

POPULAR SOVEREIGNTY AND INTERESTS AS SEEN BY THE PRECURSORS OF PUBLIC OPINION THEORY

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Abstract

Classical writers, going back as far as John Locke, recognised public opinion as a powerful force. That the passions and interests of real people often divert them from pursuing the common good confronted them with a dilemma: what is desired by all is not necessarily what reason shows to be in their general interest. The dilemma points to the necessity of government and also of institutional arrangements to mediate between the people and the makers of laws binding on everyone. The paper examines in particular the views of Rousseau on assemblies, of Hegel on the development of universal norms, and of von Stein on social movement. It concludes that public opinion exists only in the form of discourse and that it exerts influence either when some part acts as a concrete group or when the preferences of an abstract aggregate of individuals converge on a particular party, candidate, or legislative proposal.

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The principle of popular sovereignty, the idea that the people in general should have the final say in governance, incorporates the essence of what has come to be called public opinion. With the emergence of a civil society that leaves individuals free to pursue their own private interests outside the direct control of the state, this principle has gained wide acceptance. It is a distinctly modern phenomenon but with a history sufficiently long to make it difficult to know where to begin an unavoidably selective review of the “classical” literature on the subject – all the more so because, as George Boas documents in his *Vox Populi*, the very concept of “the people” that underlies such a review has “fluctuated in its denotation, being at times the Plebs, the mob, male citizens of voting age and with the proper amount of real estate, and at one time even the princes of the empire” (1969, 267). Even today, and regardless of how we measure it, public opinion is not fully identical with the opinion of everyone. The problem of definition remains relevant.

A second problem relates to the nature of that opinion. As the franchise expanded and the masses gained market power, people’s personal views on matters of general concern, though often denigrated as superficial, short-sighted, and self-ish, have gained respect. Democratic theory actually commands that the opinions of the many, whatever their factual basis or the motivation behind them, be binding on those who make laws and decide on policies. How the particular and often divergent interests of the populace can be reconciled with the general good of society can be answered in different ways.

Interest and Laws

In this paper I confine myself to tracking the answers some early writers supplied to two questions: First, who makes up the “public” whose opinion counts? Second, how do the interests and passions that move an individual relate to the common interest accepted as *the* opinion of the public? I begin with the reflections of John Locke (1632-1704) concerning how ideas bear on the moral relationships that govern human behavior. He invokes three types of laws: the divine law, the highest, by which “men judge whether their actions are sins or duties”: the civil law, set by the commonwealth, in accordance with which “they be criminal or innocent”; and the law of *opinion* or reputation that identities “actions [as] in their own nature right or wrong” (1690/1894, vol I, 475f). This third kind of law, established in every society by a tacit and unspoken consent, consists of the power of approbation and blame among those with whom they live. It expresses the folkways and mores of the society and, as such, has a good deal of moral force behind it but otherwise no direct bearing on the laws of political society backed by the force of government or the state.

Locke, who had little trust in the political wisdom of “the people,” a concept he never defined but depicted as governed essentially by their interests, identified a problem that has plagued theorists ever since: “If private men’s judgments were the moulds wherein laws were to be cast, ’tis a question whether we should have any laws at all,” he remarks in his *First Tract on Civil Government*.

It is impossible that any law should be by human prudence so contrived which whilst it minds the good of the whole will not be inconvenient to several of the members, and wherein many will not think themselves hardly and unequally dealt with. The magistrate in his constitutions regards the public concernment

and not private opinion which, biased in their own interest, or misled by their ignorance and indiscretion, are like to make them but ill judges of reasons of state or the equities of law (Locke 1670/1997, 21).

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Hence there rises one of the necessities of government under which individuals voluntarily relinquish their liberty to use force against their fellow citizens. Without it, no effective government – monarchical, aristocratic, or republican – is possible.

Nearly a century later, David Hume (1711-1776) outlined the conflict between the interest of everyone in correcting injustice and adjudicating the quarrels and controversies that arise from the passions and the interests of individuals in their personal well-being. Princes no less than the multitude are not always moved by intelligent reason that tells them where their real advantage lies and so it lies in human nature, Hume argued, to prefer an immediate advantage to one in the distant future. This is evident in the general proclivity that keeps people aloof from many a common enterprise designed to produce a public good ultimately of benefit to all, a point he illustrates by reference to a hypothetical situation involving property, considered by most theorists the prerequisite for personal liberty. Thus,

Two neighbors may agree to drain a meadow, which they possess in common; because 'tis easy for them to know each others mind; and each must perceive, that the immediate consequence of his failing in his part, is, the abandoning of the whole project. But 'tis very difficult, and indeed impossible, that a thousand persons shou'd agree in any such action; it being difficult for them to concert so complicated a design, and still more difficult for them to execute it; while each seeks a pretext to free himself of the trouble and expence, and wou'd lay the whole burden on others (Hume 1757/1974, 304).

Not only do the private interests of each person differ but what is good for each often, as in the above case, diverges from what is in their common good. And “tho’ the public interest in itself be always one and the same, yet it becomes the source of as great dissensions, by reason of the different opinions of particular persons concerning it,” the remedy is to be found in government (1757/1974, 318). People need to commit themselves to follow the general rules it lays down regardless of who administers them and their selection of magistrates should not be governed by any specific interest, public or private. Stability demands that people bind themselves to certain forms of government and accept the authority of officials.

Such conflicts between the common interest and particular interests were also troubling to Rousseau (1712-1778). Writing roughly at the same time as Hume, he noted that the particular will, based on an individual’s private interest, can influence him to act in a manner directly

reflecting on his own existence as positive and naturally independent; he may conceive what he owes to the common cause, to be a free and gratuitous contribution, the want of which will be less hurtful to others, than the discharge of which will be burdensome on himself; and, regarding the moral person of the state as an imaginary being, because it is not a man, he may be desirous of enjoying all the privileges of a citizen, without fulfilling his engagement as a subject; an injustice, that, in its progress, must necessarily be the ruin of the body politic (Rousseau 1757, 23).

