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CONTENTS

Vestigia Vetustatis?
Reevaluating the 21st Century Relevance of the Electoral College
By Jacob Finkel
The University of Pennsylvania 3

Super PACs and Corporate Personhood:
The Right to Speak or to Spend?
By Jonathan Magill
The Pennsylvania State University, Abington College 10

Super PACs:
The Misunderstood "Monsters" of Modern Elections
By Tyler Diernbach
The Pennsylvania State University, Abington College 14

Democracy's Demigods:
A Look at Contemporary Leadership Curricula
By Emily Perdue
Northern Michigan University 17

THE DIALECTICS
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VESTIGIA VETUSTATIS?
REEVALUATING THE 21ST CENTURY RELEVANCE OF THE ELECTORAL COLLEGE

By Jacob Finkel[*]
The University of Pennsylvania

In the wake of the disputed 2000 Presidential Election, the institution of the Electoral College came under heavy scrutiny and calls were made for its abolition. In that election, Vice President Al Gore received 48.4% of the popular vote—compared to 47.8% for future President George W. Bush—but lost the presidency. The electoral results suggest that "[t]he Electoral College produces a bias in translating votes into electors" (Bowler *et al*., 2005). Is this imperfection sufficient cause to advocate for its abolition?

Over a decade later, little progress has been made toward the abolition of the system, and our Constitutional electoral system remains largely unchanged. In this paper, I reexamine the significance of electoral reform efforts, and suggest that while reform is both practical and necessary for the future well-being of American democracy, it should not be undertaken hastily or without national consensus.

In the 2007 edition of this publication, in a piece titled "Fundamentally Undemocratic: A Call to Amputate the Electoral College," I called for the immediate abolition of the institution (Finkel, 2007). The present article, which draws from that piece, evaluates the institution of American presidential selection with the added consideration of the College's successful functioning in the 2004 and 2008 elections, and the evolution of the author's personal perspective, moving from urgent short-term fixes toward much needed structural reform. As for the title of the present work, the Latin term *vestigia vetustatis* designates an anachronistic symbol of a previous age. The Electoral College typifies the term completely—it has become a flawed and unreliable system, worthy of reform, which no longer holds relevance in a political culture quite different from that envisioned by our Founding Fathers. This change, however, must be carefully implemented within the framework established by the Founders themselves.

Historical Background

As Hipp (2012), a former Elector, notes, the Electoral College was created at the 1787 Constitutional Convention as a compromise between a plan to establish a system of direct popular vote and a competing proposal to entrust the state legislatures with the selection of the federal president. The compromise—the College—prevented presidential candidates from being placed under the direct control of state legislators (as were senators under the pre-Seventeenth Amendment Constitution), and diminished the ability of the more populous states to determine the election results, as the power of the less populous states was augmented through the addition of two electoral votes to each state's number of representatives.

The Founding Fathers were also concerned that the lack of communication between the different regions of the nation would cause the states to always vote for familiar local candidates. They hoped that by letting the common people select "enlightened statesmen" (Madison, Fed. 10) who would then meet and determine the best candidate from a broad national pool, the interests of all would be protected. However, in the post-*Citizens United* era, buffeted by the 24-

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hour news cycle, blogs and ever-increasing television advertising spending, the public has far better opportunities to become familiar with the candidates than the electors of the Founders' era could ever have done themselves. In fact, in polls conducted immediately after the 2012 party conventions, the major party candidates each had close to 95% name recognition (ABC News, 2012).

The College has been controversial throughout its history. As early as 1804, the 12th Amendment was ratified in an attempt to reform the Electoral College after the tumultuous 1800 election resulted in the College failing to elect a president, and the House of Representatives being forced to select the new chief executive (Whitaker & Neale, 2004). In November 1876, Samuel J. Tilden won 51% of the popular vote. However, four months later, his opponent, Rutherford B. Hayes, was sworn in as the nation's nineteenth president after winning an Electoral College victory. In 1968, Independent candidate George Wallace's strong showing generated concern that, if he won enough votes, he would be able to wring concessions out of the other candidates and choose the next president by delegating his votes. These problems and concerns would not have occurred with a direct popular vote.

Reform Efforts

Fixing the Electoral College is easier said than done. There have been nearly 700 attempts to abolish it (Dotinga, 2006; "Rethinking the Electoral College," 2001). Proposals have ranged from small improvements (such as the 12th Amendment) to whole-scale abolition. For a variety of reasons, the object of current reform should be the successful implementation of a direct popular vote through the adoption of a Constitutional amendment. Other reforms that aim to alter the Electoral College structure, especially those that seek to circumvent the constitutional amendment process, are no more than temporary, and in fact quite dangerous, solutions for a systemic problem confronting the nation's democratic foundations.

For example, a partial reform effort, which has been successfully implemented in Maine and Nebraska, apportions one electoral vote to the winner of each congressional district. However, this plan is actually worse than the Electoral College at representing the will of the people, because congressional districts are often gerrymandered to favor a particular political party, or altered for other concerns. The Pennsylvania state legislature recently abandoned an effort to undertake a similar reform after public concern (Gizzi, 2011). Had this system been used nationwide in the 2000 election, Al Gore would have lost by a wider margin in the Electoral College (36 votes) than he did under the current system (five votes), despite having won the popular vote (Sagarin, 2004). Another such reform proposal is a plan already enacted by the Maryland legislature—but which will not take effect until a total of states with a cumulative electoral vote of 270 add their approval. The Maryland plan would institute a national popular vote without requiring a Constitutional amendment (Wagner, 2007). It would be a compact between the agreeing states to cast the states' respective electoral votes for the popular vote winner (National Popular Vote, n.d.).

