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POLITICAL ETHICS
AND RESPONSIBILITY:
THE ROLE OF THE ELECTED OFFICIAL

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INTRODUCTION

The word "politician" may, in today's society, bring with it some very bad connotations. Most people view politicians and elected officials as coniving scoundrels, shady characters, and power hungry villains. It may be true that some politicians are all of the above and more, but many of the office holders who run our legislatures and other branches of government are concerned with what is ethically and morally correct behavior in the political arena.

Unfortunately, the role of the elected public official is not always clear cut. For example, there is no universally acceptable definition of the duty of being a "representative." Therefore, it is obvious that every elected official has his own view of what it means to "represent." However, this does not mean that every view is morally justifiable. There is a definite superior choice between the alternatives that makes the other theories not as ethically acceptable.

Another ethical dilemma that the elected official faces is whether he is permitted to perform certain acts that would not be acceptable if performed by

an ordinary citizen. This concept is called "dirty hands," and it raises many challenging questions concerning the role of the political office holder.

Several smaller problems that a public figure must contend with are the party with which one is associated, campaign funds and salaries, and the media-representative relationship. Each of these brings with it moral uncertainties that an elected official must confront.

It is important to deal with the professional responsibility of the representative and the ethical problems that must be handled. Political ethics are of great importance to us, because we, as constituents, are in a vulnerable position. The people whom we elect to public office will ultimately have governmental power over us; therefore, if we want those who represent us to display certain moral and ethical values, then the public has the obligation to provide certain well thought out standards for their conduct. It is thus necessary that some types of standards concerning the behavior of the public officials be set up and enforced. In dealing with various topics in this paper, it is my intent to outline some guidelines for the ethical and moral responsibilities of the

representative.

CHAPTER 1
THE ROLE OF THE REPRESENTATIVE:
THE DELEGATE VERSUS THE TRUSTEESHIP THEORY

There are many views, thoughts, feelings, and philosophies concerning the responsibility of the elected official. Two of the better known theories are John Mill's Delegate Theory and Edmund Burke's Trusteeship Theory. Despite their contradiction, both are seen by their advocates as correct statements of the moral responsibility of the representative. The ethical duties that a public official would feel necessary to adhere to would be affected by the theory that he adopted, that of the Delegate or that of the Trustee, so it will be necessary to deal first with that question.

The Delegate theory asks the representative to vote, form policies, and support issues that follow the will of the majority of the constituents. The representative is a substitute for the absent constituents, and he conveys their views to the whole legislative body. The Trusteeship theorist, on the other hand,

deemphasizes the duty of the elected official to follow the desires of his constituents, and he will follow those desires only as long as they agree with his own best judgment. He would never sacrifice his own beliefs. Thus, the official may or may not vote as his constituents prefer, form policies they favor, or even defend issues that those he represents support. Any conflict between the representative's conscience and the will of the constituents would favor the former.¹

During the formation of this country in the late 18th Century, the forefathers saw a very definite role for the representative. A.H. Birch in his book, Representation, notes that, "They expected members of the legislative assemblies to act as delegates to their constituents, and favoured frequent elections to prevent the representatives from acquiring too much independence."² Sovereignty belonged to the people while it was considered the duty of the leaders to represent the will of the people. Frequent elections would assure the public that anyone who became too self-serving would be quickly and easily removed from

¹Peter French, "Burking A Mill," Ethical Issues in Government (Philadelphia: Temple University Press, 1981), p.3.

²A.H. Birch, Representation (London: Pall Mall Press Ltd, 1971), p.42.

office. Even the authors of The Federalist saw the need for representatives to support sectional interests so no group, area, or district would become too powerful.³

However, as this country progressed and theories about the role of government developed, many disagreed over exactly how the people should be represented. Birch provides a list of three main usages of the term representative. The first corresponds to the Delegate view and the second to that of the Trusteeship view.

Representation can be understood as the standing in for another and thus, as being an exact likeness of the absent one.⁴ A public official must represent the will of the majority of the constituents. In performing that function, he is the intermediary who relays his desires so that laws and policies can be those desired by the constituents. However, his power is limited by the ends of the people. This is representative of the Delegate view.

Another definition Birch presents sees the representative as a spokesman who acts on behalf of his

³Birch, p.42.

⁴Birch, p.15.

principal.⁵ As the representative strives to achieve the goals of those he represents, he does not act exactly as the one he represents would. Successful representation is thus based on how well the goals of the represented are met. This corresponds to the Trusteeship view.

The final way of viewing a representative, by A.H. Birch, is as a symbol.⁶ Symbols resemble that which they stand for, but they are not exact images. Elected officials may be persons who symbolize the identities or qualities of a class or persons. It is not necessary to deal further with this third understanding of the representative.

A dilemma immediately arises because of the differences between the Trusteeship and the Delegate theories. The Delegate must listen to and follow the needs, desires, and opinions of his constituents, but the Trustee must be true to his own will and judgment, even if it differs from the will and judgment of his constituents. Thus, should he do his own will or the will of those he represents? Is it "representation" if he does not do the will of his constituents? Or,

⁵Birch, p.15.

⁶Birch, p.17.

is it "representation" if he does only their will and leaves no place to exercise his own political wisdom and judgment? Therefore, it is apparent that at this point, it is necessary to examine each view separately.

The Delegate theory binds the representative to the will of his constituents. If elected, he will do their will. There is no clash of wills. Both James Madison and John Locke felt that the legislator must identify with the interests of his constituents. For example, Locke saw the legislators as "bound agents" who carry out the goals of the people. Representation is performed when those who are elected let the wills of the constituents be known in the legislative process.⁷

This view may, at first, have the legislator appearing to be a puppet--his duty is to merely relay the wishes of those he represents. However, this is not the case, because most issues have no real majority opinion. Some issues have no support or opposition, and opinions on views on many issues are not definite amongst the constituents.

