility that there are those who believe that the majority principle is the equivalent of justice or the good life. We must recognize that for them, at least, majority rule is an end in itself. It is not as most would put it an "instrumental" value but an end value. And just as those who believe free speech is our highest value and will admit of no exception to its practice, so too, we find the majoritarian with his ends which, incidentally, also include free speech. There is no conceivable way to reason with such individuals beyond pointing

out the extent of their commitment. From their point of view the matter is closed and there is nothing more to be said about it.

Second, our model situation tells us that there is abundant room for inquiry concerning the majoritarian ethic. We can simply ask what would we have to do in the real world to realize a condition in which that ethic would seem appropriate, given only *its* single end that all men ought to count equally in the political process. What do we do given the facts as set forth by virtually every social scientist from time immemorial, namely, we live in a hierarchical structure or society, and this by necessity; that, moreover, some individuals amongst us, whether due to their governmental or social position, will exercise more power and influence than others? Our problem here is not unlike that we confronted in our model situation, though this time around we are going to have to somehow strip away real, not imaginary variables. Surprisingly enough, given the empirical and behaviorist orientation of our profession, this job has not been done either.

We can illustrate this in the following terms: X is the son of a very prominent physician in Detroit. His father is an Anglo-Saxon Protestant named White. We can readily imagine Y, the son of a factory worker in Detroit named Black, and we can surmise that he is not as well off as Dr. White's son. That, at least, would be our expectation. Now these two boys are over the years going to develop preferences about what the society ought and ought not do. And we can readily envision that their preferences will be different, clashing, and even antagonistic. Who, we might ask, will most likely exercise more influence in the political process, even conceiving of it in model terms? We would probably answer: the more articulate, the more knowledgeable, the person with the greater

amount of wealth, that individual best trained to present his position to the leadership of our society, etc. And we know, way down deep in our hearts, that Dr. White's son has by far the better opportunity to make his will prevail. Indeed, one of the chief preoccupations of social engineers in our age is to emphasize this very fact—the differences among us are environmental, largely due to our early training and the opportunities presented to us by the "accident" of birth.

Three observations are in order. First, unless he assumes that all will "cancel" in the sense we have mentioned above, the majoritarian must be concerned with at least those conditions which produce such inequalities. And there is more than just family status involved. Consider only the question of whether all individuals have access to the media in order to present their position or to persuade other voters to adopt their policy preferences. As we have said, we think it is a gratuitous assumption that the "pluses" and "minuses" will cancel out; that is, more precisely, that those possessed of greater influence and power within the society will nullify each other because their preferences and feelings will be the same as the general population and consequently the resources at their disposal, whether through education, inheritance, erudition, etc., are of no concern. And, it seems equally clear to us, that lacking any such assumption the majoritarian is going to have to turn his attention to rather severe readjustments of the social order—any social order of which we are aware—in order to produce what we can term the prerequisites for majority rule.

This point is a simple one but it deserves our attention because it drives to the heart of so many theoretical questions which wrench our society. A majoritarian cannot, for the reasons we have set forth above, simply confine himself to the tech-

niques or methods of making decisions. That is, he cannot regard democracy solely as a method or means of decision-making. He must concern himself both with the existing structure of society (elements which produce political inequality) but also the content or the ends of decision-making which could conceivably produce a state of affairs in which political inequality might result. Beyond this, the majoritarian has shown great fastidiousness about adhering to the "one man, one vote" doctrine. He has done so in the face of overwhelming evidence that this, for a variety of reasons, might lead to conditions antithetical to the majoritarian ethic. The direct primary system, for example, hailed as a "democratic" innovation along majoritarian lines, probably has resulted in a further concentration of political power in the hands of the more affluent few within society. Similarly, by failing to take into account social realities, the majoritarian ethic which has led to the reappointment of our state legislatures (under edicts of judiciary, no less) may well have served to advantage those who were already advantaged within our society. Thus, oddly enough, the outward realization of the majority principle may well serve to entrench the control of already existing minorities.

Our second observation is this: Is it possible to reduce man to the state or condition wherein the majoritarian model would be realized? This question, we think, can be answered without any equivocation, "no." Suppose, however, that we were to try. Again, nobody to my knowledge has fully explored this question. Madison, aside from saying that this would be impossible (a position which human experience would seem to verify), also tells us that the attempt to reduce a society to such a condition would involve the sacrifice of more highly held values, namely, liberty and individuality. And one must certainly see

that efforts to produce the uniformity necessary for the majoritarian system would involve us with totalitarianism in its purest form. More, it would involve the imposition of a rule which runs counter to human nature. Of course, for one who holds that majority rule is the highest of all values such sacrifices may well seem a small price. But he should at least be aware of the fact, which many are not, that sacrifices of a high order will have to be made and that, in fact, even this might not produce the ideal conditions for political equality and majority control.