While, constitutionally, the states may indeed decide to allot their votes in whatever manner they may wish (Art. II, Sec. 1), the specter of extra-constitutional emendation that this plan raises seems to me a far greater risk than the ill it seeks to address. Once the state legislatures have begun to decree how their electoral votes are to be distributed, what is to prevent them from announcing, "the State of Michigan's electoral votes will be cast for Mitt Romney," or "the State of California's electoral votes will be cast for Barack Obama"? If even

one state does this, it would quickly lead to an escalation where every state in the union employs a different method for choosing its electors. Much like German Chancellor Heinrich Brüning's increasing dependence on extra-constitutional measures (beyond the preset constitutional limitations on government power) in the desperate final years of the Weimar Republic, the temptation to increasingly violate the constitutionally limited powers of government grows more irresistible with each infraction (Patch, 1998). The Maryland plan circumvents the will of the Founding Fathers, who never intended for the legislators to pick the president themselves. In fact, just days after Maryland passed its bill, the Governor of Hawaii, citing constitutional concerns, vetoed a similar measure, demonstrating the difficulty in instituting these "quick fixes" (Associated Press, 2007). In short, such reform plans are not the answer; they merely falsely satiate the popular will for electoral reform. Only a national popular vote will completely address the systemic flaws inherent in the Electoral College.

The System's Flaws

Inherently undemocratic

The Electoral College is inherently an undemocratic institution. In our republic, each citizen's vote should have equal influence on the electoral outcomes. The Electoral College abrogates that principle. For instance, there are 3.4 million Republicans in Pennsylvania (Pa. Dept. of State, 2011), a state that, although competitive, has voted for the Democratic presidential candidate in every election since 1992. That means that in the five presidential elections since 1992, Republican voters in Pennsylvania have been effectively disenfranchised from any direct influence on who would lead the nation.

James Madison envisioned who the voters in the new nation would be: "Not the rich, more than the poor; not the learned, more than the ignorant; not the haughty heirs of distinguished names, more than the humble sons of obscurity and unpropitious fortune. The [voters] are to be the great body of the people of the United States" (Madison, Fed. 57). Justice Hugo Black looked to this passage when he introduced his "one person one vote" principle in *Wesberry v. Sanders*. Strangely, we elect our legislators in accordance with this principle, but not our president. With a national popular vote, every person's vote would be equal.

Faithless electors

The Electoral College is plagued by the issue of "faithless electors." Over the nation's history, there have been 158 faithless electors who have voted for a candidate other than the one they were pledged to support (Project Vote Smart, n.d.). Up to three potential Republican electors for Mitt Romney in 2012 announced that they, if selected, might well vote instead for Ron Paul, one of Romney's primary opponents (Baker, 2012). This could result in a candidate becoming president who had lost both the popular vote and (as pledged) the Electoral College, and potentially further disenfranchise voters whose decision the faithless elector ignores. This needless byproduct of the Electoral College can be eliminated with a national popular vote.

Adverse impact on voter turnout

The Electoral College depresses voter turnout in non-battleground states. It is striking to consider that in the 2004 election, the key battleground state of Pennsylvania had a turnout of 60.3% (Franklin & Marshall, n.d.), while turnout in uncontested Illinois was 55.4% (Althaus, 2004). Both states had roughly similar populations with 21 electoral votes each, an assortment of large cities and rural towns, and practically the same number of registered voters (Leip, n.d.). But Illinois was firmly in the Democratic column, while Pennsylvania was a key battleground state. Similarly, turnout in California and Texas (non-competitive states) was below 50%, while their respective (battleground) neighbors, Oregon and Colorado, had turnouts of 68% and 63% respectively (Leip, n.d.; it should be noted, however, that Oregon's unique vote-by-mail system influences its reliability as a measure). Some might argue that these voting results are coincidental; but, it is indeed logical that if you are a busy Republican in Massachusetts (a Democratic state in 12 of the last 13 elections), you are less likely to vote than if you lived in a competitive state. Many scholars agree that the College affects turnout "because people know that their vote won't make a difference" (PBS, 2004). A national popular vote would encourage people to come to the polls, increasing turnout in non-competitive states.

Conclusion

Many probably agree that the Electoral College is undemocratic. However, there have been various reasons offered why it should not be changed. Some argue that the Electoral College, being enshrined in the Constitution, should not be modified. This view is rightly cautious, but an unwillingness to alter the Constitution cannot by itself justify the neglect of a troubling issue. The Founders created a Constitution where only one-fourth of the organs of the federal government would be popularly elected (the House of Representatives), while the rest of the government would either be appointed by the state legislatures (the Senate), or jointly by the President and the Senate (in the case of the judiciary). Presidential electors were supposed to be chosen by the state legislatures (Clark, 1917). In the wake of the Seventeenth Amendment, the Senate is now popularly elected. In the case of presidential elections, the people vote "directly" for a candidate, but are actually needlessly voting for a second round of "super-voters" (the electors) who will cast their College votes for the presidential candidate weeks after the election—in their respective state capitals. These "super-voters," who the Founders believed would have the wisdom to select the president, have become little more than an opportunity for distortion of the people's choice: the only time they can have influence is when they thwart the people's will. This is no longer a relevant system; it has become a symbol of its own age, *vestigia vetustatis*, as changes since 1789 have both rendered it neither fully democratic, nor, as the Founders intended, "sage." To continue it merely out of habit is misguided.