The representative who upholds this belief does

⁷French, pp.7,8.

not run into the reelection problems that harass an official who favors the Trusteeship theory. Being bound to the views of the represented, the public official demonstrates either the subordination of his will to the majority will, or the fact that his will simply agrees with that of the majority. It is difficult for the people to give power to persons they feel are self-serving, or to people they think will follow policies at odds with their own views.⁸ Constituents see the need for their representatives to be committed to their interests. As they recognize, public policy that benefits the majority is the best. Policy makers who have records of voting against the desires of those they represent are often viewed as self-serving. Joel Fleishman remarks in his keynote address for a conference at the University of Virginia, "To the extent that the self-interest of public officials asserts itself against the public good, to that extent, the public trust is violated."⁹ Self-interest, even the slightest semblance of it, can greatly damage

⁸Joel L. Fleishman, keynote address, "The Pursuit of Self Interest for the Public Good: An Ethical Paradox of Representative Democracy," Ethics and Government (Washington, D.C.: The Roscoe Pound-American Trial Lawyers Foundation), June 1982, p.27.

⁹Fleishman, p.27.

and often end the career ambitions of a politician. Therefore, it is evidenced that, for representatives who take the view of the Delegate theorists, reelection is much easier. Since the majority usually want what they believe is for the common good, they assume any official who votes their way is also devoted to the common good and is not merely self-interested.

This viewpoint, the Trusteeship theorists are quick to point out, does have flaws. Public officials do not appear to take on any responsibility. They merely juggle numbers to figure out what issues the majority of the people in the district support. The official may also place a much too high emphasis on getting reelected. Being able to discern issues and to decide what is right or best for his constituents does not have to be an important consideration for the Delegate-type official. This can be considered a moral wrong.

A second criticism is that government is (or should be) a matter of reason and judgment, not inclination. It can be reasoned that a group of citizens located miles from the deliberations, hearings, and discussions should not be making the final decisions

in the formation of public policies.¹⁰

Both France, after 1789, and England, after 1832, supported the idea of the Trusteeship relationship in the legislative assembly.¹¹ Thomas Hobbes and Edmund Burke were also advocates of the contract or trusteeship idea in which the legislator, having been given the authority, acts in the name of another.¹² It was important to both of these men that the legislator not be robbed of his judgment. This viewpoint, however, would not lead to tyranny or unrestrained power of those elected. These elected officials do indeed see the need to represent the constituents. There is a protection in their ability, or their inability, to be reelected.

Many feel that legislators can only be truly representative if they have the power to decide issues for others. Public officials are usually in a better position to research and to be informed on issues. Each representative has a large support staff researching bills, and lobbyists are always eager to speak on their various issues. Thus, the official is more

¹⁰French, p.12.

¹¹Birch, p.60.

¹²Hanna Fenichel Pitkin, ed., Representation (New York: Atherton Press, 1969), p.1.

knowledgeable on the specific happenings at the legislature than the majority of his constituents. Most of those he represents know very little about the issues and only a few even care. It is his duty, because of his superior knowledge, to vote the way he feels most appropriate for his constituents. He is negligent if he does not exert his own judgment. Edmund Burke states, "Your representative owes you not his industry only but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion."¹³

This does not mean that the representative should not hear or even seriously consider the feelings, desires, and needs of those he represents. Using his "unbiased opinion", "mature judgment"; and "enlightened conscience",¹⁴ the representative should be true to his own rational judgment as well as listening to his constituents. He should consult them at times he deems necessary, but should never feel compelled to obey them.

The check on the legislator is in the reelection process, because the representative who sees no special obligation or role to be truly loyal to those he repre-

¹³Edmund Burke, "A Representative's Duty to Constituents," New York Times, 18 Oct. 1984, p.27.

¹⁴Burke, p.A27.

sents, will most likely not be reelected. The representative is accountable for his actions. The consequences of his actions affect others, and he must put the good of the whole above the good of the individuals. To earn the trust of those who elect him, he must, in the majority of instances, well serve the greatest number of people. In doing so, he will earn their trust to make policy and to exercise his own discretion. Constituents will sacrifice self-interest if they see it necessary and beneficial for the larger good.¹⁵

In comparing the two theories, it becomes apparent that the Trusteeship view is the better moral choice for the representative. The Delegate belief is plagued with ethical questions and difficulties that can not be as easily answered as its counterpart. It is not correct to assume that the representative who adheres to the Trusteeship theory will always make the decisions in a more ethically responsible manner, but the moral problems and dilemmas are more easily resolved.

The Delegate theory may encourage officials to ignore their own personal judgment and wisdom in order to vote for the majority will. This can be seen as a compromising of beliefs for an easier chance of

¹⁵Fleishman, p.27.

being reelected. The representative should never deny his own beliefs.

It is also evident that the Delegate view robs the legislator of his own judgment. This belief would require the representative to choose the side of his constituents if there was any disagreement between himself and them.¹⁶ The will of the representative is limited. As Peter French notes in "Burking A Mill," "It makes his rationality subservient to the 'collective will of the majority of his constituents.'"¹⁷ An elected official should not be a mere balancer of interests. It is unethical to ask a representative to ignore or neglect his own judgments, convictions, viewpoints, and moral understandings in order to follow the will of the majority of the constituents.

The Delegate theorist must explain why he, who is better informed, has better access to information, and who can provide information on specific issues, would ignore his own feelings and views. It is indeed true that the represented should not be ignored in the legislative processes, but representation must allow for the insertion of the feelings of the elected.

¹⁶Norman Bowie, ed., Ethical Issues in Government (Philadelphia: Temple University Press, 1981), p.100.

¹⁷French, p.6.

Edmund Burke was adamant in his belief that the legislature was not a group of separate interests.¹⁸ Instead, it was a political body that worked together for one total good and the general well being of all.¹⁹ The desires of individuals and their districts may not necessarily be as important as the needs of the whole nation.

The Delegate theorist faces the complex problem of figuring out the desires of his district. How is this done? A problem arises when a loud minority raises a commotion concerning an issue. Could the legislator mistake that for the will of the majority? Or worse, the delegate may succumb, from fear, to their wishes. A good example is Delegate Mary Sue Terry who, during the 1985 Virginia General Assembly, voted for an abortion bill that she did not in fact support. A small group of verbal citizens, who could perhaps be damaging to her aspirations of holding a higher political office, caused enough of a stir to change her mind. Is that appropriate? It is neither appropriate nor ethical. The delegate overlooked what may have been the true wishes of the majority

¹⁸Burke, p.27.

