rural Montana, or in the inner city of New York, there are few or no geographical areas of thirty thousand people with a majority of extremists. And if a few manage to get elected, they would be only a few in 8,700. Madison's fears of mob rule are unlikely to materialize. A large House is more likely to be too slow to action than too quick.

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How about control by the few within a much larger House? Here I think Madison's objection is still sound. An elite would run the larger House. The speaker of the House and the leadership chosen by the speaker would choose to reside full-time in Washington, D.C. That leadership would be an elite group. Some representatives would be more powerful than others. Yet the internal politics of the House itself would be more democratic than at present. The choice of a speaker would be an open election involving 8,700 members, too large a number to be easily manipulated by a small group.

The speaker elected by a large House would, by virtue of that election, have some of the political authority that now attaches to the president. A large House would have more political authority than the current House. It would recover for the federal government some of the authority now possessed by the media and the public opinion polls. Districts might compete to elect members who could themselves be elected by other members to leadership positions. Many more people could and would run and serve, yet there would not be the emasculation of the effectiveness of the legislature that term limits might involve. My proposal would allow the continuation of an experienced elite at the top. Madison is right that a small group would manage the House, but that small group would be under democratic control by the rest of the House.

Although the election of the speaker by an 8,700 member House would confer serious political authority on the person elected, it seems unlikely that the speaker would have anything like the power of the prime minister in the British House of Commons. First, the House would be checked by the Senate and the other branches of government. There would be party organiza-

tion of the House, but because people could be elected with little money and without the help of a party, it could not be as tightly organized as even the present House, much less as tightly organized as the House of Commons. The power of the speaker and the committee chairmen would consist mainly in deciding what comes to a vote. Most votes in an expanded House of Representatives would be similar to free votes in the British House of Commons.

It would be harder for committee chairmen or congressional leadership to predict in close cases how a final vote would come out. Control of votes by a single person or small group would be much more difficult. This lack of control seems chaotic only in the sense that a market economy seems chaotic to people accustomed to a planned economy. The old planners especially get vertigo, but the economic and political decisions made by a decentralized process are usually better over the long run.

After some attempts to run business as the old House did, the new House would probably do much less drafting of legislation. The Senate would become more important as a drafting body, but they would draft "in the shadow" of the House because they and the administration would want to propose things that could pass the House. A bill passed by the House would have much of the authority that a referendum in a large state does now. Bills would be shorter and less complex. There would be fewer of them. Congress would not try to micromanage by legislation as much as it does now. More administrative power would remain with the Executive Branch.

Would political parties be weakened? I think they would within the House itself. But the very size of the House would encourage more organization of House members by both political parties and other interest groups.

When the new enlarged House is elected, with twenty representatives substituted for every current representative, the first thing that would happen is that representatives would organize in state and regional associations that would be further divided by party, so there would be a Democratic Mass-

achusetts Congresspersons Association and a Republican one as well. States where the entire congressional representation was from one party would be much less common. Even a state as liberal as Massachusetts has pockets of conservatives. Conservative states have pockets of liberals. A major advantage of the change would be that a state's representatives would reflect more accurately the variety of opinion within a state.

Regional associations of representatives would also arise to represent regional interests. These associations would cut across party lines. In addition to associations based on party and region, there would be formal and informal organizations of groups of representatives based on issues: labor relations, welfare policy, defense policy, the environment, etc.. These groups would also cut across party lines. Journalists, academics, people who are now congressional staffers, and people who join the executive branch to try and influence policy would instead become congresspersons for one or a few terms. There would be more turnover in the House, and a greater variety of people serving in the House, many of them genuine experts in the fields in which the House was legislating. Many more people would be involved in politics at every level. Many more people would know a member of Congress personally. A major benefit of the proposal would be the reentry into politics of more of the general public.

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How about the question of constituent service? On those occasions when a citizen goes directly to his congressperson for help with dealing with the government, would someone who is only one of 8700 be able to help as much as someone who is only one of 435? Perhaps not, but there would be a major gain in the access of the average citizen to his or her congressperson. As a practical matter, a representative with six hundred thousand constituents is able to help only a small percentage. Large contributors tend to get the most help. A representative with only thirty thousand constituents, a large proportion of whom know the representative personally, and all of whom are the representative's neighbors, would be more accessible to the average person and would care more for each voter. There would be twen-

ty times the number of congresspersons to help the average citizen.