Some pragmatists argue that abolishing the College is a worthy goal, but adopt the view of President Carter, a strong reform advocate, who has said, "I think it is a waste of time to talk about changing the Electoral College… . I would predict that 200 years from now, we will still have the Electoral College" (Keyssar, 2004). As a result, many argue for reform plans (like the Maryland proposal) that they consider "quick fixes." However, many of these plans are in fact harder to achieve than a national popular vote. They would have to be approved by numerous state legislatures, and if only some states initiated reform there would quickly be a constitutional crisis unrivaled in American history. In addition, they present the danger of extra-constitutional alteration of the republican framework of the nation, a price too high to pay for any reform effort.

Instituting a national popular vote would require the approval of Congress and two-thirds of the state legislatures—a difficult task, but not an impossible one. In 1968, a Constitutional amendment to abolish the Electoral College and establish a national popular vote was approved by the House of Representatives 338 to 70 (Whitaker & Neale, 2004). Eighty-one percent of Americans supported the amendment (Gallup, 2000), and President Nixon called for its adoption (Keyssar, 2004). Polls showed that the amendment had the support of enough state legislatures to be ratified. A majority of the Senate supported its enactment. However, several conservative southern Senators filibustered the amendment on the Senate floor. They thought that the South would suffer with a national popular vote (Keyssar, 2004).

Thomas Jefferson once said, "Each generation…has …a right to choose for itself the form of government it believes most promotive of its own happiness" (Randall, 1858). The Constitution is a noble document, its creators wise beyond their time; however, they recognized that they were not omniscient, and left us the ability to amend their work if necessary. The Electoral College's time has passed; it is time to implement popular elections for the most powerful office in the land. We should ensure that our electoral system reflects the realities of our present day republic by utilizing the tools given to us within the Constitution itself to remove the Electoral College from our political system and enact the 28th Amendment.

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SUPER PACS AND CORPORATE PERSONHOOD: THE RIGHT TO SPEAK OR TO SPEND?

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*I*magine: it is January 20, 2021, and we are about to witness the Presidential Inauguration. The President approaches the podium. A camera focuses on the Presidential Seal. Under the majestic Bald Eagle that has been the symbol of our nation since its inception is the red and white Target Corporation bull's-eye logo. Below we see scrolling advertisements from the many companies that helped this President win the election. Before the President speaks, he places his Pepsi on the podium, with the logo facing the camera. We hear a speaker tell the country that the Presidential Inauguration has been brought to us by Pepsi and Exxon Mobil.

The above scenario may seem far-fetched. But the 2010 *Citizens United v. Federal Election Commission* ruling by the United States Supreme Court, resting on the notion of corporate personhood and allowing corporations to create Super Political Action Committees ("Super PACs") with unlimited funds to campaign for or against candidates has fundamentally changed the way Americans elect their representatives.

Corporate Personhood

The concept of corporate personhood is built on the notion that corporations are persons and are afforded the same rights (including constitutional ones) as individuals. The legitimacy of the concept has been debated for over a century. The nation's suspicion of the rising corporate power goes back even longer, dating back to at least the Boston Tea Party. As Hartmann (2010) notes

> The Boston Tea Party resembled in many ways the growing modern-day protests against transnational corporations and small-town efforts to protect themselves from chain-store retailers or factory farms. With few exceptions, the Tea Party's participants thought of themselves as protesters against the actions of the multinational East India Company and the government that "unfairly" represented, supported, and served the company while not representing or serving them, the residents.

In essence, the Boston Tea Party was the protestors' response to the injustices of special treatments given to corporations. This corporate injustice was a pivotal event leading to the Revolutionary War (Hartmann, 2010). From the beginning, in our fight for independence, we had concerns over corporations being involved in the political process. Not only did we want to rid ourselves of the King and Parliament, but we also did not want corporations afforded the same rights as the people.

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Despite concerns over corporate power, corporate personhood has now become deeply rooted in American jurisprudence. Yet the debate over its legitimacy still continues. Some trace the debate to ambiguous language in the Constitution. For instance, the Fourteenth Amendment partly reads

> No State shall make or enforce any law which shall abridge the privileges or immunities of *citizens* of the United States; nor shall any State deprive any *person* of life, liberty, or property, without due process of law; nor deny any *person* within its jurisdiction the equal protection of the laws (U.S. Const. amend. XIV) (Emphases added).

Corporations argue that since they are comprised of people, they should be afforded the same rights as people. The Fourteenth Amendment is the foundation for this argument—and the Supreme Court has agreed. Until the Nineteenth Century, corporations were treated as persons merely for legal expediency. But this changed in 1886 with Supreme Court cases involving railroad companies. Specifically, in *Santa Clara County v. Southern Pacific Railroad*, a case in which the Court was to rule on the taxation of railroad property, Chief Justice Morrison Waite proclaimed

> The court does not wish to hear argument on the question whether the provision in the Fourteenth Amendment to the Constitution, which forbids a State to deny to any person within its jurisdiction the equal protection of the laws, applies to these corporations. We are all of the opinion that it does.

In making this declaration, the Court expanded the status and legal powers of corporations. What followed was a century of corporations using this newfound recognition to continue enhancing their constitutional rights as "persons" (Gerencser, 2005).

In addition to the Fourteenth Amendment, some have leaned on the First Amendment as the true basis of corporate personhood, utilizing the 1978 *First National Bank of Boston v. Bellotti* decision. Here, the Supreme Court was to decide if a state could restrict the public speech of a corporation. Up until this time, a corporation was restricted in what it could communicate in pamphlets, news ads, and other speech, if the matter at hand did not directly affect the corporation's immediate commercial interests. In its ruling, the Court decided that a state does not have the power to suppress such "public" or non-commercial speech and thus handed full First Amendment rights to for-profit companies (Gerencser, 2005).