¹⁹Burke, p.27.

of constituents (which is the requirement of the Delegate Theory), and even worse than that, she neglected her own opinion. Delegate Mary Sue Terry's choice is not justifiable.²⁰

The Delegate theorist would note that the Trusteeship view may also allow representatives to be too concerned with getting reelected. Knowing more about issues, the elected official may turn from what is best for his constituents in order to gain funds for his campaign. The representative may vote for wealthy friends and business interests that can be very helpful (or even harmful) during elections. Thus, the legislator exerts his independent judgment, based on superior knowledge, not for the good of the majority, but for what is most advantageous for his political aspirations.

The other criticism of the Trusteeship Theory deals with the representative seeing the public as ignorant and not understanding. Too little credit about political concerns and legislative processes is given to the represented. As Hobbes wisely noted, "The one man acts, and the other bears responsibility

²⁰I served as a legislative intern during the 1985 Session of the Virginia General Assembly. Most incidents described in this paper which relate to the Virginia Assembly are from my experiences while serving in that capacity.

for the consequences as if he had acted himself."²¹ The good of the whole is important, true, but the legislator must not overlook the desires of the represented, claiming their wishes as unsound or faulty, in such a way as to imply that the people represented do not know, or do not want, what is best for all.

These two criticisms can be responded to and perhaps even answered. The first judgment is a problem that afflicts both theories. Both theorists see the problem of reelection as a major obstacle in good representation. The Delegate theorist can, however, bypass the problem, because of his belief that the representative votes the will of his constituents, and will thus not have any reelection problems. By satisfying the majority of citizens, he can gain their support at the polls. The intent of the Trusteeship view is to allow room for both viewpoints; the representatives and the represented. The Delegate theorist is blatantly doing what he may accuse the Trusteeship theorist of trying to do every once-in-awhile. It is a true representative who is not intimidated by the will of the majority, but who allows room for

²¹Pitkin, p.8.

his own opinions.

The second criticism can also be dealt with by first stating that there are many (the majority of) constituents who know little or nothing about politics or the governmental processes. Every constituent is not interested in every issue or even concerned with a large majority of the issues. It would be more accurate to state that most constituents are only concerned with a very few issues that usually affect them directly. That is why there is a need for a representative who can investigate all of the issues, incorporate the views of the interested constituents, and make a sound judgment based on both. The area of politics is broad and must be viewed on a large, varied scale. Constituents can only see bits and pieces of the whole picture. It is the duty of the elected official to consider all of the legislative topics and to base decisions and votes on his total comprehension of the system. The representative does not claim the public as ignorant and removed from the process, but it is his duty to view all of the legislative happenings.

The wishes and desires of the constituents must be a primary concern of the legislator. It is easy

to overlook the public and to view them as ignorant, not understanding and uninterested. However, they are the ones who elect the officials, and to whom the official is accountable. Nevertheless, the representative who holds to the Trusteeship view would never ignore the constituents entirely. He would, in fact, seek their opinions, and follow their opinion when appropriate. It is only in times of disagreement between the two wills that the representative must vote his way.

In conclusion, the Trusteeship theory is far superior to that of the Delegate theory. By comparison with his constituents, the representative is better informed, has superior political wisdom, and has easier access to information concerning issues. It is also unlikely that he would be reelected if he only voted his own best judgment without ever considering the opinions of his constituents. The representative should never make his will subservient to that of his district. Government is a matter of judgment, not will. Joel Fleishman made a very observant comment in his keynote address referred to above. He stated, "The greatest public leaders of all time are those who brought the public to accept their point of view,

who did not reflect public opinion, but moulded it."²²
Representation is not the mere substitute theory in which elected officials collect numbers of constituents favoring and opposing issues. It involves not only the desire to know the constituents, and to consider their opinions, views, goals, but also to combine political wisdom and experience in order to truly be a "representative."

²²Fleishman, p.33.

CHAPTER 2
A MORAL DILEMMA:
THE PROBLEM OF DIRTY HANDS

Several ethical questions arise when one looks at the sometimes dubious things political leaders believe they have to do. For example: Is the political figure, by his holding of public office, under a different set of ethical or moral standards than a mere citizen? Is he, perhaps, able to commit, perform, or order certain actions that, if done by a non-public citizen, would be questionable or perhaps even unethical? Finally, is he given more ethical freedom than ordinary persons?

These questions demonstrate the necessity of discussing a concept called "dirty hands." This concept deals with the moral dilemma of whether anyone who is politically involved can commit some morally "unclean" deed and whether he can or must be held responsible for committing that act. The term, dirty hands, can find its origin in Jean Paul Sartre's, No Exit and Three Other Plays. The character Hoerderer is noted

as saying, "I have dirty hands right up to the elbows, I've plunged them in filth and blood. Do you think you can govern innocently?"²³

There are various ways to examine this topic. It is important to decide if, for example, a politician can be held to a different standard than others, and if so, how much responsibility he should assume. The utilitarian (consequentialist) viewpoint as well as the thoughts, ideas, and beliefs of Niccolo Machiavelli, Max Weber, and Albert Camus can offer a variety of options and justifications in dealing with this topic.

"Dirty hands" is not an unusual phenomenon to politics. In fact, it is quite necessary if a politician desires to be successful. Machiavelli believed that it was not easy for a representative to keep his hands clean. However, the performing of unethical acts may in fact be the best way to represent the constituents and to bring them what they want. The politician who does the most beneficial thing for those he represents will stay in power. The performance of the immoral actions will be overshadowed by the results and the

²³ Jean Paul Sartre, "Dirty Hands" in No Exit and Three Other Plays, trans. Lionel Abel (New York, n.d.), p.224, as quoted in Michael Walzer, "Political Action: The Problem of Dirty Hands," Philosophy and Public Affairs (1973-74), p.161.

subsequent success of the representative.

In the Foreword of Personal Values in Public Policy, Senator Charles Mac. Mathais states, "It is both my opinion and my experience that most people in the political world want to do 'the right thing' to the extent that they have the light to recognize what is right."²⁴ Unfortunately, it is difficult to decide what is right and moral. Values can be both objective and subjective.²⁵ They can be imposed on us by parents, friends, and even the law, but values can also be quite personal. Thus, a conflict arises when a decision has to be made as to which values or morals should be striven for and pursued. What may be acceptable in the eyes of a politician may not be acceptable to the represented, and what may not be acceptable to a politician may be considered so by the constituents. Thus, now comes the question (dilemma) of whether a politician is permitted to perform acts that are considered to be unethical if performed by one of his constituents? It is interesting to note Ray Price's statement that opposes that of Mathais. He told interviewer Philip Nobile that,

²⁴John C. Haughey, Personal Values in Public Policy (New York: Paulist Press, 1979), p.1.

