

cumstances, the psychiatrist should say so, or, as he puts it, "If the examination was unsatisfactory because made under unfavorable conditions, the psychiatrist must point this out in his testimony."

I am grateful to him for pointing out that Kraepelin, the founder of modern psychiatry, was deeply interested in forensic psychiatry, a fact not known or appreciated by the general psychiatrists, who snub and occasionally turn up their noses at psychiatrists who labor in courts, prisons, and jails. I am grateful to him for pointing out that Lombroso's contributions, now looked askance at, are still valid, because even though Lombroso was wrong in his explanations, he deserves credit for being one of the first to point out that criminal conduct is very often related to abnormal mental states. Lastly, we must give the author credit for setting down in these few pages the vast panorama of crime, and I like particularly his plans for future trends in the study of crime, that will make criminology a science, such as altering criminal careers through shock therapy, etc.; and therefore we must forgive him his overenthusiasm, if he already speaks of it as having arrived at such a stature at this early date.

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**Parliamentary Representation: A Survey of Our Methods of Obtaining Members for Parliament and an Analysis of Their Results.** By J. S. F. Ross. New Haven: Yale University Press, 1944. Pp. 245. \$3.00.

In this book Mr. Ross has dealt with a fundamental political problem. He has undertaken to analyze the composition of the British Parliament from 1918 to 1935 by careful statistical methods and by taking into account a well-nigh overwhelming wealth of facts. As the author himself says, "the book, planned and commenced in March 1933, represents the results of nearly ten years of detailed investigation and thought." Its results are startling and interesting, and future students of the problem of parliamentary representation will have to read and weigh it with careful attention. They will benefit by it, even if they may not be able to agree with its basic conceptions and conclusions.

Some of the more striking facts should be mentioned. It has been shown that the average member of the House of Commons between 1918 and 1935 was about eight years and seven and one-half months older than the average adult in Great Britain and even twenty years older than the average member of the whole population. We also learn that more "public school" members are returned to Parliament than members of the secondary and elementary schools together, and that, among the public schools, Eton and, to a little less degree, Harrow play a specially important part. "The Harrovian has over 1,800 times and the Etonian well over 2,000 times as good a chance of entering Parliament as has the elementary boy." Comparable with the preferential position of public schools is that of the universities. The two ancient universities, Oxford and Cambridge, hold a dominant position, and can claim nearly 30 per cent of all members of Parliament. Further, the occupational representation of the House of Commons does not correspond to the occupational structure of the country. Certain occupations, like those of lawyers, company directors, and trade union officials, are greatly over-represented, and alone provide more than half of the membership in Parliament, while

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other occupations are either not represented at all (e.g., the "unpaid domestic workers") or are only quite inadequately represented in it (e.g., the "rank and file workers"). Finally, there is much too big a proportion of members who belong to the aristocracy. The holders of hereditary titles and their near relatives, who form only a tiny minority of the population, are represented in the House of Commons out of all proportion to their due share. As Mr. Ross makes clear, this element has at least 400 times the representation that it would have on a proportional basis.

The conclusion drawn from this is that the House of Commons is largely recruited from the "upper classes" of the community, i.e., from those sections which are privileged, if not by birth, then by property or education. These strata have been able to secure for themselves an abnormal share of the membership of Parliament. Above all, the high costs of contending an election have put them in a position to dominate the political life of the community.<sup>1</sup>

The result of the survey is not surprising, if we bear in mind that as early as in the seventeenth century in England parliamentary representation had taken on an outspokenly aristocratic and plutocratic character. We have not to show here in detail how this aristocratic and plutocratic character of parliamentary representation developed. It suffices to note that those who were not privileged by birth or means and had thus "no stake in the country" were not entitled to vote far into the nineteenth century. The fight that followed the Reform Bill of 1832 was not, as has been frequently said, a fight between aristocracy or plutocracy or both, on the one hand, and democracy on the other, but rather a fight between aristocracy and the capitalistic middle class, which made its bid for political power. The legal change brought about in 1838 meant only that personal for landed means were required for members of Parliament. Even when Bismarck drafted his new constitution for the North German Confederation and introduced the universal, equal, secret, and direct franchise for the new federal state a basic change in the political and sociological structure of the country had not yet taken place. Great Britain was ruled by a society in which property was the presupposition of the integration of the individual into the social and political system of parliamentary representation. Even today, as we have seen, the democratic Parliament is still dominated to a great and even abnormal extent by the privileged upper classes of society. We may add that certain anomalies of the electoral law in its present form point in the same direction. Above all, the special provisions for the representation of the universities and for business premises have a plutocratic effect by providing certain sections of the wealthier classes with a double vote.