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I have fixed on the number of 8,700 as the desirable number of House members, twenty times the current number of representatives, because no constitutional amendment is required to make this change. This means districts of thirty thousand people with twenty-one thousand voters and five to thirteen thousand people actually voting. (These numbers of those actually voting would, one hopes, go up.) My proposal substitutes a mini-electorate of attentive informed educated citizens for the current deliberative body. Once this change is accepted, there are few limits on the actual size of the House. Imagine an American House of Representatives one hundred times larger, or one thousand times larger, or ten thousand times larger. This would produce districts of six thousand, or six hundred, or sixty constituents. The problems are not so much in the size of the House itself. We have given up the idea that the House would be a deliberative body with members talking to each other in favor of the House as a mini-electorate whose members deliberate primarily with their own constituents. The key is the size of constituencies. What size would produce maximum deliberation among constituents, and maximum quality in the representatives?

In my view, sixty constituents per district (a House of 4.3 million) would be too small. There would certainly be no problems of proportional representation or campaign financing, but the pool from which representatives is drawn would be too small, and elections would be too personal. District lines would be very difficult to maintain and elections hard to administer. People would often be elected for reasons other than their ability to understand and to vote on matters of national importance.

A district with a population of six hundred, with about four hundred and fifty eligible to vote, and perhaps half that number actually voting (the percentages of those voting would likely increase), has the appeal that it is about the size of a New England town meeting. The House itself would then have 435,000 members. Open face-to-face discussions between citizens and their

representatives would be a common occurrence. Everyone who wished to could know their representative personally. The entire constituency would be smaller than most Internet use groups. A House member could easily educate his constituency on complicated matters. Remember that citizens in such a system are using the direct democracy of a town meeting not to decide national questions but to discuss them, and to elect one of their number to vote in the mini-electorate of a 435,000 member House. General educational standards are now so much higher than in 1790 that I think that virtually any district of six hundred people anywhere in the United States would have residents willing to serve that are of the quality now serving in the House.

Districts with a population of six thousand, with about four thousand people eligible to vote, might result in candidates and members of better quality than those now serving. Currently, the high entry costs of more than one million dollars to run for a House seat rule out all but the rich or those with the backing of the rich. Many well-educated citizens of sound judgement who now serve on local school boards but whose actual expertise and interest is more in national matters would run and be elected. The House would be only forty-three thousand in number and so membership would be an honor attained by less than one percent of American citizens.

The ideal then is probably districts of about six thousand constituents with a House numbering about forty-three thousand. Such a change would require a constitutional amendment. To make my proposal politically feasible, I propose only a statutory change to the 8,700 member House allowed under the present Constitution. If that works as well I think it might, then a constitutional amendment providing for a much larger House would become possible.

* * *

Another interesting consequence of a House of 8,700 would be in the election of the president by the Electoral College. Population will count for a bit more than at present, although not as much as one might intuitively expect.

Bigger states such as Massachusetts will gain influence 202/8800 (2.29545% of the total electoral college vote) instead of 12/538 (2.233048%). California will go from 54/538 (10.03717%) to 1042/8800 (11.8409%), Vermont from 3/538 (.55762%) down to 22/8800 (.25%). The average state has eight representatives now and would have 160 representatives in the new House. Under the Constitution, states can choose how to apportion their electoral votes. They would, I think, be more likely to distribute them by districts so that all of a state's electoral votes might not go to the same candidate.

Problem II: An Underdeveloped Monarchical Function: The Case of Japan

Japan suffers from a lack of the democratic element in the same way as the United States. The goals of the government cannot be kept in line with the goals of the public. During the first forty-five years of the post-World II period this was not apparent because both the people and the government pursued the same major aim of economic growth. The existing power structure was able to deliver on this goal. In the last few years, as Japan's economy has matured, competing goals have emerged. Some want continued rapid economic growth, some want a Japan more assertive in international matters, and some want to maintain the present distribution of social and economic power. The weakness of the democratic element has made it difficult for the Japanese to choose between these often conflicting goals.

The weakness of the democratic element has been exacerbated by an even weaker monarchical element. Unlike the United States or the United Kingdom, Japan lacks the ability to commit the nation to war or peace or to make major changes in policy quickly and decisively.

In the years following the World War II, the domestic policy goal of Japan was economic growth at all cost. In foreign policy, Japan followed the lead of the United States. The weakness of the monarchical function in Japan was not obvious. Since the end of the Cold War, it has become glaringly apparent, most dramatically in the Gulf War, when Japan fumbled about, finally contributing thirteen billion dollars and receiving little credit because it was

so tardy in making its decision. Japan might have quickly announced that while it would contribute nothing to the war effort, it would spend thirteen billion dollars on humanitarian efforts to rebuild after the war. Such a firm rapid decision would have increased Japan's prestige even in the United States, but especially in Asia. Alternatively, if Japan, like Australia, had quickly supported the war, Japan would have received much more credit for a much smaller contribution. Japan lacked the capability to make either decision.[28]