Earlier in the same decade, in 1971, Congress had passed laws limiting contributions to political candidates, requiring the disclosure of political contributions, providing for the public financing of presidential elections, and restricting the expenditure of personal funds for one's own campaigns. In *Buckley v. Valeo*, the Supreme Court was asked to overturn these laws. (Gerencser, 2005). The idea was that the spending limits infringed the First Amendment right of freedom of speech and the Fifth Amendment right to due process. The Court upheld the requirements to disclose individual contributions and also kept the public funding of presidential elections. But the Court overturned the limitations on campaign expenditures, independent expenditures by individuals or groups, and personal funds from the candidate (Gerencser, 2005). With this ruling, it could appear to some that the wealthy could now begin to drown the voices of the typical citizen. As Rawls *et al*. (1982) note, the decision ran "the risk of endorsing the view

that fair representation is representation according to the amount of influence effectively exerted."

A Criticism of Corporate Personhood—and a Conclusion

One of the main issues brought forward against the idea of a corporation having "personhood" is that a corporation does not have the right to vote. It does not give life, breathe air, bleed, or serve on juries. Why should it have the same constitutional rights as a natural citizen when it comes to the political process? Relying on the notion of corporate personhood and treating corporations as people, the *Citizens United* case has paved the way for the creation of Super PACs with unlimited funds and *anonymous* donors flooding the market with attack ads and political endorsements. In essence, the Supreme Court has matched freedom of speech to the freedom to spend. Where does this leave our nation's future?

As Senator Patrick Leahy (2012) noted on the second anniversary of the *Citizens United* case, the heart of the election and the political process lies in the individual American citizen. The Constitution protects and guarantees the liberties of the individual American, not corporations. As the Senator notes, corporations are only "legal constructs to facilitate business."

To the advocates of corporate personhood and Super PACs, one must ask: does speech equal money? Doesn't more money mean the louder one can speak? If the answers to these questions are "yes," then the right of the average person is a voice quelled.

In the final day of the Constitutional Convention, Benjamin Franklin was asked by a woman: "Well, Doctor, what have we got? A republic or a monarchy?" To which Franklin responded: "a Republic, if you can keep it" (McHenry, 1787).

If the course continues, can we keep it?

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U.S. Const. amend. XIV.

SUPER PACS:
THE MISUNDERSTOOD "MONSTERS" OF MODERN ELECTIONS

By Tyler Diernbach[*]
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The Supreme Court's 2010 decision in *Citizens United v. Federal Election Commission* appears to have changed the political landscape. Many politicians, including President Barack Obama, believe that this decision has further corrupted a system that many view as already tarnished. In his 2010 State of the Union address, the President noted: "Last week, the Supreme Court reversed a century of law that, I believe, will open the floodgates for special interests…to spend without limit in our elections" (Bingham, 2011). As Díez (2011) notes, "It is hard to deny that *Citizens United* has reaffirmed the political importance of corporations in modern society."

Essentially, *Citizens United* legalized Super Political Action Committees—or "Super PACs." A PAC is an entity that is created for or by corporations and/or individuals and can serve as a repository for political donations that can later be spent to support causes or candidates. A PAC can in no way directly cooperate or coordinate with any individual candidate's campaign; but it can independently run ads in defense of, or to negatively portray, candidates. Basically, Super PACs are PACs on steroids. In theory, large corporations and other interest groups can pool unlimited amounts of money for their own use in a candidate's election campaign.

Super PACs and the First Amendment

The First Amendment partly establishes the right to the freedom of speech, quite possibly the most highly regarded of all the rights the Constitution grants. Evaluating the *Citizens United v. FEC* case with the First Amendment lens makes it clear why the Court decided the way it did. In addition, it becomes clear why Super PACs are a benefit to the political process and why they must be protected by the First Amendment.

Case Background

In January 2008, during the presidential primary season, Citizens United, a conservative organization, released a documentary called *Hillary.* The film was very critical of then Senator Hillary Clinton who was a candidate in the presidential Democratic primary field. Citizens United planned on making *Hillary* available on cable television. The release would have violated the Bipartisan Campaign Reform Act of 2002 (BCRA, also known as the McCain–Feingold Act) which states in part that "…corporations and unions [are prohibited] from using their general treasury funds to make independent expenditures for speech that is an 'electioneering communication' or for speech that expressly advocates the election or defeat of a candidate." The BCRA defines an electioneering communication as "any broadcast, cable, or satellite communication that refers to a clearly indentified candidate for Federal office and is made within

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30 days of a primary election." Citizens United claimed that the BCRA was unconstitutional when applied to *Hillary*. The case eventually made it to the Supreme Court.

Analysis

Largely relying on the First Amendment, the Court ruled in favor of Citizens United and struck down parts of the BCRA. In its decision, the Supreme Court noted that

> [T]he First Amendment provides that "Congress shall make no law…abridging the freedom of speech."… [The BCRA's] prohibition on corporate independent expenditures is an outright ban on speech, backed by criminal sanctions…

and that

> Political speech is indispensable to decision making in a democracy, and this is no less true because the speech comes from a corporation.

The view places corporations on equal footing with individuals when it comes to speech.

Detractors of the decision point out that individuals are severely restricted when it comes to using their personal finances for election campaigns, while corporations can now spend essentially unlimited amounts on elections. However, those funds are not being used in conjunction with any candidate's campaign; they are being used independently. If an individual feels that he or she wants to donate more money to a candidate than he or she is permitted, the individual may always donate to a Super PAC that supports that candidate.