But this is not the whole picture. The final and perhaps most important point stressed by Mr. Ross is that under the majority-vote system the general elections have become to a greater or less degree a "gamble" in Great Britain. We know that a majority-vote system has the general tendency to lead to a concealed plural voting in favour of the stronger political parties. This tendency has had the effect of causing the average House of Commons during the twenty-three years from 1918 to 1941 to contain, in round figures, ninety-six more Conservatives, thirty fewer Liberals, and sixty-two fewer Labour members than the respective voting strength would justify. In addition to that, as the result of the fact that in Great Britain the two-party system has developed

<sup>1</sup> It has been revealed by the author that in 1935 the average amounts of election expenses for contested elections were: for Conservative candidates £780, for Liberal candidates £520, for Labour candidates £360 (which were paid by trade unions or cooperative societies).

into a three-party system, a minority of voters can easily secure a majority of votes in Parliament. In fact, this was the case in Great Britain between the wars in the general elections of 1918, 1922, 1924, and 1935. Only in 1931 could the governments resulting from the general elections claim to have secured a majority of voters. In the general elections of 1914 the Conservatives were even able with a minority of votes in the contested constituencies to secure a majority of about 200 seats in the House of Commons (412 seats out of a total of 615), although they had only the support of 48 per cent of the voters, while, on the other hand, the Liberals secured less than 8 per cent of the seats although their voting strength was about 20 per cent.

It is obvious that those who hold the view that all currents of popular opinion among the electors ought to be expressed in Parliament, each in proportion to its numerical strength in the electorate, must come to the conclusion that the House of Commons fails completely to represent the people, since it does not reflect all the various sections of the population and of popular opinion. Indeed this is the conclusion at which Mr. Ross arrives in his analysis. According to him the electoral system prevailing in Great Britain does not produce a representative House of Commons at all, as in age, in education, in wealth, in occupation, in numerical strength, and in many other respects it does not mirror the true state of the people and its political feeling. In order to remedy these obvious defects and to make Parliament a representative body again the introduction of proportional representation (in the form of the single transferable vote system) is advocated by the author.

It is this main conclusion which needs challenge. Nobody who has carefully read Mr. Ross's survey can dispute the facts revealed in it. The fundamental question, however, is whether the proper meaning and nature of the representative-parliamentary system has been rightly understood by the author. He takes it for granted that a parliament can only be called representative in fact as well as in name, if it is a sort of miniature picture or microcosm of the nation. Therefore, all attention has been concentrated on the design of a proper electoral machinery. The point, however, is that it is not the only duty of a representative parliament (especially in countries which have adopted the parliamentary-government system) to balance all the various tendencies and opinions in the electorate and to mirror accurately the state of public opinion at a fixed time. No, parliament has also other functions to perform in these countries. In order to be vigorous and healthy it has to act not only as a representative body but also as an intermediate agent of government. As was already said in the Report of the Royal Commission of 1910: "The object of representative government is not only to represent but to govern."