Consequently, there is “often a considerable difference between the general will of the whole body ... [which] regards only the common interest” and the aggregate will expressed by *all* the members that “respects the private interest of individuals, and is the aggregate sum of their particular wills” (1757, 36). The variety of potentially conflicting interests makes one ponder the interest or interests at stake in any given situation. Is it the long-term general interest for an orderly society, an interest that advances everyone’s well-being, the interest of the government and the state, a particular group interest at odds with the rest, or unbridled self-interest?¹

Here we note only that Hume and Rousseau, like Locke, insist on a clear distinction between interests more or less limited to the material aspects of a person’s welfare, his happiness, and his ability to accumulate a fortune, and the interest of all in public goods, including peace and social stability. Their point of view runs counter to another idea, one most closely associated with the name of Adam Smith (1723-1790), concerning the role of interests coming into ascendancy about this time. In his *Theory of Moral Sentiments*, Smith advanced the proposition that even pure self-interest induces moral behavior for the simple and obvious reason that whoever is involved in repeated transactions with the same customers has to establish trust or lose business. To the extent this holds, no laws are needed (1759/1804). In spurring all to exert themselves, selfish motives, far from subverting the general well-being, actually foster it. Seeking to advance their own interests, individuals guided by a “hidden hand” augment at the same time the welfare of the nation (1776/1981).

What Hume and Rousseau, in their different ways, made clear is that the positive consequences of the pursuit of wealth stipulated by classical economists has less applicability to politics. Each in his own way grasped the essentials of the “free-rider” phenomenon, more systematically elucidated by Mancur Olson (1971) as a problem endemic to democracy. The two classical authors propose theoretical solutions of their own. Rousseau states, quite categorically, that those in charge of the government are not the masters but the servants of the people, who can appoint or remove them as they will. What this implies, we shall take up later. Hume agrees with Rousseau but only insofar as he acknowledges that the people, or whoever acts in their name, do indeed have this power, not only abstractly and legally but *de facto* – if they should be sufficiently aroused to make use of it – solely because physical force, by virtue of their greater numbers, is always on the side of the governed. Why fear a tyrant incapable of physically intimidating more than a few! If the many let themselves be governed, it is because the power of all governments, “from the most despotic and the most military as well as the most free and most popular ... must be founded either on our opinion or on the presumed opinion of others.” They have nothing else to sustain them (1752/1906, 243f). This opinion is based partly on self-interest – namely, the opinion that the public advantage from the established government is at least equal to that of any effort to make a change – and partly on the legitimate right of the government to exercise power and to protect property rights.

Majorities in an Assembly

Hume’s logic defies refutation but only by obliterating the politically critical distinction between the acquiescence or tacit consent of a population either unable

to visualize an alternative to the present regime or fearful of the costs of insurrection and a modern polity in which the people are declared sovereign, the idea that the crowds of the French Revolution, inspired by Rousseau, made their battle cry. Popular sovereignty (or rule by public opinion) really means, according to Rousseau, that the people who submit to the laws of their government should also be “the authors of them; as it certainly belongs to the associating parties, to settle the conditions on which they agree to form a [civil] society” (1857, 49). His *Social Compact* indicates the way in which this is achieved.

Rousseau predicates a specific act of association, the social compact, as the legitimate basis of the state. It converts “the several individually contracting parties into one moral collective body, composed of as many members as there are votes in the assembly, which receives also from the same act its unity and existence” (1857, 19f). This newly formed public personality acts whenever the people – i.e., the associates, ranging from the meanest citizen to the greatest magistrate – are *legally* assembled. Popular sovereignty is expressed through those and only those who are physically present. Once they have come together, “the jurisdiction of the government ceases, the executive power of the state is suspended” (1857, 122).

The very act of association that united the individuals into a single body makes it impossible, in theory, for anyone to act against another member or against that body in its entirety without at the same time doing injury to every member. It follows, from this same theory, that it is in the interest of the parties to this compact, if not their duty, to assist one another and seek whatever common advantages can be expected from their association. When the people become “avaricious (*sic*), mean, or cowardly, preferring their ease to liberty,” or when “service to the public ceases to be the principle concern of the citizens, and they had rather discharge it by their purses than their persons, the state is already far advanced toward ruin” (1857, 123). Put another way, there are public goods so indivisible that everyone automatically shares in the benefits. The common interest in the benefits from such public goods – the general will – exists as the sovereign power of citizens acting through the state but *only* as long as all feel equally bound in their obligations and equally free by the laws that have been passed to enjoy the same privileges. This is what makes the citizens free and equal.

For this principle to be operative – for the expressed will to be general and binding – it need not be unanimous (1857, 33n) but only inferred from the majority of votes. Minorities submit to laws because they mistake their own opinion for the general will. Had their opinion been followed, it would actually have negated their own will *as a citizen*, which would by necessity be the same as the general will. Grave questions require large majorities and urgent decisions require less (1857, 141f). What matters more than the number of votes is that people vote as citizens and consent to all laws passed in this manner and willingly subject themselves to the same condition these laws impose on everyone (1857, 40f). Not that Rousseau was unmindful of the divisive interests contained within civil society. People act in multiple roles, each with its own obligations and capable of diverting them from acting as citizens exclusively motivated to the general well-being. The compact does not eradicate all such interests. Whenever an assembly passes a law that deviates from the standard – for example, by awarding unwarranted privileges to some –, that body ceases to act as a true sovereign. Its measures represent nothing more than a particular will or interest.

While this certainly presumes a lot, Rousseau acknowledged that even if the above conditions are met, pluralities may not precisely coincide with his notion of general will. Electoral outcomes will approximate it more closely when people are sufficiently informed on the subject about which they deliberate and free of all other commitments. Only in this rather ideal situation would the general will “always result from the greater number of their individual differences, and their deliberation would be such as it ought to be” (p. 36). But citizens do not enter coalitions; they caucus, join a cabal, an interest group, or political party, thereby ceding their independence to these associations exactly as citizens do in obeying the laws of the state. While the programs and policies recommended by such associations also express *a* general will, it represents nothing more than the collective will of its members united, often no more than temporarily, for a particular objective as likely as not to be in conflict with the general will of the people in their entirety.