Those opposed to the Court's decision also claim that the Court has made corruption of the political process a major possibility—even though Super PACs are not permitted to coordinate their efforts with candidates. To that the Supreme Court responds

> Independent expenditures, including those made by corporations, do not give rise to corruption or the appearance of corruption. That speakers may have influence over or access to elected officials does not mean that those officials are corrupt.

I agree. There cannot simply be a hint of corruption for the action to be illegal. As Epstein (2011) writes, "No one could suppress a demonstration on the ground that it creates the appearance of unruly or dangerous behavior." The fear that large corporations will take over the political process with their deep pockets is not justified, even though this new decision would allow them to enter the political arena. There are too many factors outside the parameters of the decision that make corporate involvement too risky.

Implications for Third Parties

Citizens United may have paved the way for third party candidates to make serious runs at political office (McGregor, 2012). What a Super PAC can do for a third party candidate is to take the place of the traditional party structure that the Democratic and Republican parties already enjoy. Since a Super PAC will be taking care of the financial aspects of the campaign, the candidate can focus on the issues and not have to worry about the auxiliary matters of the

campaign. The "arrangement" would of course only be legal if there is no coordination between the candidate and the supporting Super PAC.

A Super PAC replacing a traditional party infrastructure may seem like a stretch. A Super PAC does not have decades of experience, connections, and power that the Democratic and Republican parties have. However, these parties are beginning to change the way they operate also. As Fiorina (2002) notes, political parties have moved away from the "local, patronage-based organizations" of the 1950s to "the giant campaign consulting firms or Super PACs, not classic parties" of today. With this in mind, who is to say that a third party could not structure itself in the same manner as the new versions of the Democratic or Republican parties in order to win an election? The Supreme Court's decision in *Citizens United* has made a third party victory a distinct possibility.

Conclusion

Super PACs have taken on a negative connotation and that is unfortunate. They were not made legal by the Supreme Court in order for corporations to take over elections. They were made legal so these corporations would have a channel through which to express their political voice—a First Amendment right.

Additionally, *Citizens United* may have created a channel for third parties to voice the opinions of those who have not had a chance to be heard through the traditional two-party system. With the new freedoms granted to Super PACs, hopefully elections will become more balanced and inclusive.

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DEMOCRACY'S DEMIGODS:
A LOOK AT CONTEMPORARY LEADERSHIP CURRICULA

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*L*eadership is in high demand. Historically speaking, this is a new development. As Rost (1993) points out, the word "leadership" was not found in any dictionary before the nineteenth century; and so it seems that the concepts of leadership most often employed today are very much twentieth century constructs. But what are these concepts built on? The word is new; are the ways that we *think* of leadership new?

Ideas about leadership are significant for many reasons, one of them being that the way we think of leadership has an effect on the way we think of other things, including democracy. Widespread ways of thinking about leadership, on the one hand, and about democracy, on the other, have developed side-by-side in space and time; but not much connection has been made between these two sets of modern American thought. This is largely because many common ways of thinking about, or conceiving of, leadership are incompatible with how democracy is often thought about. Leadership, in the individual leader-centered way that many define it, stands in stark contrast to the socially inclusive approach that characterizes more democratic ways of getting things done.

Allen (2010) outlines several related but specific tensions between leadership and democracy, four of which are important for present purposes. First, individualistic conceptions of leadership have a preoccupation with the person, "the leader," as opposed to the democratic commitment to the (relatively impersonal) rule of law principles. Second, belief in the primary importance of leadership by individuals may encourage citizens to see the unstructured and unpredictable use of power by individual leaders, acting to promote self-assigned priorities (as opposed to democratically-deliberated ones) as acceptable and normal; established democratic procedures are thus bypassed and discredited. Third is the plea for one leader to diminish a crisis affecting many people—an unrealistic expectation at times, and an invitation for disaster at others. This appeal for one-man leadership in crises raises a related set of concerns; it is a classic way of defending the supremacy of the executive (here, especially, leaders are placed "above the law," so to speak), and can also encourage the view that crisis government is everyday government. Fourth, the proposition that a direct and emotional link between leaders and citizens, claimed to be stronger than formal systems of representation, is dismissive of critical distance between citizens and officials, and the conditional trust that mark any form of constitutionalism. This proposition is also dismissive of concerns to promote accountability.

There is one more area of discord between these popular ways of thinking about leadership and the democratic ideals of at least some form of basic human equality: a belief in the superiority of individual leaders lending itself to leaders giving their own lives a higher value

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than the lives of others. This is not a new idea; Godwin (1793) argued that human lives hold differing degrees of worth. The political implications of this belief are not difficult to see: political leaders, who are primary decision-makers in matters of war, among other things, are encouraged to believe that their own life is worth more than the life of another, or than the lives of a great many others. I need not belabor the obvious consequences of such beliefs.

In short, personalistic notions of leadership tend to discount democratic functions by deprioritizing and depreciating the contributions of the many citizens who are involved in civic deliberation and decision-making processes. Using the conflict as a framework, this article examines contemporary understandings of leadership, as displayed by programs and institutes purporting to teach it. After describing my study and presenting its findings, I argue that today's most popular conceptions of leadership are not much different than the views historically held on the topic—or at least the notions that preceded what we now call "leadership." I conclude that political leadership continues to be conceived as performance by the exceptional person, as opposed to a collective effort of many ordinary individuals—the average citizens who make up the political unit. My thesis is that dominant conceptions of leadership place heavy limitations on the ability to formulate ideas about *democratic* leadership, a type of leadership that leaves both leadership functions *and* democratic ones intact.