A third, and closely related but highly important observation is that, off at the end, majoritarianism, theoretically speaking, chokes on itself simply because it is predicated on political equality which can only come about through the readjustment of society along the lines we have suggested. But please note that such readjustments involve policies, practices, and beliefs of the most fundamental concern to human beings. Granted a commitment to political equality with the end in mind of securing true majority rule, and granted, also, that all the adjustments necessary for this end have been made, we ask: What is left for the majority to decide? What range of decision-making discretion can be entrusted to a majority without fear that the majority will adopt a policy which leads to political inequality and thereby destroys the majority rule system? Put otherwise, has not the commitment to majority rule really been a commitment to a system wherein there is nothing left for the majority to decide? Once, that is, you have decided upon social policies (whether the family structure should exist or not and, if so, under what regulations and circumstances; what provisions should be made for the education and training of the young, etc.), economic policy (e.g., what is an acceptable range of income distribu-

tion, if any; how are businesses to be controlled and run in such a fashion that executives do not wield power beyond that allowed by the majoritarian model, etc.), or distinctly political concerns (what individuals or groups are to receive the dispensations of government; how are we to insure that governmental officials do not exercise a preponderant amount of power in our political determinations, etc.), there is little to talk about in the political arena.

III

THE FOLLOWING observations would seem to be in order:

1. Man is a social being, molded and conditioned by his surroundings. Some are more introspective than others, and each in his own way brings particular insight and talents to bear to the social condition into which he was born. The contributions individuals make are of a different order (not equal); their contributions may be for good or ill (not as the relativist would have it of indeterminate value). That is our traditional teaching. The majoritarian ethic would have us believe otherwise. That ethic tells us that all men are equal in their capacity to make not only prudential but moral decisions. But we have learned enough from our behaviorist friends in the last three decades to see that this is not so. We know very well that existence within society conduces to choice or preference wherein there is no resort to the innate capacities of reason; that, moreover, we are social beings who must somehow, each and every one of us, suffer from this same limitation. The model conditions of which we have spoken earlier cannot be achieved no matter how hard we try. We cannot for this reason "unchain" ourselves. Perhaps for that reason to make an attempt to do so would violate any ethic known to civilized man.

So much for the majoritarian ethic: It is as Kendall tells us based on a proposition that we were at one time free and equal individuals, living by ourselves, who entered into a contractual arrangement designed to secure our individual sovereignty. But these are obviously false premises. One might as well believe in Peter Pan. Yet, we remind you, they are the only "traditional" premises upon which the majority doctrine rests. And we further remind you that these premises seem to have been tacitly accepted by not only our highest court but certain of our leading political scientists whose chief preoccupation is to "improve" our form of government. The falsity of premises is of little concern. It is the results that flow from them with which we should be concerned.

2. The majoritarian ethic does make sense when model conditions such as those postulated above are *closely* approximated. Short of this it makes no sense at all for a rational and ethical people. And from this we can make certain observations which are important in considering just how far and under what circumstances we can safely employ the majority principle.

First, the fact that society is pluralistic means that decisions will always have a high differential impact. We are, of course, always dealing with *degrees* of differential impact. On any scale which attempts to measure differential impact, for instance, the American society certainly would rank very high: that is, specifically, any decision at the national, state, and local levels will be marked by a very high degree of differential impact.

Second, it follows from this that we will never be able in any given decision-making circumstance to approach the model conditions such as those set forth above which, of course, would tend to eliminate certain serious ethical problems associated with the

majority principle. Put otherwise, if all decisions affected all equally, then the majority rule formula, in our view at least, would be preferable to any other decision-making principle. We would, of course, be back on our raft. But this is not the case, nor can it be the case no matter how hard we try. And with this in mind we are obliged to ask: how can we allow for majority rule, at least a significant degree of it, without having to suffer the consequences which might flow from it? To phrase this in terms of what we have said to this point: How can we take the world as it is, the diversity which we find within it, and still employ the majority principle in a manner which is not ethically obnoxious?

We can offer here two thoughts on this which are worthy of some consideration:

(a) We should minimize as far as possible the substantive result of elections which are general in nature. We know that there are stakes involved in any election where there is political competition. Out point is that the more general the election (*i.e.*, the greater the number of voters), the less desirable it is that such elections settle substantive issues of public policy. The reasons for this are clear from our comments above, and we suspect that this is one reason why most individuals are "cool" to the notion of allowing the American people to sit down by their television sets every evening (or once a month for that matter) and push buttons to record their will.

In large measure, it seems to us, the relative success of the American system is due to the fact that our national presidential elections do, for whatever reason, conform with the rule we have just set down. The differences between major candidates have usually been very narrow, and, other than proclaiming one candidate victor over another, no matter how hard our political columnists might try to squeeze a "man-

date" out of our presidential elections this they cannot do. This is a small price to pay in order to avoid the dangers inherent in a plebiscitary system.