Rousseau was equally concerned over consolidation that reduced the number of voices heard. This danger appeared greatest when one group became strong enough to polarise the public around a single issue. Passions would be aroused. Given the role of political clubs in the months leading up to the Reign of Terror of 1793, this warning may have been clairvoyant but also incognizant of their positive functions in crystallising and giving substance to opinions not yet developed, such as de Tocqueville (1946) observed on his visits to America. They do not allow the people to realise the true freedom which, according to Rousseau, they enjoy only when their ballots are based on their own independent reason and intelligence, so that any law not confirmed in this manner becomes null and void, lacks legitimacy, and creates no obligation for voluntary compliance. Radical as this may sound, it raises questions about how closely the outcomes of deliberations and administrative bargaining that take place today, with input mostly from lobbyists, reflect Rousseau’s general will.

But what are the alternatives? The obvious impracticality of placing the legislative power in the whole body of the people, “impossible in large states, and in small ones subject to many inconveniences,” as already noted by Montesquieu (1949, 154), led Rousseau to concede that the people will delegate to representatives what they are unable to do themselves – but not, he insists, their sovereign authority to recall them. Recall seems what, in the last analysis, popular sovereignty boils down to. On opinions expressed outside assemblies as manifest electoral results Rousseau has little to say. He referred to *public opinion* not as it bears on the general will and affects the enactment of laws but in connection with judgments relating to morals and manners. About these “we can do what we like: neither reason, nor virtue, nor laws will vanquish public opinion,” he wrote in connection with a proposal to bring a theater to the city of Geneva. Censorship, whether by edict or tribunal, stands little chance of ever achieving its goal (Rousseau 1968, 69). Notwithstanding the great power he imputes to public opinion, he disdains its lack of wisdom, emphasising the fickleness that makes it difficult to control. “Chance, countless accidental causes, countless unforeseen circumstances, do what force [i.e., censorship] and reason could not; or, rather, it is precisely because chance directs them that force can do nothing” (1968, 74). Preferring reason over a dictatorship by a shifting multitude, Rousseau would deny public opinion a place in bodies established to uphold moral and ethical standards.

It remained for still another Frenchman to spell out the ways in which government was dependent on public opinion and why it should at times have the good sense to court it. The account by Jacques Necker (1732-1804) of his administration is dotted with references to public opinion. Necker was, in addition to being a serious writer, a man of practical affairs in charge of finances under Louis XVI. He differed with Rousseau on the equality of rights in maintaining that people were born with different endowments and distinct claims and that they remained unequal in their property rights, the lack of which condemned some of them to labor throughout their lives and resulted in different degrees of enlightenment (Necker 1791/1986, 273-74). On the practical side, he thought it necessary that his king do something to counteract the loss of confidence caused by the unduly large amount of paper money issued. The support of the purchasers, or potential purchasers of government bonds, was vital to financial stability while public order and general satisfaction was needed to assure voluntary compliance with tax levies whose amounts had already been fixed. A favorable public opinion could also be a political resource for the king in his disputes with the National Assembly. Yet in all his advice, Necker never even remotely implied that laws and policy should be driven by public opinion. The problem, as he saw it, was that opinions no longer flowed down from the highest classes to the lower ones, so that "in the present day, when people are immediately acted upon and their passions addressed, when their opinions are made use of to excite emotions, all kinds of lies become more dangerous" (1986, 319). Once under the sway of their passions, according to Necker, people fail to appreciate what is in their own as well as the general interest. However, it is the general interest that shows the road to the betterment of all.

The Realisation of Reason

The excesses that accompanied the clamor for liberty and equality commanded the attention of just about every social theorist writing in the aftermath of the French Revolution. One of these was G.W. F. Hegel (1770-1831), even though his highly theoretical analysis of the movement toward freedom makes only occasional reference to the set of events he regarded as "reason in action." Contrary to Rousseau, who proclaimed man to be born free but unfree in society, Hegel believed this condition could be achieved through a process of reason actualising itself as will in the state and as an ethical *idea* fully cognizant of itself.

The state has its immediate existence in the norms of society (Sitte) and is mediated through the self-consciousness of the individual, his knowledge and the activity, as well as through an attitude that sees its substantial freedom in the essence, purpose, and products of his activity.

This subjective awareness makes freedom appear as generally valid (Hegel 1833/1981, #257-258).²

If this sounds like gobble-de-gook, an outline of Hegel's line of reasoning about free will can help make sense of it. The will of an individual is free by virtue of its essential nature but only insofar as it accepts no limitation either external, as imposed by the human condition, or as imposed by one's personal needs, passions, and impulses. Such freedom amounts to nothing more than sheer willfulness devoid of any real understanding of the limitations of one's capacities. Its intellectual

deficiency manifests itself in an intransigence unmindful of every practical consideration. The many examples of religious and political fanaticism – among them “the terror of the French Revolution, in which all differences in talent [and] in authority were to be nullified” (1833/1981, #257-258, 43) – provide convincing evidence of how passions can override reason.

The distinction between reflective reason and unreflecting nature (i.e., the passions) also permeates Hegel’s views on public opinion, embedded as they are in his *Philosophy of Right*, where he takes “the will” as his point of departure just as Rousseau did – except that for Hegel it is the will of a particular person: the subjective will, the kind that everyone of us experiences. This “will,” as suggested in the previous paragraph, is not really free, not *concretely* free, except in the very abstract sense that one can do and decide whatever one feels like doing. Its freedom is purely formal and *abstract*. It takes no account of natural human limits and social barriers, which put much of what people most passionately aspire beyond their reach. Nor does it even matter to Hegel, whether this kind of will, which he also calls arbitrary, “proceeds with calculating intellect or in some other way” (1833/1981, #17, 233). It remains the particular will of a person. The difference between this kind of subjective or arbitrary will and the truly reflecting will rests not so much on how carefully one weighs the likely consequences of a decision for one’s overall well-being as on the more profound thought and reflective nature that is brought to bear on it, the kind of thought that has the will “in and of itself as its object ... in its pure universality (*Allgemeinheit*)” (1833/1981, #21, 234) when it involves reasoned rumination and free thought. Only on this level does it realise its full potential, which is to become truly free.