Research

Background

Leadership as an academic field of study has grown fast, for over sixty years now and with no signs of slowing. Leadership as a learned art and trade continues to expand as a specialty in both academic and nonacademic settings. Many universities have opted to go beyond teaching *about* leadership through political science or sociology programs, creating separate degree programs or affiliated institutes purporting to train *for* leadership (an example of the latter would be the Leadership Institute of Washburn University in Kansas). These twin goals, of teaching both for and about leadership, are often found in one place (like the University of Richmond's Jepson School of Leadership Studies, located in Virginia and the first of its kind to grant degrees in the field). And in almost every state today, one can find a nonacademic institute teaching leadership skills and abilities (Leadership Florida, for instance).

Modern conceptions of leadership, then, can be seen to have found expression in such programs and institutes. These institutes, in turn, can be viewed as a direct outgrowth of the belief that almost anyone can be taught leadership and become a leader. The belief re-enforces the notions of human equality, a democratic substitute for pre-modern ideas of naturally *and selectively* endowed individual authority. The belief is not surprising, since, as mentioned above, ideas about leadership and ideas about democracy have developed alongside each other in the same social and historical spaces (societies, cultures, institutions, etc.). Gouldner (1965) is one to note that modern interest in (including the want for) leadership is conditioned by modern democratic values. So, if the leadership training centers are derivatives of both leadership *and* democracy, then how *is* leadership portrayed by the programs and institutes purporting to teach it? How are the conflicts between leadership and democracy dealt with inside these settings?

Methodology

"What ideas, attitudes, and beliefs about leadership are being disseminated, by leadership programs and institutes, to students of leadership and to the public?" This is the question that drove my research. To help arrive at a more informed assessment of current conceptions of leadership, I reviewed leadership curricula. Specifically, I examined documents used in academic courses on leadership and in nonacademic leadership training programs. I utilized three samples for the study, making necessary distinctions between the types of documents used and the types of programs from which they were issued.

The first sample consists of course syllabi drawn from the field of leadership studies, and includes 56 syllabi from six institutions. The second sample is comprised of syllabi used for courses focusing on leadership in various fields (history, American government, etc.). This sample includes 44 syllabi from 19 institutions. Together, these two samples total 100 syllabi, used at both undergraduate and graduate levels (and at both lesser-known and better-known schools, including top-tier universities). The third sample contains 120 brief descriptions of non-degree-granting leadership institutes found throughout the nation. Although there was little information offered in the third sample, even a look at how the institutes describe themselves sheds light on how they perceive leadership.

The documents were subject to content analysis by latent coding. I took a grounded theory approach, allowing concepts to emerge from the data itself. One such concept, surfacing very early on, is best described by the term "personalistic," used from this point forward to indicate one or more of three things: (1) a focus on individual leaders and their personal qualities, and these qualities used as, and/or justificatory of, a sole or primary source of decision-making; (2) an interest in the potential of personal attributes as indicators of a student's (or other would-be leader's) success; and (3) a psychological (as opposed to structural) focus in assessing leaders' strengths and weaknesses. Conceptions of leadership were characterized by terminology (words, phrases, sentences, paragraphs) used in the documents.

Limitations

The data collected for this study are no more than outlines of what is taught; these are incomplete documents, which may reduce confidence in findings. Also, the nonprobability sampling technique limits generalizability, and the one-person performance of analysis and latent coding limit testing reliability. These are all important limitations of this study. In addition, all samples may include statements on a general concept of leadership, rather than a specifically political one. These may have been used in the first sample to illustrate general themes of leadership studies as a composite field, in the second sample mainly as a result of the institutions' tendencies to (rather unreflectively) lump political together with other types of leadership, and in the third as a consequence of the institutions' very broad definition of leadership. On this point; the study did not aim to rank schools or courses by their differentiation between political and other types of leadership, but investigated common conceptions of leadership that are bound to shape ideas about leadership in political as well as other contexts.

Findings

<u>The field of leadership studies course syllabi</u>

The findings in this subsection are based on the examination of 56 syllabi from six institutions. The word "leadership," used in conjunction with other words, ostensibly for just the purpose of encouraging conceptions of leadership outside the main, is one notable aspect of this sample of syllabi. Models of "citizen leadership" and "collaborative leadership" are introduced, emphasizing that followers, or citizens, are active participants in the leadership process. Another interpretation may suggest that citizenship needs the leadership label in order to be thought of as lending (renewed?) value or usefulness to society's political functioning. These models do represent ideas of leadership that differ from traditional, personalistic definitions of it. Perhaps the ideas behind them could be developed; as it stands, there's a conceptual shortcoming to the models, insofar as they blur delineation between followers, citizens, and leaders, or use each of these terms to define the others.

A similar configuration of language can be seen in the central theme of one course: to focus on the question of "how to democratize global interdependence and how to globalize democracy by enacting a new global leadership and citizenship." Here, the ideas of global democracy, global leadership, and global citizenship are presented with perfect concurrence. This may be unhelpful to a better understanding of either leadership *or* democracy—especially if there is no acknowledgement of the divergent directions the two often take in the way they are conceptualized. Such acknowledgments are rarely made in the documents under review. One course is unique in spending the semester scrutinizing de Tocqueville's 1835 *Democracy in America*, an endeavor that holds promise of gaining a deeper understanding of the complex relationship between leadership and democracy.