²⁵Haughey, p.45.

"Nobody gets into the White House without being a devious politician to some extent. Maneuvering and manipulation is part of the president's job. A saint would be a disastrous president."²⁶ It is apparent that various ideas of the role and duty of a politician are difficult to define and to explain.

Nevertheless, the politician is indeed different from those he represents. He is given the responsibility of representing his constituents' beliefs, desires, and objectives. He acts for them. Given this duty, the representative has greater responsibility than most others. He is faced with making decisions and choices that are beyond our imagination. The high official's choices of action affect many people. For example, he has the power to tax, to impose laws, and to, perhaps, even decide to send his nation to war.

The need to dirty one's hands is evident when an unethical deed must be performed in order that the citizens are kept safe, secure, and represented in the best fashion possible. A good example of a politician dirtying his hands concerns an official

²⁶Philip Nobile, "With Nixon," Richmond Times-Dispatch, 4 Dec. 1977.

who must lie to his constituents concerning a top secret military mission. It is to the benefit, well being, and best interest of the district and the nation if he lies. The act of lying is unethical. Lying is deceptive and should not be promoted or encouraged, especially by the very people who are held in high esteem. However, certain deceptive acts often must be committed. The politician is given greater powers than those of ordinary citizens. His decision to lie may have prevented an enemy attack or may have kept a vital missile needed for protection from being placed in a vulnerable location. The lie is thus acceptable and may no longer be considered unethical.

The greater power of a representative may be used as it is purposed, to benefit the represented. However, politicians often rule over and manipulate the constituents. The elected official has a lot at stake for himself in the holding of office. Michael Walzer in "Political Action: The Problem of Dirty Hands," phrased it nicely when he said, "Indeed, he cannot serve us without serving himself, for success brings him power and glory, the greatest rewards that men can win from their fellows."²⁷

²⁷Walzer, p.163.

Nonetheless, many politicians allow themselves to perform unethical deeds, because they claim that they would be letting down those they represent if they did not get their hands dirty. Often, representatives must do something that is objectionable as seen from the eyes of those they represent. Politicians may fall under a different morality than the public. This would be a type of governmental morality that would stem from the morality of the policy makers.²⁸ An act may be the best choice, but seen in itself, morally wrong. Thus, when the politician commits the act, he is not quite as guilty as if it had been committed by an ordinary citizen.

The dirty hands dilemma always arises for a politician. Being under a different standard and level of responsibility from those he represents, the politician will, at some point be faced with performing an "unethical deed" that must be done in order that those he represents are best served. It must be noted that a politician may choose not to dirty his hands, but he must get his hands dirty if he wants to succeed. If he stays clean, he may not be (probably is not) doing the best

²⁸Peter A. French, Ethics in Government (Englewood Cliffs, New Jersey: Prentice Hall, Inc., 1983), pp.16,17.

thing, and if he is elected to represent his people, and to do a truly good job, then he has failed.

The utilitarian can justify the politician's dirtying his hands, because the ends can justify the means. Utilitarians require that the representative look at the choices, alternatives, and various available options before a decision is made.²⁹ The alternatives must be weighed and the consequences must be examined. If the politician performs an unethical act, believing in good faith that he is doing the right thing (the thing which will have the best, or least bad consequences), then that act is acceptable.

Walzer can agree with the utilitarian view that the alternatives may lead a politician to perform an unethical deed. He would not, however, accept merely the guilt, remorse, and regret of the representative for the act. Instead, he would require a punishment that would equal the crime.³⁰

Through the perspectives of three philosophers, Walzer presents three ways of dealing with and explaining dirty hands. The first is Machiavelli. This view would permit an immoral act and would even allow it

²⁹Walzer, pp.168,169.

³⁰Walzer, p.173.

to be totally justifiable.³¹ It is often necessary to do unethical things in order to best serve the country and the people. Machiavelli can justify the act because it promotes the fame and glory of the leader which he considers to be fine. Like the utilitarians, the ends do justify the means. Therefore, if it is the best thing, then the act had to be committed. This line of thinking then follows to say that if the act was best, then it is not really wrong. If the act is not really wrong (and thus not immoral), there is no reason to feel guilty.

Neither Walzer nor I can accept this line of reasoning, a line of reasoning he associates with a pagan type religion. This view would allow a politician to perform an act, but to pretend that he has clean hands. There must be some grieving and some feelings of guilt. Feeling good about the act does not automatically clean one's hands of the action. Problems arise when a politician can excuse an immoral deed by merely exclaiming that the results cover up any misdoings in the middle. This theory could lead to inhumane, insensitive, and destructive tendencies on the part of the policy maker. Some feelings of

³¹Walzer, pp.173-178.

remorse must be evident.

This leads to the second view that Walzer examines. It can be seen in Max Weber's "Politics as a Vocation." The politician would be considered a tragic hero.³² This type of man is alone. He does what he must in order to best serve those he represents, but he suffers. Unlike Machiavelli, who can allow the politician to become fully free from the act, this character feels the guilt.

The politician realizes that he has done something that is truly unethical, an act that could perhaps not otherwise have been permitted. Thus, there must be a sense of realization that the act did occur, and the politician must subsequently have feelings of being the cause and the performer. The problem is resolved by the conscience. It is through his grief, anguish, and total hopelessness for having performed the act that the politician can be forgiven.

I can readily accept the personal sense of guilt as enough to free a politician from the corrupt act. This view is representative of the Protestant religion. The grace of God would free the politician from his guilt feelings. His grief would be ended by God's

³²Walzer, p.176.

grace. The politician has accepted the responsibility for the act as evidenced by his inner feelings of blameworthiness.

Unfortunately, that is not enough guilt for Walzer. Unlike myself, Walzer sees the need for the punishment to be social.³³ In his opinion, the punishment must be both visible and equal to the action. That is the only way to demonstrate that certain ways of behaving are just not acceptable. This point is made clear in the last view Walzer presents.