Still, the particularity of a will is a phase, but no more than a phase, with the potential to develop into a more all-embracing consciousness and a hankering for freedom in general. To clarify Hegel’s reasoning, let me quote him at some length:

Where the person has no other interest than his formal rights, he is likely to make these a matter of caprice, especially if he be of narrow mind and heart. It is chiefly the rough, uncultivated man who stands for his rights, while the magnanimous man considers the many different interests involved along with his own. Thus, abstract right is at first merely potential, and thus quite formal in regard to the whole circle of interests involved (Hegel 1833/1981, #37, 239f).

The right by which individuals assert themselves against nature is the right to accumulate material goods; and it is the right of all owners to have their property recognised and protected.

Hegel viewed civil society as founded on two principles. The first relates to the concrete person with his special aspirations and needs compounded of natural necessity and a person’s arbitrary will. But no one, unique as he may be, is self-sufficient. He develops relationships with other equally unique individuals to assure his physical survival and for other reasons as well. Therefore the implementation of this first principle requires a second principle that incorporates and exists in the form of a “generality” – as a will shared by many others. One encounters such common will just about everywhere. Its prototypes are the family and the kinship group, where the well-being of their members is closely linked. But this elementary unity does not describe civil society, whose individual members, al-

though citizens of the state, still hold their own interests closest to their hearts. Here Hegel, very much like Rousseau, discerned an elementary common will in the contractual arrangements between parties but with several significant limitations. Each party decides quite arbitrarily whether to bind themselves; the signatories alone and by themselves set the terms, so that their joint will falls short of universality; and finally the agreement covers only such particular external matters as each can relinquish when it no longer suits him (1833/1981, #75). Contracts do not truly generalise because they do not express the more highly developed “self-consciousness that comprehends itself as its own essence, and thereby separates itself from whatever is merely coincidental and hence untrue (*Zufälliges und Unwahres*), making up the principle of right, morality, and ethics” that ultimately becomes the foundation of the state as the personification of a will at the highest level of generality (1833/1981, #258). This raises the question: Is the more reflecting will, grounded in reason and thought, expressed through public opinion?

In stating that “public opinion deserves to be as much *respected* as *despised*” (1833/1981, #318, 318), Hegel revealed his ambivalence toward what the people claim to want. The two kinds of freedom are inextricably linked in their content: on the one hand, “the in-and-of-itself general, the *substantial and true*” that encompasses the universal principles of justice, of the entire constitution, of legislation, and the general state of human affairs and, on the other, “the formal subjective freedom of each individual to have his own judgment, opinion and counsel concerning public affairs and to express it [in the form of] ... the *particular and private opinion* of the many by itself. In thus existing, public opinion is the extant contradiction of itself” (1833/1981, #316, 317).

This formulation signifies something beyond the fondness of a dialectician for paradox. Hegel was always careful to differentiate between the essential basis of public opinion and its outward manifestations, which tend to obscure the valid underlying content of what people articulate, as Hegel puts it, in the form of sound ordinary common sense. The fundamental ethical conviction with which they are imbued shows through, even in the prejudices and misconceptions to which people consistently cling (1833/1981, #317). The aspect of public opinion that represents its “inner essence enters awareness and presents itself in the form of general propositions, partly by itself, partly out of the concrete thoughts that people develop about events, about the edicts and conditions of the state, and about needs they are experiencing.” Its other aspect is to be found in “the fully accidental nature of the opinions expressed (*Meinen*), with its ignorance and reversals, false information and [poor] judgment.” Hegel insisted here, as he does all along, that reason must build on the generally and universally valid and that, therefore, the most idiosyncratic opinions and allegations that catch attention are those least likely to be based on solid fact. The reason: “its inferiority [*das Schlechte*] resides in that part of its content that is most special and idiosyncratic while, on the contrary, that which is reasonable [resides] in the general will that exists in and for itself” (1833/1981, #317). Yet, it is precisely from the idiosyncratic and novel elements that the spokespersons of public opinion draw their power. Hegel further argued that the masses are always ready to deceive themselves, which explains why public opinion is so easily led astray, but not – according to Hegel – about the genuine substance, the essence and precise character of the true collective interest of the peo-

ple. They deceive themselves only with respect to the manner in which they understand their general interest and how, in this same manner, they see this interest affected by events, actions, and policies. But regardless of how unreasonable these opinions seem at times, they express, even if in a round-about way, people's genuine needs growing out of the circumstances in which they find themselves.

Some do accept the voice of the people as the voice of god and others claim that the multitude shouts most loudly about the very things it least understands. These views merely reflect the duality inherent in public opinion. Both characterizations, said Hegel, are equally correct. In fact, "so directly are truth and endless error fused that neither the one nor the other is meant to be taken as truly serious." This lack of seriousness stands out when people insist on their right to be heard but, once this demand has been met, readily put up with all sorts of things without further protest. The vehemence with which they argue, attack, and dispute is no criterion for what is truly at stake and the seriousness proclaimed by the chorus of voices does not amount to anything really serious. What is truly serious in public opinion "can seem hard to discern and will indeed be if one were to orient oneself by the *direct expressions* of public opinion. But inasmuch as its inner [essence] is what gives its real substance (*das Substantielle*), this is its only truly serious element ... and ... can only be recognised as such by and for itself" (1833/1981, #317). By this he means, in my reading, that the people cannot clearly articulate their vague yearning for justice and freedom.

In any case, Hegel was fully aware that public opinion, whatever its failings, had been a powerful force and was now gathering momentum from the distinctly modern principle of popular sovereignty, the idea that "all as individuals should participate in the deliberating and resolving concerning general affairs of state, because they all are members of the state, and its affairs are the affairs of *all* in which to participate with their knowledge and will they all have a *right*." The introduction of a *democratic* element into the organism of the state *without any rational form* occurs so readily, "because it stops at the *abstract* aspect of the individual being a member of the state; superficial thinking clings to such abstractions" (1833/1981, #308, 313). Nothing but the abstract will of these individuals by themselves is being represented in disregard of the nature of the concrete state as an ensemble of constituencies (*Stände*), each represented by one of their own. Speaking realistically, only in this representative capacity do these individuals matter to the state.