The fundamental weakness of Mr. Ross's analysis lies in his dealing with the whole problem purely from the technical and logical point of view. He does not look at it as a matter of politics. But politics is no myth or metaphysics, as the author seems to assume. It does not disregard the facts. On the contrary, politics (and political theory which deals with politics) is related to, and reflected by, the facts. This does not mean that politics can be considered a simple annex of facts and a matter of only secondary relevance for the student of politics. Politics is much more. Politics performs a necessary function within the framework of the whole life of a community. It exists in its own right. It has a basis of its own. This explains why politics cannot be considered a sham or an ideological cloak for the nonpolitical forces of society. Of course, economic, or religious, or legal, or racial motives can enter the sphere of politics. Actually they do

so to a large extent. But by entering the political sphere an economic, religious, legal, or racial question, from the very fact of its being regarded politically, changes its essential peculiarity. Its former nature remains no longer the same. The question acquires a distinctively political character.

But to define the essence of politics we must try to describe it more accurately. We must realize that politics presupposes a relation to the state. It is this relation that distinguishes politics from policy. By policy we have simply to understand all kinds of guiding activities. We speak of the policy of an economic enterprise, of a trade union, of a union, of a family and so on. A relationship to the state is not presupposed here. But we cannot speak of politics without having the state (the modern form of the old polis) in mind. We cannot isolate it from the state.

This relationship of politics to the state must be defined in more detail, for there is a sphere within which the state can act nonpolitically. The state can make use of the same forces and the same means as a private person. The state can conduct an industrial enterprise, a coal mine, electric, gas, or water works according to the principles of a private undertaking and carry on business according to the principles of civil law. Even in cases in which the state exercises its proper functions it need not necessarily be acting politically. The judge, the university teacher, the civil servant in a constitutional state ought to act nonpolitically, in so far as they have to perform the functions allotted to them *sine ira et studio* and in an impartial manner.

A relationship to the state becomes political when, in one way or another, the fundamental principles upon which the state rests and which determine its specific character are affected. Those questions are political which seek to preserve the existence of the state or to further its unity, or aim at the integration of the social organism which we call the nation. The most important task of a statesman is to preserve "the national being," as Cromwell once said. A truly political spirit has, to use Gladstone's phrase, the "faculty of nation-making."

What we have to stress in the connection before us is that the representative-government system is a primarily political system and the concept of representation a primarily political concept, in the sense we have tried to develop. It is the political principle of representation which, within the framework of democracy (and beyond that, within a community), brings into existence the will of a nation as a political reality, notwithstanding the fact that it is only individuals who are acting for the community. The common will of a nation could not constitute itself and make the community capable of political action, if there were no representative authorities to weld together the motley multitude of conflicting particular wills into an individualized common will. Only thus can we also explain why the elected chief magistrates or members represent the whole people, and not only the majority, or minority, that has elected them.

From all this it follows that, within the framework of the representative system, the act of election has primarily to fulfil a political function. This means that it must further the unity and existence of the nation and help to integrate society into a community. This is why the act of election has the function of reducing the number of political issues and of achieving as great a consensus of opinion as possible. Under the classical representative-government system, therefore, the elections have to unite, rather than to divide, a country. It is this political function of the elections which forces the voter to take a political decision between a few clear-cut alternatives. It favours thereby the survival of only a few big parties and facilitates the formation of a stable government.

These highly political functions of elections explain why the majority-vote system is more in accordance with the representative-government system than is proportional representation. Under that system a genuine competition for political leadership is favoured. It presupposes a virile spirit between strong and capable political personalities. There we find the possibility for new men to fight their way through and to win the constituencies to new ideas. There we see creative discussion which politically enlightens the members of the constituencies and enables them to come to final decisions. There we observe action, decision, and victory. It is by this political character that the majority-vote system acquires its peculiarly vital and personal character and the act of election its special dynamic function.

On the other hand, in the case of proportional representation we are not concerned with politics and the political unification of the nation. The proportional system fulfils no specific political functions. What gives it its ideological power of attraction is the idea of justice. It is this idea which is infringed, if the franchise has not been extended to all sections of the population and if the various anomalies mentioned above have not been eliminated. This idea requires that each vote have not only an equal numerical value but also an equal effectiveness in determining the affairs of the nation. Here the vote is not only to be counted as one but also retains (as far as technically possible) its full value in the voting power of parliament.