Another consequence of a weak monarchical function is the inability of Japan to make the decisions necessary to end its current long recession or to intervene decisively in the economic crisis in Asia. The enormous amounts of money being committed to prop up banks and weak companies inside of Japan may be largely wasted. The Japanese know what to do, but the weakness of the monarchical element in the structure of the Japanese government renders them incapable of effective action.[29]

Finally, Japan is ill-equipped to participate in the great power game developing in Asia with China, the United States, and Japan as the major players. The problem is not with the professional diplomats in the Japanese Foreign Ministry. They are competent enough. The problem is the absence of political leadership. The government lacks the capability to secure a mandate for sound foreign policy from the citizenry and then put that policy into

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28. Ichiro Ozawa in *Blueprint For a New Japan* (Tokyo: Kodansha, 1994) describes in detail the poor performance of Japan during the Gulf War which he attributes to Japan's inability to act quickly and decisively.

29. There is wide-spread recognition in Japan that part of the problem is systemic. In 1994, the Japanese put in a new election system that corrected part of the problem. For an excellent account of the pre-reform system, see J.A.A. Stockwin, "Political Parties and Political Opposition," in *Democracy in Japan*, ed. Ishida and Krauss (Pittsburgh: Pittsburgh University Press, 1989). For an excellent account of why the change did not achieve all that it was hoped that it would, see Richard Katz, *Japan: The System That Soured* (Armonk, N.Y.: M.E. Sharpe, 1998) pp. 318-331. Katz's book has an excellent bibliography and is the best recent account in English of the failure of the Japanese political system to cope with Japan's economy.

effect. Concerned Japanese wish for strong and effective leaders. Most blame the quality of people at the top and wish for great men, but it is not the quality of the politicians that is at fault. The Japanese tradition of decision making by consensus, and Japanese styles of leadership, ensures that the same parliamentary system that produces strong prime ministers in Britain produces weak prime ministers in Japan. Since the Japanese are unlikely to change their cultural traditions, and the quality of people at the top is unlikely to change, the solution may be to adjust slightly the parliamentary system so that the prime minister of Japan is, by virtue of the constitutional structure, the most powerful politician in Japan.

In the British system, it is the office of prime minister that is powerful, not the individual who occupies that office. The British prime minister has the authority to make key decisions because of the power and authority of the office. When Margaret Thatcher or John Major lost the office of prime minister, they automatically lost their ability to influence key decisions.

In Japan, it is individuals who are powerful rather than the office of prime minister. It is not uncommon for a man to be more powerful after he ceases to be prime minister than he was while he was prime minister. Yasuhiro Nakasone may have more actual ability to determine events now than he did more than a decade ago when he was prime minister and other more powerful men worked behind the scenes. "Shadow shoguns" in Japan dilute the authority and capability of the actual prime minister to make the quick and effective decisions necessary for governing any large modern democracy. Power is so diffused among powerful politicians and bureaucrats that difficult decisions cannot be made. When powerful men disagree, there is no commonly accepted procedure for forcing a decision to be made. No one has the authority to speak and act for Japan.

The Japanese have a parliamentary system much like the British. Because they have no tradition of powerful offices, the system cannot function to ensure a sufficient monarchical element in government. Fortunately, the Japanese have a Constitution that can be amended. Unfortunately, the

Japanese have never amended a constitution (although the present Constitution was technically an amendment of the Meiji Constitution). In the post-war years, the conflict over Article Nine (the article of the Constitution of Japan that renounces war as a sovereign right of the nation) has polarized the argument over the desirability of amending the Constitution at all. The Japanese need the experience of amending their Constitution to make clear to ordinary Japanese the importance of constitutional structures and the possibility of a common decision to alter those structures. My proposal amends the Japanese Constitution as follows:

First Article of Amendment

The prime minister shall be directly elected by the people in a separate and simultaneous election whenever there is a general election of the House of Representatives. Each electoral district used in the election of members of House of Representatives (currently 300) shall have one district vote which shall be cast for the candidate for prime minister receiving the largest number of votes by citizens in that district. The emperor shall appoint as prime minister the candidate receiving the largest number of district votes. In case of a tie vote, the prime minister shall be selected by the newly elected Diet in accord with Article 67.

All candidates for prime minister must be nominated by a petition signed by at least fifty members of the current or just dissolved House of Representatives and must be themselves be members of the current or just dissolved House of Representatives. A person elected prime minister shall, by virtue of that election, be a member of the House of Representatives. A person may, but need not, run simultaneously for prime minister and for a seat representing a district in the House of Representatives.