Hegel went farther in comments on the German constitution, where he argued that, after all, the state is not a single spring and the "government must leave to the freedom of the citizens whatever is not necessary for its appointed function of organising and maintaining authority and thus for its security at home and abroad. Nothing should be so sacrosanct to the government as facilitating and protecting the free activity of the citizens in matters other than this" (Hegel 1799-1802/1964a, 161). But recourse to public opinion is to be condemned because it is an "*unorganic*" way of making known what the people in general want and will, one that rests on a false model of the political process – how the state (or the polity) is constituted, how policies develop, and how laws are enacted. The multiplicity of conjoint but still *particular* and special interests contained in civil society, but *outside* the general interest of the state, are usually resolved within such smaller units as local communities, corporations, and associations formed by the various industries, professions

and trades, each with its own expertise and means of representation. The network of these activities ought not to be bypassed because the members of these constituencies, when they participate in the state, act in a twofold capacity: as private persons and as persons who consciously and willingly participate in a more general project. The broad perspective they develop becomes as ingrained as their particular point of view. The early development of this more general disposition – a real and living feeling for what is in the general good – first emerges during work in the various corporations, communities, and associations (Hegel 1833/1981, #316).

This premise also leads Hegel to come out against voting *en masse*, a practice analogous to governing by reference to polls, which he would condemn for leaving many vital decisions to the vicissitudes of arbitrary and abstract opinions of the multitude guided by ideas with no real substance. Opposed to the wide-spread notion that the mass of people already “know already what is good for the state” (1833/1981, #315), which in his eyes was what a freely elected assembly articulated, he contended that the virtues and talents and aptitudes to qualify as models for the people at large were developed only through prior participation within particular constituencies. Interest groups, the proximate modern equivalent of Hegel’s *Stände*, function as mediating organs between the state as the all-encompassing generality and the mass of people differentiated according to their specific interests. They also educate not only the deputies and delegates engaged in the public discourse but also the public that scrutinizes their deliberations. Open meetings can be a burden on delegates but, to the extent that they open eyes and generate interest in public affairs, citizens gain an understanding of which among their own opinions represent the genuine interest of the polity in its entirety. A meaningful consensus is achieved more easily by representatives of interests who have some understanding of which elements in their agenda are possible or, as Hegel might say, “reasonable.”

Despite this emphasis on publicity, Hegel – being himself an avid reader of newspapers who relied on them to keep abreast of political developments in Germany and other countries – had very little to say about the actual or potential role of the press and other means of communication. A fairly short passage on press freedom in the *Philosophy of Right*, referring to journals of opinion, points to a close parallel between the “freedom to say and to write *what one wants*” and the formal and abstract freedom to do whatever one wants but remains imprecise about what, if any, restrictions the law should impose. But there exists at least one intrinsic safeguard likely to render any journalistic excess harmless and that is, consistent with Hegel’s general point of view, the “reasonableness of the constitution, the firmness of the government as well as the public nature of assemblies ... insofar as dignified and erudite insight about the interests of the state finds expression in them with very little of any consequence left for others to say” (1833/1981, #319). On this subject, he said little more of any consequence.

From Class to Common Interest

The abstruseness of his major philosophical writings notwithstanding, or perhaps because of it, Hegel had great influence on the subsequent development of social thought, especially in Germany. Not only do his ideas permeate the works of Karl Marx, and indirectly those of numerous Marxist disciples; they are equally

apparent in the writings of non-Marxists – among them Lorenz von Stein (1815–90), a seminal theorist, whose name hardly ever shows up as one of the forerunners of modern social science. It was through von Stein that the young Marx first became aware of the proletariat as a social force. That Marx never acknowledged this influence helps explain why von Stein’s own three-volume magisterial work, *Geschichte der sozialen Bewegung in Frankreich von 1789 bis auf unsere Tage* (von Stein 1850) – parts of which were published as early as 1842 – has so often been overlooked. I was greatly surprised to find an English translation, albeit rather abbreviated, of this grand tome published by a small press.

There are two sides to von Stein’s history of the social movement. One is empirical – not, to be sure, in the sense of a de Tocqueville who derived his ideas from direct observation, but as a social historian who had kept a close watch on recent social struggles, particularly on events in contemporary France. The other side, indicative of a strongly theoretical bent, comes into clear focus in the opening section of the first volume, entitled “The Concept of Society and the Laws of its Development,” but is equally evident in his interest in issues concerning liberty and equality. Yet, nowhere within the theoretical section nor in his substantial history is there an explicit treatment of public opinion beyond an occasional and casual reference (e.g., 1850, iii, 323). The general topic – i.e. the relation of social movements to the state – is nevertheless relevant to the student of public opinion. So is von Stein’s discussion, in connection with the demands and programs of revolutionary forces in France, of the idea of popular sovereignty.

Von Stein followed his illustrious predecessors in viewing the state as the personification of the general will but adds as an unequivocal proviso that the state as such has no real existence outside society. That it is made up of real living people raises a problem inasmuch as if “each of [the state’s] citizens as much as its servants – even before the latter enter government service – belongs by virtue of birth, and social opportunity to a particular part of society, who and what is to represent the pure idea of the state?” (1850, i, 73). This rejection of the state as a “pure” idea, an obvious reference to Hegel, signals von Stein’s more consciously sociological approach built around the key proposition that the administration of the state and of its laws are tied to the social order and that any impetus to change therefore has to originate in the movement of society.

Applying Hegelian dialectics, von Stein focused on the antithesis between two opposing principles: the principle that underlies the state and the essential underlying principle of society. The state, which exists and acts as a public personality, represents the united, common, or general will of *all* its constituents. Everyone has, at least in theory, some part in it. It follows from this inclusive principle, according to which the state and the individuals who make up the state are tied together, that the “level of development of all these individuals becomes the measure of the development of the state” (1850, i, 35). By caring for them, the state is at the same time raising itself to a higher level. Since it lies in the nature of states to strive for perfection, the intrinsic and driving principle, the one that defines their genuine task, impels them to use the administrative means at hand to promote the intellectual and material well-being of their citizens. This task may be nothing more than an ideal but one that arises out of the essential nature of the state, regardless of whether or not it is subverted by the policies and practice of the concrete state because it runs up against the principle that governs society.