If we try to define this idea of justice in greater detail we may say that the idea of justice invoked here has a mathematical-logical character. It is not by chance that the various plans for proportional representation were devised under the sway of utilitarian philosophy and that mathematicians played an important part in the propagation of the mechanical details of the proportional system. The more mathematically and logically exact the technical method of the calculation of the votes of the active citizens is, the more accurately does parliament reflect the various political opinions and divisions in the electorate. This is what Mr. Ross aims at. Here politics is simply conceived of in terms of arithmetic or geometry. This also explains why the proportional system has been aptly described as that of a mathematician rather than that of a politician.

It is owing to this effort to reflect justly all the various opinions and strata of the electorate with the maximum of mathematical accuracy, that proportional representation has taken on that unpolitical and impersonal character so typical of this system and all its contrivances. This character shows itself in many directions. Think, for instance, of the tendency of proportional representation frequently described in political literature to subdivide the big party organizations into new smaller groups. This tendency results in watering down the political feeling for the necessity of constituting a solid and lasting majority and of coming to a compromise, without which liberal democracy cannot function smoothly. Consequently, under proportional representation existing majorities tend to disintegrate, and the difficulties of forming a central government and of making a parliamentary-government system work well increase.

This does not mean that considerations of justice do not play their part within the framework of the representative-government system. No doubt they do, and do so especially in a democracy. In this context it may be noted that some of the "injustices" of the present electoral system in Great Britain have just been eliminated. Last year a Speaker's Conference on Electoral Reform and the Redistribution of Seats issued two white papers making a number of valuable proposals. Some of these recommendations have since been embodied in legislative acts. First, there is the Redistribution of Seats

Bill, passed by Parliament in October, 1944. It gives effect to the recommendation to subdivide abnormally large constituencies before the next general election and to redistribute the other parliamentary seats later. Second, there is the Representation of the People Bill of January, 1945, which has accepted other recommendations of the Speaker's Conference and has improved the present electoral law in a number of important technicalities.

But the idea of justice must not be allowed to undermine the political character of the representative-government system. This becomes quite clear if we bear in mind the history of the parliamentary franchise in which we find some electoral systems much more unjust than that in operation in Great Britain today—for example, the parliamentary franchise in the various European countries in the nineteenth century. Here the franchise was limited to a certain section of the population and was dependent on the possession of property and income. No doubt, measured by modern democratic standards such a franchise was highly unjust and its introduction today would not only be incompatible with modern democracy but also make a parliamentary body utterly unrepresentative. But this cannot prevent us from saying that in the nineteenth century this electoral system with its differentiation of the voters according to property, income, and education, fulfilled its functions in making parliament a representative body. In fact, the parliamentary-representative system worked better in the nineteenth century than it works today, although the modern franchise is much more democratic and just than the traditional plutocratic and educational electoral system of the nineteenth century.

The conclusion to be drawn from this is that the representative-government system does not, of necessity, depend on a just and democratic universal and equal franchise. What may be claimed (although even this can be disputed) is that "elections by the people" are necessary in order to make a parliamentary assembly a representative body. This explains why the "elections by the people" have been considered the most crucial element in the working of the classical representative system and why liberals of all varieties and in all countries, in the period of the rise of the classical representative system, described popular elections as part of the very being, and an essential condition, of the representative system, and denied the king the right to meddle in the constitution of the popular chamber, since this would destroy its representative character and would turn it into a branch of the executive. But beyond that the concept, "elections by the people," cannot be defined unequivocally. It can be filled with a varying content. The history of the representative-parliamentary-government system proves this fully. The only thing that can be said is that it reflects the universal trend from autocracy toward democracy and mirrors the general movement from a liberal representative minority rule based on property and education towards the people's state.

Therefore Mr. Ross's admirable survey needs supplementing by a solid theoretical inquiry into the political foundations of the parliamentary-representative-government system. Not before the idea and specific political functions of the principle of representation and especially of the parliamentary-representative system have been analyzed in greater detail will it be possible to come to a balanced judgment on the basic questions broached by the author. It is one of the most important tasks of political theory today.

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