Several of the syllabi communicate goals such as gaining "a better understanding of leadership through an examination of extraordinary individuals." One instructor offers to watch videos with students in order to make the "personality of modern leadership more vivid." Sometimes, the individual is solely responsible for leadership, as when one professor asks: "What causes the need for leadership? In other words, what perceived problems or challenges sparked the individual to consider a reaction that we might label a leadership response?" This connection between leadership and the individual is taken much further when the professor asks: "When can the people legitimately resist their leaders?" (Note the reference to resistance to leaders, rather than to leadership or government.)

Also visible in this sample of syllabi is the view that each student has leadership potential, which these courses aspire to develop. The idea that almost anyone with enough skill and motivation can become a leader may be seen as a democratic development—as well as the impetus for the very curricula under review here. Therefore, the attempts to foster each student's potential for leadership are not surprising, and this is a very common theme throughout the sample. For instance, one syllabus invites students to "articulate your personal values and approaches to leadership." Another asks students to "explore their personal leadership characteristics and potentials, and be able to use this self-knowledge to enhance existing leadership strengths and to acquire new leadership skills." In perhaps the most striking statement of the self's role in leadership, one syllabus asserts that "Good leadership can only be accomplished through an intimate knowledge of the self." At times, the students are addressed as though they are already leaders. One syllabus reads that "the ultimate objective of our work is to enhance your understanding of leadership in such a way that you can utilize the insights in confronting your own leadership challenges." Another states the case most succinctly, affirming that, in many ways, this "is a course in self-leadership." Clearly, the degree to which leadership is considered a personalistic materialization is a very high one in these examples.

In this sample of syllabi, considerable attention is given to questions of human nature, the moral purpose(s) of leadership, and the moral obligation(s) of leaders and followers. The "distinctive moral perils and challenges that leaders face" are often spoken of, and there are numerous references to "leadership failures," "bad leadership," and "toxic leadership," as well as one remark on "those most unpredictable of actors—human beings." A phrase like "toxic leadership" indicates a recognition that dependency upon unpredictable sources of leadership will sometimes result in undesirable consequences. At the same time, there is little discussion in the syllabi sample of institutionalized *protections* against "leadership failures" that may adversely affect large numbers of citizens. At times, courses concentrate on communication, conflict resolution, and/or critical thinking. At others, the strategies offered for preventing leadership failure consist of something resembling character formation techniques, and, essentially, exhortations to avoid human behaviors that may, at least in some social contexts, be inevitable. For example, instead of discussing measures that might possibly prevent political catastrophe, one syllabus notes "we try to find standards with which to measure the effectiveness and integrity of leaders." Lastly, the sample at times includes allusions to the morality of leadership intimately tied to the morality of the individual. In one course, for instance, "personal moral development is emphasized."

Fields other than leadership studies course syllabi

The findings in this subsection are based on the examination of 44 syllabi for courses focusing on leadership in fields such as history and American government. The sample of syllabi represents 19 institutions.

The first noticeable similarity between this sample and the first is the starring role that the self plays in leadership. For example, one course, titled "Becoming a Leader," aims "to provide a spark for your own leadership development," and is divided into sections such as "Leadership Starts from Within," "Forging your Character," "Exercising Emotional Intelligence," and "Building Personal Strengths, Diminishing Weaknesses." Another course expounds upon the connection of self to leadership by stating that "Learning leadership requires reflection, engagement, and then more careful thinking to integrate the new ideas and practices into what you know and who you are."

Another property this sample shares with the first is the attention given to moral questions of leadership, along with the recognition of potential abuses of power, although there are notable variations in the way that such concerns are expressed. One course, named "Moral Leadership," displays a relatively rare use of language by distinguishing between "power created *with* others and power used *over* others." Another syllabus is singular in both its caution of power and its reference to power held not only by a particular person, but also by a particular political office, when the syllabus states that the course will be conducted with "a keen appreciation that the American presidency has developed into the most powerful office in history and its occupant has a capacity for doing enormous good—but also profound ill."

In this sample, leadership is more often presented as either similar to or synonymous with management, partly because some academic programs combine leadership with other concepts or subjects of study. (The approach is undertaken by programs such as the Harvard Kennedy School's Management, Leadership, and Decision Sciences division.) Some courses are quite ambitious in their claims to teach versatile leadership: one syllabus states a broad goal to "increase significantly your capacity to lead with and without authority, across boundaries, and

from any political or organizational position." The terms "managing" and "leading" are often used interchangeably, as is observed in statements such as "…managing any organization—leading any group of humans—is a very complex undertaking." One course, called "Managing People," declares that "The skills needed to effectively manage people will be more important to you tomorrow than they were yesterday. While individuals are promoted in early stages of their career for their individual skills and contributions, as they rise through the ranks of an organization, their ability to draw on the skills of others, or harness the powers of the collective, become increasingly critical to their success." (This is the success of the individuals, not to be confused with that of the collective.) The leading/managing equation may give rise to—or suppress—questions of what might make *political* leadership distinctive, an issue pertinent to students of politics, among others.

Befitting of an education in politics, on the other hand, is the sample's greater willingness to face, head-on, issues of power in leadership, or at least issues relevant to leaders in power. One course highlights "individuals and the methods they use to acquire power," and, specifically, how

> …individuals use structure and process to acquire the power they need to get things done…how skillful political actors re-design an organization to enhance their own power and undermine the power of their adversaries…[and] how they go about consolidating their power by controlling organizational processes.