Wherein lies this principle of society? Von Stein saw it as generated by the very human condition of interdependence already delineated by Hegel. The individuals who make up society aspire toward their own personal betterment but cannot achieve very much by themselves without making use of the labor, skill, and knowledge of others. They are involved in a myriad of social relationships to other individual persons. What holds for the necessities of life holds even more for their higher ambitions, including their pursuit of freedom. To free themselves from their various dependencies, people seek possessions and wealth for the power it gives them over those on whom they depend. The freedom they gain from the acquisition of capital, which becomes their life goal, is achievable only at the expense of the propertiless. Whoever is not wealthy must labor for them in order to live but will also try to escape this drudgery. "This consciousness of their situation, which dominates all human action toward others (i.e., all social relationships), is present in every living individual as well as a determinant of his social position, and is what one calls their interest" (1850, i, 42). Relations based on these competing interests constitute the principle of the society and the impetus to social movement.

Because the interests that drive society lead to the subjugation of those without property by the propertied, the societal principle conflicts with the one guiding the state which, according to von Stein, is oriented to the maximisation of everyone's freedom and the ability of all to achieve their highest potential. But the state, as such, is powerless. Its hegemony rests less on force than on laws enacted by the persons who control the state and are keen on protecting their property rights, thereby perpetuating existing inequalities. Of course, nothing remains fixed forever. When the propertiless, by which von Stein means the laboring class or proletariat, become conscious of their essential role in production and begin to acquire property of their own, the legal order ceases to reflect the social order (1850, i, 111). Things begin to move. The clamor, in the name of the people, for freedom for all encourages new legal theories and concepts derived from general ideas about the liberty and equality inherent in the principle of the state (1850, i, 76).

The ensuing movement always emanates not from the state but from within society. It has a material and an intellectual basis. Materially, genuine progress is impossible without a change in property relations. The lower classes have to have an equal opportunity to gain wealth. No less important is the redistribution of intellectual goods associated with the expanded opportunity for education. They are the one type of good whose acquisition by a rising social group does not diminish the stock held by the rest. Von Stein saw the demand for more education as the necessary first step in the upward struggle of a class on the rise.

Although education can and has often been used simply to gain wealth, the knowledge acquired represents the free personality in its purest form, so that the development of knowledge by an individual is [basic to] the development of the personal equality in its own right ... The principle of human equality, much denounced and much praised, is therefore in actuality nothing but a natural phase in the struggle of the masses for education against the social order (von Stein 1850, i, 86f).

Although the movement toward equality in intellectual goods von Stein observed in his own time was not matched by a parallel movement toward greater equality in material wealth, it remained an established fact, evident in people's

greater sophistication or, in von Stein's words, "self-consciousness." They became increasingly aggravated that the realisation of the cherished ideals of independence and social liberty was still pretty much beyond their reach. Conflict, being endemic to this situation, could erupt into violence.

On whether the power of public opinion was capable of forcing reforms that could bridge the gap between the ideal and the real, von Stein declared himself moderately pessimistic yet held out some hope. Turning to the "pure democracy" attempted in France in 1848, he noted that the provisional government did not and could not implement this ideal because their constitution existed only on paper. It lacked the administrative means to resolve the dilemma on whose horns it was caught. Pure democracy, i.e. popular sovereignty, incorporated two principles: one, the principle that "everyone is equal," which enjoined the state to use whatever means it had at its disposal to reduce inequality and make it possible for all to exercise their full rights. However, this principle was coupled with the idea that "the majority overrules the minority," without which democracy would dissolve into nothing while also negating the principle that all are equal. It highlights von Stein's view that states are always controlled by the owning class and administered according to its conception of its interest (1850, iii, 226f).

More generally, when confronted by a social movement, a state that professes its commitment to democracy cannot resolve the conflict between the principle of equality, where everyone counts the same, and the actual management of the state as governed by the interest of the class in possession of its instruments. Wavering between the two principles leads to a loss of power. The conflict is not resolved until one class defeats the other in its quest for control of the state. In the interim, the most important actions of the government will:

carry the stamp of that contradiction, inasmuch as it acts in the inwardly most contradictory manner: it will in the name of the principle of equality of the lower class grant the material conditions under which [that class] can put itself on a par with the higher class. It will at the same time, as the mandatary of the majority, uphold the civil law and the civil order, both of which annul the fulfillment and effect of those conditions. Thus it will, as a matter of fact, be invested with the full omnipotence of the state, but be only a silhouette of the true idea of a state; it will destroy itself, provoke social revolution, and forever ban the pure form of democracy from the intellectual life of a people called upon to rule. In its wake, with its fall, popular sovereignty will be replaced by the rule of the one over the other class. And whoever does not understand the essence of these vital laws will bewail the demise of democracy as a great misfortune whereas it is nothing but the simple and natural fulfillment of the movement in every society. From this follows the general fact that the appearance of a state ruled as pure democracy spells at the same time for all practical purposes the end of democratic rule (von Stein 1850, iii, 228).

So much for von Stein's view of popular sovereignty! This conclusion may seem excessively absolutist. Whether or not we accept it in its entirety, it still makes a point, namely that the only alternative to this pre-ordained stalemate is class hegemony. Von Stein did suggest as a third alternative the discovery of an overriding common interest. One obstacle to this resolution is what von Stein accepted as an

incontrovertible fact: “All social movements are ruled by interest” (1850, i, 137), the collective interest of a rising social class. The demands for equality and justice advanced under the name of popular sovereignty are predicated on the idea that state action expressed an all-encompassing common will.

Should some individuals or whole segments of society have different or opposing interests attainable through the state, this inevitably disrupts the internal unity of the will of the state As long as these differences in interest are incidental or temporary, this divisiveness of the will of the state ... does not affect the state in its essentials; rather it appears only as a way station to a clearer recognition of the common interest. The idea of popular sovereignty is no more affected in any of these cases than the existence of each person's mind by doubts and changes in his own will. Were there no absolutely opposed interests absolutely within society as a whole, then popular sovereignty as realized in the pure republic or pure democracy would not be vulnerable (1850, iii, 135).

The persistence of interests, particular those between capital and labor but also among other clearly defined constituencies, is what makes this ideal so elusive.