The final view is expressed by Albert Camus', The Just Assassins. These men (assassins) do their job and die.³⁴ The punishment must equal the crime. If a wrongful act has been performed, then there must be suffering for this wrong. At this point, Walzer and I depart. He follows Camus' Catholic type view. Walzer states, "I am inclined to think Camus' view the most attractive of the three, if only because it requires us at least to imagine a punishment or a penance that fits the crime and so to examine closely the nature of the crime."³⁵ The politician has performed the act, thus, he must bear the burden and the punishment

³³Walzer, pp.173-178.

³⁴Walzer, p.178.

³⁵Walzer, p.179.

for his actions.

I find Walzer's views almost ruthless. The act may be unethical, but it is done to serve the country and the people. Thus, it is not under the same high standards as other acts performed by common people, but it does need to be dealt with in a humane fashion. An eye for an eye, tooth for a tooth is too extreme for my tastes. It seems to me that Walzer greatly underestimates the punishment that one can feel internally. A personal way of dealing with the problem can be very effective. The wrong does not have to be paraded in front of all and punished in the same way. I find enough punishment within an individual's conscience. God's forgiveness and grace also seems to be neglected in what Walzer has to say. The Lord knows that men sin and do wrong, but he offers forgiveness. He does not ask men to take on the burden of their misdoings. Walzer even states, "...one's hands get dirty from doing what is wrong to do. And how can it be wrong to do what is right? Or how can we get our hands dirty by doing what we ought to do?"³⁶

I find it difficult to believe that he can admit the need for dirty hands and even accept it, but that

³⁶Walzer, p.164.

he requires such a harsh punishment. The man is somewhat inconsistent in his analysis.

To conclude, it is necessary to look back and perhaps answer the questions that were posed at the beginning of this section. My answer to all three questions would be "yes." The politician is under a different moral standard from that of his constituents. He exercises considerable power and judgment, and his decisions affect a great variety of people in very significant ways. Many decisions on this higher level can best serve the people if and only if they involve some type of immoral or unethical activity. Thus, the politician must be given more ethical freedom than those he represents.

The politician can neither successfully serve his people nor himself if he does not get his hands dirty. It is an inevitable part of politics. To be successful the representative must serve the needs of those he represents, and if that requires perhaps immoral deeds (there will always be some dirty hands activity) then he is forced to commit them if he wants to stay in office, and if he wants to carry out the duties of the office. Thus, there must be a time when every official gets his hands dirty. Refusal

to do so will certainly lead to losing the office and position. But more importantly, it may lead to a default on the official's duty to advance the public interest or common good.

The utilitarians as well as Machiavelli, can justify dirty hands because the end justifies the means. If the final outcome is the best alternative, then it is the only correct choice. However, these viewpoints seem to let the politician off just a little too easily. There must be some recognition that a wrongful act has been committed.

I can accept the personal feelings of guilt as enough realization of having performed an unethical deed. Unfortunately, Walzer requires a punishment equal to the action. That seems a bit harsh considering that he too realizes that dirty hands are inevitable, and often the best choice.

CHAPTER 3
OTHER MORAL DILEMMAS:
PARTY, MONEY, MEDIA

There are a variety of specific issues that a politician must confront as he serves his district. Moral dilemmas will inevitably arise and ethical decisions must be made. In this chapter, I will deal with three different, but very controversial topics: party, money, and media. Each, in its own way, challenges the public figure and forces him to define what he feels to be the true role of the representative.

PARTY

An ethical question can arise concerning the loyalty of an elected official to his party. Sometimes the judgment of the representative is overlooked because certain party policies must be followed. There is a question concerning whether there is a need to stick with the party which helps get one elected, and offers other advantages, or whether it is more important to vote one's own convictions.

To be sure, there is some ethical obligation as well as some political temptation for the elected official to follow the views of his political party. Parties represent sufficient breadth of concerns that policies can be formulated on which many people may more or less agree, and governmental decisions can be reached and carried out. Thus, some degree of party cohesion and party loyalty, though not absolutes, are often believed to be integral to governmental effectiveness. Unity is necessary if the group is to make great strides in the political arena, to achieve certain high ranking positions for its members, or to get certain legislation passed. A politician usually adheres to a particular party because he agrees with their views on specific issues. Therefore, in the majority of instances, his will and the will of the party are similar if not identical. Team-playing is a necessary element in the governmental process.

The views of a particular party may, at some point, be in direct contrast to the personal judgment of the representative. For example, party policies may not be in line with the true needs of specific districts. They may speak instead for the country as a whole, or even for larger interests. What is

"best for the whole" may not be best for the small areas. Or, a representative may disagree with a party stand on a certain important issue such as the economy. Paul Simon notes, "Every legislator occasionally struggles to determine at what point you are disloyal to yourself when you are loyal to the party."³⁷ It is wrong for an individual to be swayed by the party into a compromising of his beliefs. Party judgments are not always the best for everyone.

There are various reasons why a representative would feel compelled to follow the desires of a party. Most of the prestigious positions and committee chairmanships are given to party members. This is apparent in the highly Democratic General Assembly of Virginia. The Democrats are in control, by considerable numbers, thus holding all of the committee chairmanships and virtually all of the highly coveted positions from Appropriations and Finance Committee chairmanships to Speaker of the House. One must prove himself faithful to the party in order to gain the respect of the group. This is how one gets to be a leader. In order to be successful, within most governmental organizations,

³⁷Paul Simon, The Glass House (New York: Continuum Press, 1984), p.103.

the representative must be known as a party supporter. It would sometimes be more advantageous for a legislator to vote with the party than to vote for his constituents, and it is not unusual to see ambitious legislators follow party stands more than the true needs of their district. The punishment for not staying with the party can be harsh-- no good committee assignments.³⁸ The benefits of good committee positions and leadership roles are very tempting.

The party idea may, in theory, sound like a good idea. It is probably the best way for our legislatures to be run. However, there seems to be a strong difference between theory and reality. Certain states, such as Virginia and Georgia, are primarily Democratic. One must be in the majority party in order to promote one's political career or simply to be effective as a former of public policy. This may force certain political aspirants to register with the Democratic Party despite their true ideological beliefs. This also leads to the complete disregard for the true purpose of a two-party system. The system works best if the two parties are within comparable power positions so that some type of bargaining, in order to achieve

³⁸Simon, p.101.

the best public policy, is compromised between the two.