Whenever there is vacancy in the post of prime minister, whether by individual resignation or death, or whenever the House passes a non-confidence resolution, or rejects a confidence resolution, the

prime minister shall resign, the House of Representatives shall be dissolved, and a new House shall be elected in accord with Article 54 and, simultaneously, a new prime minister shall be elected in accord with this Article of Amendment. A prime minister may run to succeed himself or herself as prime minister. No person shall serve more than a total of nine years as prime minister in his or her lifetime.

The purpose of this amendment is to strengthen the office of prime minister within a parliamentary system, not to set up an independent executive branch as in the United States. The executive power under the current Japanese Constitution is vested in the Cabinet (Article 65) which consists of the prime minister and the other ministers of state (Article 66) who are appointed by the prime minister and may be removed by him as he chooses (Article 68). None of this would change.

Under the proposed amendment, the prime minister would be elected using the same districts as the House. Japan now elects three hundred members of the Diet in single member districts using a first past the post system. In addition to voting for a candidate for district representative, Japanese citizens cast a second vote for a party. Two hundred more representatives are elected from party lists on a proportional representation system. My proposal would add a third vote for prime minister. In the single member districts now used for three hundred of the five hundred members of the House, the winner of the vote for representative in that district would normally be of the same party or coalition of parties as the winner of that district's vote for prime minister. Thus, normally, a prime minister would belong to the party or coalition of parties with the largest representation in the lower House. In the unusual case when the newly elected prime minister did not enjoy the support of a majority of the newly elected House, either the House or the prime minister could force a new election immediately — the House could vote no-confidence, or the prime minister could resign.

The requirements that all candidates for prime minister be themselves

members of the current or just dissolved House, and that they be nominated by at least fifty members of the current or just dissolved House, are designed to prevent outside celebrities, even popular prefectural governors or members of the House of Councilors (the upper house under the Japanese Constitution), from being elected prime minister without first becoming a member of the lower House and enjoying the support of a substantial number of lower House members. The intent is to make the Japanese system function more like the British system, not move to an American presidential system.

The Amendment would prevent a change in prime ministers without a general election of the lower House. This would have prevented the situation which occurred from 1993 to 1996 when Japan had three changes of prime ministers (Morihiro Hosokawa to Tsutomo Hata: Hata to Tomiichi Murayama: Murayama to Ryutaro Hashimoto) without an intervening election. The resignation in 1998 of Ryutaro Hashimoto would by itself have forced a new election of the entire House and a direct election of the new prime minister

The purpose of the proposed amendment is to make the holder of the office of prime minister the most powerful politician in Japan and a focus of national decision making, thus increasing the monarchical function of government and the ability of the government to act rapidly and decisively.

A directly elected prime minister would also increase the democratic element in Japan. The prime minister would be chosen by the people and could not be removed against his will so long as he could muster a majority of votes in the House. If he did resign voluntarily or was removed by a vote of no confidence, both he and all of the House would have to go back to the voters for a fresh mandate in a new election. The new amendment would strengthen the political independence and authority of the prime minister, yet keep him or her firmly under democratic control.

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The useful application of the theory of mixed government to any given

country requires detailed knowledge of that country's political and social history. I have focussed on the countries I know best. I am not competent to apply the theory in detail to other political systems, but I hope that it will be useful for others. Here are some suggestions for application of the theory.

The British are rethinking the role of the House of Lords. Will it be elected or appointed? Crucial to that decision will be consideration of which of the three elements — monarchical, aristocratic, or democratic — is in need of strengthening. Will the new House of Lords be assigned some of the aristocratic job of policy formation now done by the British civil service? Will it have executive powers? Will it continue its judicial functions? Might it function as a check on the power of a prime minister with a large majority in the House of Commons?

The only three political units larger than the United States are the European Union, India, and China. The theory of mixed government seems to call for a powerful monarchical office for large democracies. What is crucial is that it be the office itself that is powerful, not the person holding the office. In order to be sufficiently powerful, that office will need to derive its authority from election, preferably direct election, by the people. It is, for example, hard to imagine how the European Union will develop a strong and unified foreign policy without such an office. Similarly, China and India need such a office to hold together as single nations. Some one person must have the legitimate authority to make swift, effective decisions on behalf of the nation. That person's authority cannot be personal as personal power is too likely to be contested when difficult decisions need to be made, producing paralysis.

China, India, and the European Union also seem to need strengthening of the democratic function. My interpretation and application of the theory of mixed government in the American context suggested that districts of six thousand citizens would be optimal. In America (total population of 270 million), this would yield a House of about forty-three thousand members. In the European Union (total population of 300 million), the lower house would

number about fifty thousand. In India (population of one billion), the lower house would be about 160,000. In China (population of 1.3 billion) the lower house would be about 200,000. If my application of the theory is a good idea for the United States, it is likely a good idea for these larger entities.