A resolution of the conflict inherent in the relationship between the capitalist and the laboring class is nevertheless possible because it lies in the nature of interests that the greater and more inclusive interest prevails over the lesser one. Von Stein believed that such interests do exist even if we are loathe to acknowledge them. As examples, he cited the purchasing power of increasingly affluent workers as a source of greater wealth for capitalists and the joint interest of both in preventing strikes. Never, he asserted, does a concession by owners to their workers cost as much, directly and indirectly, as even a single work stoppage, a point ordinarily grasped by the owning class only when a conflict affects not only their own business but poses a grave threat to the capitalist system (1850, iii, 202). In this and several other respects, it would be in the interest of the owning class to use the power their possession of the state gives them to satisfy the demands of workers as much as lies within their capacity. By sponsoring all kinds of social reforms, they can, if successful, keep the working class happy and at the same time distract attention from the class relations that govern access to state power (1850, iii, 206f).

It is in this connection that political associations and parties and the press become relevant. Yet von Stein paid little attention to these carriers of public opinion beyond noting their role during the revolution. The ones who scream the loudest, he wrote, stand to gain the most. He also came out strongly against censorship because it forces the “really good writers” to promote views unsuited for the less educated part of the public. Not only is such alienation between the mass of the people and those qualified for intellectual leadership undesirable but those unrepresentative of the people are apt to be swept aside (1850, iii, 233). The rise of new means of communication since von Stein recorded these observations has changed the role of the press and the media. People are inundated by content, mostly entertainment, and the media largely abdicated their political function. Wealth has spread and people in general have become much more educated. Partly as a result, the pervasive cleavage of conflict has shifted – away from class to region and religion, ethnicity and industrial base, and whatever – but conflicts based on these varied interests have certainly not disappeared. Can the model developed by von Stein

be extrapolated to more complex pluralistic societies than those which he encountered? Perhaps not in every way. Still, if modern society with all its information resources is to move toward the institutionalisation of a true democracy based on popular sovereignty, it must be shown that this is in the own best interest of all people. That is a difficult requirement but one that was fundamental in von Stein's way of thinking.

Concluding Remarks

To end with a few short remarks on this thing called public opinion let me link the foregoing review to conceptualisations that have been advanced since these works appeared concerning what it is and what it is not and how it relates to the principle of popular sovereignty.

For one thing, public opinion should not be mistaken for passive acquiescence either to the authority of government or to our next of kin and/or to neighbors with whom we regularly interact. People have all kinds of reasons to uphold morality, obey laws, conform to conventions, and follow fashions, even when they disagree, and to keep their disagreements to themselves. This can, under some conditions, translate into a spiral of silence that conveys a false impression of just where consensus lies. Intimidation by the perceived majority is the more likely to occur whenever a particular viewpoint is asserted with great vehemence or backed by authority as, for example, during a moral crusade (Noelle-Neumann 1993). Although all of us are to some degree oriented to, and often dependent on, the knowledge of others, especially the less knowledgeable and the timid, this situation bears on popular sovereignty only if opinion is directed at what government should do and the laws it should pass. The very idea of sovereignty also presupposes a level of public enlightenment sufficient to qualify at least some segment of the people for participation in public affairs so that these spirals, should they occur, represent a temporary breakdown of the public opinion process rather than its essence.

Not only people – majorities as well as minorities – but even governments can feel tyrannised by a determined constituency that, acting under a strong common emotional impulse, raises non-debatable demands. These are the characteristics we associate with the concept of “crowd.” People do not have to be physically assembled to act as crowds; it suffices that enough of them speak with a loud voice or participate in a mass protest governed by reason, interest or passion. Collective psychologists, mostly around the turn of the previous century, called their era the “age of crowds.” They believed that power had passed to the streets and was forcing concessions from legislators. Although mobs and mass protests can paralyze a government or cause its downfall, its successor – whether by force or after an election – once the anger, or fear, or other emotions that moved the demonstrators has dissipated may not mark any fundamental change. Particular interests, rather than the general interest, remain paramount. Either the old governing class, after making some concessions, manages to reestablish powers it had ceded under pressure or the interests that have carried a new regime into power soon diverge from those of the protesters. As von Stein would have put it, only the rulers but not the nature of the rule changes.

On the other hand, interests tame passions. When people vote – whether with their ballots or their purse – they do so with some conception of where their inter-

ests lie. They may calculate what is to their personal advantage or act with an eye to what is best in the general interest. Usually, their decisions are some mixture of the two. But the point I wish to make is that when people cast their ballots in the privacy of the polling booth, they act as individuals rather than as members of a concrete group or of a crowd. The decision itself may not be altogether private insofar as people do not make up their minds all by themselves but, as we have learned, on the basis of discussion with kin, neighbors, and people with whom they work. They are further influenced by their memberships in various groups as well as by their affiliation with a political party, and by the mass media to which they turn for relevant information. None of these influences change the social character of electoral outcome. The aggregation of individual votes is not a group decision and, although legally binding, rarely contains a clear mandate. The caveat expressed by Sir Henry Maine, a critic of popular government, certainly applies. It puts those looking to public opinion for guidance “much in the same position as the Greeks with their oracles. All agreed that the voice of an oracle was the voice of a god; but everybody allowed that when he spoke he was not as intelligible as might be desired” (Maine 1886, 185).

The reason for this ambiguity: voters respond as a “mass.” Theirs is, to quote Hegel once more, an “unorganic,” an atomistic, way of expressing the general will. What the voters want remains elusive because the vote hides the many considerations that enter the seemingly simple act of casting a ballot. Where choice is confined to merely two alternatives, issues have to be bundled. The same electoral outcome emanates from many different reasons and hardly anyone will subscribe to every plank in the platform of their preferred party or candidate. When there are many parties, each representing an ideologically coherent point of view, the legislature is apt to be fragmented. To form a winning coalition, party leaders will either have to bargain away some of their cherished principles or put them on the back burner. Besides, the right to vote is exercised only at intervals and, given the size of the electorate, any one person’s vote counts for very little. While one might assume that citizens would be eager to vote, if only to protect their own interests, where numbers dominate – so Hegel believed – “experience has shown that the excessive gap between the importance of the effect which is supposed to ensue, and the extremely small influence which the individual seems to have, soon produces the result that the [then recently] enfranchised become indifferent to this right of theirs” (Hegel 1817/1964b, 264).