Another problem is the weakening influence of the parties on how people vote. Some people do use party as a cue to voting, but for the most part, the role of the party is declining. No longer are certain parties associated with specific views on issues and legislation.³⁹

There are virtues to being the dominant party. The party gets all of the major chairmanships and prestigious positions. However, that may not be the best thing for the represented. There really needs to be a balance between the parties. If one party becomes too powerful, the one party gets its way all of the time, and the other becomes stagnant.

Nevertheless, political parties do have certain good functions, and it may not always be necessary for the politician to be faced with a decision between his beliefs and those of the party. Dr. John Whelan, Chairman of the University of Richmond Political Science Department, does not see "...too many situations where the representative must make a fundamental compromise."

³⁹This information is based upon an interview with Dr. John Whelan, Chairman of the University of Richmond Political Science Department, in April 1985.

He does not feel that the party would put a representative in a position in which a choice had to be made. The party would not try to alienate its members in that fashion. Paul Simon has noted, along with the influence of parties on voting behavior, a trend toward the responsibility of the representative, not the party.⁴⁰ Perhaps the elected officials are beginning to see the need to truly "represent" the people, even if that contradicts party policy.

Dr. Robison James, Professor of Religion at the University of Richmond, sees an ethical ambiguity in the role of political parties.⁴¹ Because the parties offer the representative advantages, they tempt him to follow the will of the party despite his best judgment. Yet the parties' importance in the governmental process also means his party obligates him, as well. The true ethical obligation of the public official is to follow the policies and legislation of his party, but only up to the point where there is no conflict with his own moral reasoning. The duty to the party is overridden. Party loyalty is key to governmental

⁴⁰ Simon, p.100.

⁴¹ This information is based upon my interaction with Dr. Robison James as I worked on my thesis from September 1984 to April 1985.

effectiveness and it is a needed element in U.S. government. However, the temptation to merely adhere to party policies without regard to the true needs of specific districts is wrong. The moral duty is to the personal beliefs of the representative, unless in close calls, where it would be the most ethical choice to listen to the will of the party.

MONEY

The concern for money in politics has existed since our very first elected official, and it is of considerable importance to us today. Problems such as bribes may still be found in the political arena, but have been overshadowed by more prevalent concerns such as campaigning expenses and salaries.⁴² The costs of obtaining a political office have increased and subtle pressures to favor the opinions of contributors have intensified the money dilemma and have raised questions about political ethics.

No public official obtains an office without paying a price, and a very high price at that. Races for seats in the U.S. Senate and House of Representatives often surpass the million dollar mark, and it is not uncommon for state representatives to spend hundreds of thousands of dollars to get elected.⁴³

⁴²Paul Simon, The Glass House (New York:Continum Press, 1984), p.34.

⁴³See Michael Barone, et al., The Almanac of American Politics 1984 (Washington, D.C.: National Journal, 1984), and Paul Simon, The Glass House (New York: Continum Press, 1984), p.35.

Election costs have greatly increased in recent years. Even incumbents are finding it necessary to raise great sums of money in order to hold onto a seat. Growing areas of communication such as the radio and television have caused campaigns to need seemingly unlimited amounts of contributions to be successful. Mass mailings, telephone solicitations, polls, and even door-to-door campaigning can be both very extensive and very costly.⁴⁴ Staffs have also grown in size and the number of people required to win (or even run) an election have greatly increased.

Much of the money donated to campaigns in recent years has been controlled by Political Action Committees (PACs). These have entailed huge sums being donated to specific candidates especially by corporations, interest groups, and rich friends. Unfortunately, problems have arisen concerning PACs that have caused them to be supported by some and opposed by others.

Larry Sabato gives three reasons in support of Political Action Committees. The first is that they protect our right to freedom of speech. PAC money is an expression of particular interests, views, and philosophies. The second reason is that PAC money

⁴⁴Simon, p.39.

does not really influence the way the representatives vote. Elected officials enjoy, and even seek, PAC contributions, but they do not always feel compelled to support interest groups. The final reason that Sabato gives is that the PAC system of dealing with campaign contributions is better than most of the others that have been proposed.⁴⁵

A study done by The Richmond Times-Dispatch in 1983, however, does find a correlation between PAC money and votes.⁴⁶ The finding was that 79 percent of those receiving money voted for the special interest groups as opposed to only 59 percent of those not getting money. Nevertheless, the relationship may not be one of cause and effect. The money may go to those who are naturally more sympathetic to the needs of interest groups.

Certain changes in the handling of PAC money may help. Perhaps, there should be more incentives such as tax breaks to those who donate to a party rather than to individuals. That would give the candidates a larger pool of money, so they would not be as dependent

⁴⁵Larry Sabato, "PAC's: Should Something Be Done About Them?" The Richmond Times-Dispatch, 28 Oct. 1984.

⁴⁶Ray McAllister and Mike Grim, "PACs' Aid Correlates with Votes in Assembly," The Richmond Times-Dispatch, 18 Nov. 1984.

on Political Action Committees. It would also increase the power of parties that can then be used as a counterweight to PAC influence. There should also be forced disclosures (which do not have loopholes) of how the money was spent

Large sums of money are still needed to win an election, no matter how that money is received. Thus, anyone who contributes considerable amounts of money to a campaign will receive much gratitude from the candidate. In return, the contributor receives better access to his representative and therefore a greater chance of being heard on specific issues.

A representative's time is indeed limited. There are numerous committee assignments, sessions, press conferences, receptions, and other appearances that make demands on a politician's time. Therefore, there is not a lot of time that can be spared for the constituents. If a member of the public calls, then it is usually handled by an aide. It is at this point that contributors gain the advantage over other constituents. As Paul Simon notes in, The Glass House, "There may be some members of Congress who vote for or against a bill specifically because of a campaign contribution, but the much commoner problem is that campaign contributors

have greater access to policy makers, and access spells votes."⁴⁷

Many political officials are easily influenced by their contributors while others are not. Ethically, a public figure should return no voting favors for contributions. An explicit agreement would be considered a bribe which is unlawful. The representative is supposedly more familiar with the issues and the legislative process. It would not be morally wrong, and it may in fact be of great help, for a contributor to present his views to his delegate, but there should be no obligation for the representative to favor those views. It is the duty of the elected official to seek the other side of a piece of legislation also and then vote as an informed person. Representatives often vote contrary to the will of the contributors, and many do not lose the financial support.⁴⁸

However, it would be correct to state that on "close calls" where the representative does not believe a piece of legislation may be of major importance, those who have the greatest access will have their desires supported.⁴⁹ The financial need to get elected

⁴⁷Simon, p.35.
⁴⁸Simon, p.36
⁴⁹Simon, p.35.

is of utmost importance to the candidates and the contributor is thus rewarded by votes on certain issues.