This same syllabus recognizes "how the possession of power makes people feel." The course is designed to "help you [the student] understand the enormously constructive role power can play in your life as a future leader." Another syllabus identifies the drawbacks to a personalistic and powerful leadership in terms of the problems it poses for the person who is leader. The syllabus states:

> To lead is to live dangerously. Although it may be exciting to think of leadership as inspiration, decisive action, and powerful rewards, leading requires taking risks that can jeopardize your career and your personal life.

This preoccupation with the personal does not represent the entirety of the present sample of syllabi. One syllabus, rather uncommonly, maintains that "most leadership tasks depend on discussion." Instead of telling students that their path to leadership includes making decisions based primarily on values, another syllabus asks the course participants to "Develop three to four arguments in favor of your position, and your rationale for each argument. This rationale should be based on logic, experience, and evidence." In its regard for leadership *tasks*, and its allusion to the impersonal authority of expert power, this particular syllabus is an example of a deviation from the more fashionable assumption of the superiority of the leader represented in other syllabi. In another infrequent approach to teaching a course on leadership, one syllabus questions "the place of leadership in contemporary society," with an aim to "[i]dentify information about political leadership which is necessary for useful and responsible citizenship." Finally, a single syllabus—the only one from either sample—explicitly states that "[t]he tensions between democracy and leadership will be a central theme throughout the course."

Leadership institutes and nonacademic training programs

The findings in this subsection are based on the analysis of 120 brief descriptions of non-degree-granting leadership institutes found throughout the United States. Leadership institutes that are not a part of an academic program of study (although they may be associated with a university) are often nine-month programs that include participants who meet once monthly and are educated on a variety of topics. The institutes aim to develop the participants' leadership skills and enable them to take leadership roles; and while not every leadership institute exists to facilitate political leadership in particular (some focus on business leadership, for instance), many do. Some claim to develop future leaders, while others strive to sharpen the skills of those who are already active or established community leaders. Many institutes cater to both "current and emerging leaders."

In almost all of the institutes' short self-descriptions, attendees are referred to as "selected participants" or "individuals," "promising" or "high-potential people," "leaders," and the like. The language used here, with its emphasis on the chosen few, conveys an elitist view that the formal training these institutes supply is provided only to those deemed worthy. An emphasis on networking with established leaders in the area is a prominent theme. Almost all of the institutes in question purport to examine issues and challenges facing the community or the region. Few of the institutes, however, mention facilitating interaction with ordinary members of the community, whose everyday lives are shaped by different challenges. Much more often, however, attendees are introduced, and encouraged, to interact with local leaders.

Discussion

Arguments surrounding leadership and democracy are old. From Carlyle's Great Man Theory dating back to the 1840s to Emerson's rebuttal to it a few years later, scholars have argued about the efficacy and the ethics of leadership or democracy as a political tool. Many of the arguments about leadership and what it should look like stem from differing views of democracy; one emphasizes the capacity of ordinary people to mold their own destinies through political participation (here, leaders play a lesser role), and one tends to denigrate these people as passive masses requiring leadership (here, leadership dominates democracy).

Gouldner (1965) argues that the propagation of the personalistic type of leadership taught is a thoroughly inadequate response to the problems that elicit it. He points out that the expectation of individual leaders to patch up social problems is, at worst, dangerous to democratic societies, inasmuch as it fails to make the alienated or distressed more informed participants of democracy. Gouldner appears to see this same alienation or distress as having a rather counterproductive effect on the democratic selection of a leader—by undermining democratic patterns of deliberation and decision-making, facilitating dependence upon leaders, and possibly manifesting its capacity to steer a democratic society into a decidedly undemocratic, or even antidemocratic, direction. Even at best, persona-based leadership can have little more than a band-aid effect. Gouldner explicitly states (p. 23) that encouraging this kind of leadership neglects to challenge the assumption that social crises may be met without institutional changes.

Gouldner's account of modern enthusiasm for leadership is relevant to the findings of my research in a number of ways, a couple of which I want to emphasize in closing. He proposes that popular leadership concerns come about when social problems become pressing, but prevalent conceptual tools are failing to make the institutional roots of such problems intelligible. Almost 50 years later, perhaps it has become the case—or perhaps it has always been the case—

that one of the most prevalent conceptual tools suppressing sustained social understanding of, or attention to, the institutional roots of social problems, *is the dominant conception of leadership*.

Furthermore, the personalistic ideas of leadership described in this paper *have themselves been institutionalized* insofar as they have become a routinely offered and accepted set of beliefs held by those expected to exercise leadership, as well as those purporting to teach it and those hoping to learn it—not to mention the general public charged with the democratic choosing of a leader. This institutionalization is reflected, to varying degrees, in the curricula of leadership programs and institutes all over the country. This dominant, personalistic conception of leadership is embedded not only in American society, its politics, and its culture, but also in its educational system—which might have done a better job of questioning, if not challenging, this conception.

Conclusion

In my own evaluation, much of the curricula reviewed, rather than seriously exploring alternative conceptions of leadership that make a coherent connection with democratic thought, is simply reflecting views already firmly in place. These modern institutions often serve to uphold traditional notions of what leadership is, and what it should be. In effect, this discourages ideas of what a more authentically democratic leadership might look like: a leadership that leaves democratic functions more fully intact.

All samples examined exhibit highly personalistic conceptions of leadership, with leadership as administered by the individual being admired and aspired to, sometimes with the fervor of infatuation, in all three domains highlighted above. Such traditional presumptions about leadership, with deep roots in attraction to extraordinary characters and, apparently, little serious concern for democratic principles, continue to play a decisive role in the incompatibility of leadership and democracy as we often think of them today.

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