(b) We should try to "localize" substantive issue settlement. By this we do not necessarily mean localization on the basis of geography, though this can in some circumstances serve to allow for the implementation of majority rule without the ethical difficulties to which we have referred. What we mean by localization is confinement of the majority principle as a rule of decision-making to involved parties, whether they be geographical or functional. (Perhaps "decentralization" is a better word.) To recur to our raft model: we should seek, insofar as possible, to insure that those who participate equally will be affected equally by the decision made. Each of the participants, in other words, should, theoretically speaking, stand to benefit or suffer in equal proportions from the decision to be made. Only those within these confines should, in our view, have an equal voice.

We are quite aware that such a restriction to the application of majority rule poses many problems. But this, of course, involves in the essence of politics itself. Perhaps the best we can do in general elections is to elect those who seem to hold out the best hope for making such approximations as we would ourselves.

Beyond this, we live in a welfare state where the issues transcend settling disputes between involved parties. Because, it seems, we have come to believe in an active government, one that will act as guardians for and promoter of various conceptions of social "justice" which hold currency in our contemporary world, the difficulty of confining disputes to the involved parties is extremely complicated. Certainly any such notion as we have advanced will not be well received. There are, in short, groups which

are making demands upon government which involve collective sacrifices wherein the problem of determining the affected parties becomes extremely difficult, the more so as the demands by their nature involve the contention that the whole of society owes something to a minority portion of it. We can content ourselves with noting that such claims have nothing essentially to do with the majoritarian ethic, nor would the implementation of majority rule necessarily lead to the realization of the ends sought by such minorities. The claims on the part of such groups, whether they be the Blacks, Chicanos, business, Catholics, Protestants, the rich, or the poor, are based on theories or conceptions of the good society that are in some cases inimical to the majority rule principle, but in no case can be supported by it.

We conclude as follows: If majority rule and its fundamental ethical principle, political equality, mean anything (anything by which we can live in peace) it must be that each of us can claim a "right" to an equal voice and equal consideration with others who will be equally affected by a given decision. There are, then, quite obviously, times when we should not be taken into account; there are other times, relating to other policy matters, when we should be listened to with the greatest of interest and concern. As trite as this might sound, and this because what we have said conforms with the Western ethics quite natural to us, it is a far cry from the theory and morality adopted and advanced by the modern proponents of majority rule.*

*This article is based on a paper delivered at the national meeting of the American Political Scientists in September of 1971. I am grateful to Rocco E. Porreco, Dean of the Georgetown University Graduate School, and his staff for their assistance in the preparation of this article.

¹The writings of Sartori, Dahl, Thorson, and Mayo and the reception they have received are sufficient to illustrate this point.

²For a revealing exchange on the matter of majority rule and rights, see Herbert McClosky's "The Fallacy of Absolute Majority Rule," *Journal of Politics*, Vol. XI (1949), and Willmoore Kendall's response, "Prolegomena to Any Future Work on Majority Rule," *Journal of Politics*, Vol. XII (1950). One should also read, for a brilliant refutation of the accepted proposition that majority rule equals just and good government, James Burnham's *Congress and The American Tradition*.

³A casual reading of the majority decisions in *Wesberry v. Sanders* and *Reynolds v. Sims* should serve to convince those doubtful about this statement.

⁴Nobody to my knowledge would contest this statement after a reading of the classical literature. We do find substantial disagreement about whether those in the classical tradition in repudiating this principle, save under the most propitious circumstances (e.g., Aristotle), would disagree with this contention. The argument for strict majority rule is a relatively recent development. Whether one who deviates from the majority principle or ethic should be classified as totalitarian (=bad) or democratic (=good) has been a matter of dispute. I think these dichoto-

mies false and of no real theoretical significance. On this point, I believe, I would be supported by Professors Voegelin and Strauss. If true, this would mean I stand on extremely solid grounds.

Even the philosophy of John Stuart Mill which seems to fuel the modern majoritarian ethic does not support this. Mill was no advocate of majority rule.

⁵Perhaps the "age of reason" as defined by lawyers and theologians should be used. If we were to do so we would lower the age to either 11 or 7. Lucky numbers, to be sure. But the ethic seems to require so much. Those of the age of reason *should* vote.

⁶One recalls in this connection Hubert Humphrey's observation at the 1969 national meeting of the American Political Scientists regarding Mayor Daley: "I don't know where he got them [votes], but he got them."

⁷And let us never forget we do have communists in our midst.

⁸See Kendall and Carey, "The 'Intensity' Problem and Democratic Theory," *American Political Science Review* (1968).

⁹The works of Lane, Stauffer, and a host of others will substantiate this point. See, in particular, the work of Prothro and Griggs, "Fundamental Principles of Democracy: Bases of Agreement and Disagreement," *Journal of Politics* (1960).