A final problem with the expense of running a campaign is that too much time may be spent on raising funds. That may take the representative's energies and attention away from the true needs of his constituents. Paul Simon remarks, "Since the candidate who spends the most money generally wins, there are far too many candidates shaping their views to meet the financial needs of a campaign, rather than the actual needs of the country."⁵⁰ Perhaps a limit on the amount of money spent on campaigns can eliminate this problem. Politicians as well as the public must realize that the primary purpose is that of representation--not the election battle. Limits, such as ceilings on PACs, plus more strict limits on total campaign spending may help campaigns from becoming astronomically expensive.

Another area of concern is that of the salaries of elected officials. The costs of being a representative can also be quite large following the election. For example, most have to keep two homes and transportation can also become costly. Many representatives, especially

⁵⁰ Simon, p.39.

at the state level, can make money in other fields, but other office holders may even lose more money having to "close shop" for the duration of the legislature, or having to be absent from their jobs.⁵¹ It is not uncommon for good, qualified representatives to leave office for financial reasons. Quality is often compromised for those who are willing or who can afford to live on limited salaries. Thus, it may be the most ethical choice to allow pay raises. Quality may need to be attracted otherwise.

Most constituents do not approve of the pay increases that the representatives allow for themselves. They view the increases as tax money going to the greedy government officials. However, the increased salaries may be very necessary for good representation. If there were no salary increases, then only the rich would truly be running the legislatures. At this point, PACs would be of great help to the poorer candidates. The PAC money would serve to balance the personal donations of wealthy candidates although, as noted already, other problems may arise.

There should be no ethical problem with the raising of salaries by the representatives. The money may

⁵¹Simon, p.46.

be needed to entice the best people to be interested in serving their district, or in order not to deter the more promising people who may not want to have a reduced standard of living. The cost of running a campaign is expensive enough, so the winner should not then have to be faced with the problem of being unable to afford to remain in office.

Money can raise certain moral questions for governmental officials. Contributions for campaigns are becoming even more necessary in today's society where costs can force a candidate to pay thousands of dollars just to get elected. After the election has been won, the representative is then faced with two more additional problems. He must first realize that campaign contributions should not mean special voting favors and visiting rights that are denied to the common citizen. The representative must also realize that it is all right, and even the most ethical choice if pay increases are allowed. Often the general public finds it hard to accept certain monetary needs of the representatives, especially raises in salaries. However, the constituents must realize that often the best representatives must be enticed into holding office.

MEDIA

Constituents may play second fiddle to those who donate considerable sums of money to campaigns, but they are also placed second in importance to the media. It is the media (radio, television, newspaper) attention that can help or hurt a public official. The media portray the image of the representative as well as upplaying and downplaying certain pieces of legislation and various issues.⁵² In today's society, where the elected official is responsible for such large numbers of people, there is no way one could attempt to meet even a small percentage of the citizens. Thus, the voters often choose candidates who they frequently read about, watch on television, or hear mentioned on the radio. Media attention can gain votes, and it can also be of great help once the official is in office. Citizens like to see their representatives being followed by the press, not only so they can follow important bills and activities, but also so they can be assured that there is a "watchdog" keeping

⁵²Paul Simon, The Glass House (New York: Continuum Press, 1984), p.119.

a check on all of the representative's activities. Therefore, it is not surprising that there is usually an unspoken policy in every public official's office---the media get priority.⁵³

There are two major ethical problems that arise when the relationship between the elected official and the media is examined. The first is the importance that the representative places on the need to gain media exposure. The second is the way in which the official goes about seeking this attention. Unimportant issues and trivial items often get much more exposure than issues of real substance and concern. However, the problem may be attributable to the media. It is the media that needs the "eye catching" news stories in order to grab readers and to remain competitive with the other sources of communication.

Paul Simon accurately remarks, "Reporters, pressed for time, are attracted to the obvious, to the easy story that is more likely to be read than a story that will inform."⁵⁴ Citizens are not being shown the true inner workings of the legislature, and they are not always being kept informed on major issues.

⁵³Simon, p.119.

⁵⁴Simon, p.121.

It is also important to stress the main objectives of the media: to sell the paper, to get viewers, or to win the most listeners. The newspaper, radio, and television are all interested in making a profit in order to stay in business and to perhaps grow even larger. In general, the public is more interested in trivial items and heartwarming events than who voted for or against a bill. Therefore, the chain of reaction is apparent: the public, which gives its attention and money to specific forms of communication, prefer the more inconsequential happenings; so the newspapers, radios, and television, in order to gain public financial support, satisfy these demands in order to stay in business; thus, the politician must also gear his newsworthy actions to the media.

Senator Paul Douglas is quoted by Paul Simon as stating, "If you want to stay in public office, you have to get media attention...But the media loves trivia. You have to do a certain amount of that to stay alive politically."⁵⁵ The hurriedness of the legislative reporters does not allow time to be spent on issues of great substance. Instead, attention focuses on the cute, light-hearted charm of the repre-

⁵⁵Simon, p.121.

sentatives and their interection. Simon gives an example of massive numbers of reporters photographing and filming Representative Jim Wright pushing Representative Walter Fauntroy in a wheelbarrow in front of the Capital. The two had made a bet over the Dallas/Redskins football game.⁵⁶ I can recollect several television stations following a Senator from the Virginia General Assembly as he left his office and got onto the elevator. The occasion was his birthday!

Dr. John Whelan, Chairman of the Political Science Department at the University of Richmond, would disagree with the statement that the media and the elected officials concentrate more on trivial news than news that really concentrates on the issues. He agrees that there is some trivia, and that the representatives manipulate the media in order to gain exposure. However, he does not see this as bad. It is, in fact, just as necessary as the hard issues. Often, the elected official will need the exposure, on any type of event, in order to be heard on important legislation. Visibility is the key to votes, as well as respectability. Citizens who see their representative on television and hear them on the news, will give them more credibility

⁵⁶Simon, p.120.

for their beliefs on issues.