Polls, though to a lesser degree, face some of the same difficulties. There are always so many issues, so many conditions calling for remedial action, so many constituencies each with their own interests and priorities. The pollsters get meaningful majorities only when they focus on issues with wide and continuous media coverage. The rest yield large numbers of pseudo-opinions and “don’t knows.” Even where the alternatives are clearly defined and widely known, there remain questions about how the majority view is to be implemented and, specifically, who is to bear the costs. This is where even the best polls are of little help.

“Crowds” and mass behavior feed into public opinion but should never be mistaken for the real thing.³ Public opinion develops out of discourse that takes place on all levels – from chats on the street to deliberations in highest councils of government. All contribute to the enlightenment through which people gradually dis-

cover what is truly in their common interest. Discourse in the policy-making bodies tends to be quiet and sheltered except for input from lobbyists. Only on special occasion is it disturbed by the clamoring of outsiders. But no matter how small the attentive public, it is never quite absent, at least not as a reference group, from the minds of those charged with advancing the general or public interest. That there is such an interest over and above particular interests seems undeniable. Everyone has some stake in public peace and the rule of law, no matter how strongly they may disagree on what the laws should contain. The public is not truly sovereign, except insofar as it exists as a reserve force to be mobilised in the case of too overt an abandonment by the government of its responsibility to do what is in the interest of all. When sufficiently aroused, public opinion constitutes a tribunal of last resort, a concept first advanced by Jeremy Bentham (1830/1983, esp. 35-39). It emerges as the final arbiter of law and on matters inadequately covered by the law. But public opinion cannot lead, even when it seems ahead of the legislators. It cannot act except by taking on some of the characteristics of a “crowd” or in the form of a mass of people who express their individual preference by their ballots or in ways where it can be counted. The public by its constitution is eminently fitted to adjudicate, which it cannot do fairly and effectively without public discourse and deliberation.

Notes:

1. On the evolution of the concept of interest, see Hirschman (1977).
2. I have generally followed the Friedrich translation (Hegel 1833/1953) but often consulted the original German text and substituted my own translations annotated by reference to the appropriate paragraph. Direct quotations of Friedrich translation have a page number attached to them.
3. I am referring here to the work of Gabriel Tarde (1901/1989), Robert E. Park (1902/1972), and Herbert Blumer (1951).

References:

- Bentham, Jeremy. 1830/1983. *Constitutional Code*. Vol. 1. Edited by F. Rosen and J. H. Burns. Oxford: Clarendon.
- Blumer, Herbert. 1951. Collective Behavior. In A. M. Lee (ed.), *Principles of Sociology*, 167-222. New York: Barnes & Noble.
- Boas, George. 1969. *Vox Populi: Essays in the History of an Idea*. Baltimore: Johns Hopkins.
- Hegel, Georg Wilhelm Friedrich. 1833/1953. *The Philosophy of Hegel*. Translated by C. J. Friedrich. New York: Modern Library.
- Hegel, Georg Wilhelm Friedrich. 1833/1981. *Grundlinien der Philosophie des Rechts oder Naturrecht und Staatswissenschaft im Grundrisse*. Edited by E. Gans. Berlin: Akademie Verlag.
- Hegel, Georg Wilhelm Friedrich. 1799-1802/1964a. The German Constitution. In T. M. Knox (trans.), *Hegel's Political Writings*, 143-242. Oxford: Clarendon.
- Hegel, Georg Wilhelm Friedrich. 1817/1964b. Proceedings of the Estates Assembly in the Kingdom of Wurtemberg 1815-1816. In T. M. Knox (trans.), *Hegel's Political Writings*, 246-94. Oxford: Clarendon.
- Hume, David. 1757/1874. *A Treatise on Human Nature*. Edited by T. H. Green and T. H. Grose. London: Longmans.
- Hume, David. 1752/1906. *Hume's Political Discourses*. Edited by W. B. Roberston. London: Walter Scott.
- Locke, John. 1670/1997. First Tract on Government. In M. Goldie (ed.), *Political Essay*, 3-53. Cambridge: Cambridge University Press.

- Locke, John. 1690/1894. *An Essay Concerning Human Understanding*. Edited by A. C. Fraser. Oxford: The Clarendon.
- Maine, Henry. 1886. *Popular Government*. New York: Henry Holt.
- Montesquieu, Baron de. 1748/1949. *The Spirit of the Laws*. Translated by T. Nugent. New York: Hafner.
- Necker, Jacques. 1791/1986. *CT Res. Publicats, Inc*. London: G. G. J. & J. Robinson.
- Noelle-Neumann, Elisabeth. 1993. *The Spiral of Silence: Public Opinion, Our Social Skin*. Chicago: University of Chicago Press.
- Olson, Mancur. 1971. *The Logic of Collective Action: Public Goods and the Theory of Groups*. Cambridge: Harvard University Press.
- Park, Robert E. 1902/1972. *The Crowd and the Public, and Other Essays*. Chicago: University of Chicago Press.
- Rousseau, Jean Jacques. 1757. *The Miscellaneous Works of Mr. J. J. Rousseau*. Reprinted 1972 by Lenox Hill, New York. Vol. 5, *A Treatise on the Social Compact; or the Principles of Political Law*. London: Becket and De Hondt.
- Rousseau, Jean Jacques. 1758/1968. *Politics and the Arts: Letter to M. d'Alembert on the Theater*. Translated by A. Bloom. Ithaca: Cornell University Press.
- Smith, Adam. 1759/1804. *The Theory of Moral Sentiments*. London: Cadell & Davis.
- Smith, Adam. 1776/1981. *An Inquiry Into the Nature and Causes of the Wealth of Nations*. Edited by W. Todd. Indianapolis: Liberty Classics.
- Stein, Lorenz von. 1850/1921. *Geschichte der Sozialen Bewegung in Frankreich von 1789 bis auf unsere Tage*. 3 vols. München: Drei Masken Verlag.
- Tarde, Gabriel. 1901/1989. *L'opinion et la foule*. Paris: Presses Universitaires de France.
- Tocqueville, Alexis de. 1835/1946. *Democracy in America*. Translated by H. Reeves. New York: Oxford University Press.