Dr. Whelan also feels strongly that many reporters and journalists do fairly and accurately cover major issues as well as even small issues. He believes that the media are usually objective in their coverage and that they seek to find the truth. However, Whelan does see room for improvement. All issues are not covered.

It is true that the grand openings of schools, malls, and office buildings may gain too much exposure by the press if a public official is in attendance. Morally and ethically speaking, the official is not wrong even if he seeks such types of coverage. The political figure truly needs that type of publicity. The public enjoys seeing the human side of its representatives, and it is of great benefit to the politician. It is acceptable for the official to get this attention if he uses it also to promote legislative happenings and issues. There must be an equal balance of the two. A politician who supplies the media with articles that readers enjoy, will also be in a position to get attention for issues of substance.

The media can not be completely to blame for the incomplete exposure of legislation. It is necessary,

in order to remain alive in the competitive market, to satisfy the public. Straight coverage of issues and bills would probably get no attention from the public. Most papers, radios, and television programs use a mixture of both unimportant and important happenings. For example, the Richmond Times-Dispatch devotes several pages to coverage of the Virginia General Assembly. In the form of short briefs, many issues are presented. These are probably read more often than large articles, because they are short and precise. It is necessary to note that much of the public does not want to be informed on issues, and that the easier it is to read the more likely that it will be read at all.

In the eyes of the active public, the media as well as the political figures, may be somewhat compromising in their actions. They do what they have to instead of what should be done. Trivial items are as important as true news. It is true to say that many issues are neglected. A possible answer is a 24 hour radio program sponsored by a public service organization which would continuously run bills and issues. Interested citizens could tune in to hear legislation that may be pertinent to them, but perhaps not to the rest

of the state. Another solution is an increased "Brief" section in the newspaper for briefs.

Public pressures for media exposure on cute, jovial topics cause the media to often deemphasize truly necessary issues. A balance, however, may be the best conclusion. Most citizens are unconcerned with the majority of the legislation, and one might argue that any bit of attention to the process may be the most one can hope to achieve. The representative is placed in a situation where he is forced to fight for the media's limited attention, even if for trivial things. The attention is necessary and perhaps even the most ethical choice.

CONCLUSION

The role of the representative may indeed be difficult to define, but there are definite ethical and moral responsibilities. A representative would be serving his constituents in the most ethical manner possible if he followed the Trusteeship view. It is necessary that the elected official strive to achieve the goals and serve the best interests of the represented, but that he never put their will before his own conscience. There should never be the subordination of what the representative feels is best for his district to the will of the majority. It is his duty to weigh the pros and cons of issues and then, based on his superior political knowledge, make the best choice.

The public official owes his superior wisdom and judgment to those who elect him. It is his ethical responsibility to serve his constituents in the best fashion possible. The representative must never deny his own views. However, the representative must never neglect his district's wishes. He must attentively listen to them and consider their desires along with his own. Only in cases of conflict will he do his

will instead of theirs.

The citizens should place a great amount of trust in the people whom they elect. Thus, it is obviously necessary that the duty of the representative be determined. The government officials who mould public opinion instead of merely reflecting it, and who persuade the constituents to accept their point view, have been the greatest leaders of this country.

"Dirty hands" is also an inevitable problem for a public office holder. It can be concluded that it is necessary for the political official to commit certain acts that would not be acceptable if performed by an ordinary citizen. The representative, by virtue of holding office, will be placed in certain situations that require morally uncertain courses of action. However, the representative must admit to himself that he has committed the morally questionable act. In order to be forgiven for having committed the act, the representative must first admit guilt. He must also admit that the act in question would not have been acceptable under any other situation. Admitting the guilt would free the politician from his sin. It would be unacceptable if the official did not acknowledge the morally wrong deed, or if he were

required to make some type of restitution equal to the crime. The best moral selection would be the more middle of the road choice which would allow for a personal type of grief. The representative should try to avoid situations where he might do wrong, but there are times when there is no other choice. Nevertheless these cases should be limited.

The topics dealt with in Chapter 3, parties, money, and the media, can, as already noted, lead to moral dilemmas for the representative. It is necessary for the elected official to follow his party's policies, but only as long as he is not forced to go against the needs of his district. As seen in Chapter 1, the role of the representative is to use his superior political knowledge and wisdom in order to best serve his constituents. By no means should anything interfere with his attempts to do the most moral thing. It is all right for the representative to follow his party and vote with them on issues (and it may be the most moral choice), but when the will of the party comes in direct contrast with the needs of the politician's district, at that point the only ethical choice is to go against the party.

Money dilemmas also harass the elected official

and stir up moral issues. Campaign expenses have become astronomical in recent years. Thus, the candidate must spend a great portion of his time raising funds. It is acceptable to seek contributions such as from PACs, but the representative must never feel any obligation to give the special interest groups and wealthy friends any more access or special voting favors than he gives to ordinary citizens. It is morally wrong for the representative to place the importance of any person or group above another. On issues that he has no particular feelings about or when he deems an issue uncontroversial he can, perhaps at that point, favor certain friends and groups.

Salary issues can also cause the elected official a lot of grief, especially with the general public. Pay raises for the representatives are more acceptable. Increased salaries are often necessary in order to attract the best people to serve in office. High campaigning costs are only the beginning. Once in office, the cost of maintaining two homes and leaving one's job can discourage even the most interested politician who can not afford a decreased standard of living. Salary increases may also guarantee that the wealthy who can afford to have a decreased income

will not be the only ones who run our government.

Finally, the representative should allow some special favors to the media. It is necessary that the public be informed on what the legislatures are doing. That may mean that the official has to give the media special access rights. The representative may also need to give the media some "trivial" type news in order to also be heard on important issues. Very few citizens are interested in the actual happenings of their legislative bodies, but they do have the right to know that the news is being followed and reported. It is acceptable for both the media and the representatives to give a little of both trivial news and news of importance if that is what the public wants.

It is the duty of the representative to keep in mind the true purpose of his holding office. He has been elected by those he represents in order to form policy and create laws that will help society as a whole. Keeping this moral and ethical responsibility in mind as his main purpose, the elected official should subsequently not have to worry about what is the best way to serve his district.

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