



Synecdochic Representation: How the History of Political Thought Can Fill Gaps in Political Theory¹

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Abstract

We have rich political traditions. Political theorists can bring to current problems an awareness of analogies with and continuities from ancient theories of justice, or early modern notions of sovereignty. Yet once in a while a key topic is lost, and the historiography of political thought can not only inform, but also revive political science. Such is the case of synecdochic or *pars pro toto* representation, whereby a distinct part represents the whole.

Keywords

Representation - constitutional design - legal history - cross-disciplinarity - usable intellectual history

Introduction

This paper seeks to identify and fill a gap in the contemporary theory of representation by drawing on historical sources. We have a vocabulary and literature for straightforward claims by groups for new constitutional rights: for instance, by the barons of King John in 1215, the Swabian peasants in 1525, Amerindians in the 1550-1 Valladolid debates, or by women from the late eighteenth century. We are also familiar with the long history of the view that self-correcting mixed or balanced constitutions are better than domination by one group in a vertical hierarchy (Mayville 2016, 29-30); or that the dynamic of group conflict is potentially useful for the whole state (Machiavelli [c. 1517, 1531] 1996, I.4, I.46, *passim*). Furthermore, there is a long-understood distinction between representing the interests of the citizens, or at least of the part deemed worthy of representation (for instance those who meet a property qualification); representing not the interests but the opinions of the whole or of the representation-worthy part; and representing neither opinions nor interests but the

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character of the whole or the relevant part of the state either through virtual representation or a representative body that replicates the state, as it were, in miniature.

To show how old these distinctions are in the theory of representation, let me cite a few texts. Concerning promoting the interest of the represented as the controlling standard for the legitimacy of representation, *The regulations lately made concerning the Colonies*, written by Thomas Whately (1765) but ascribed at the time to Prime Minister George Grenville, countered colonial complaints about not sending representatives to Westminster with the claim that every Member of Parliament represents not his constituents, but the British Empire as a whole. Colonists avidly ridiculed this notion of virtual representation (e.g. Bland 1766). Regarding the faithful collection and transmission of opinions as the standard of legitimate representation, John Adams argued in his *Thoughts on Government* that the perfect assembly «should be in miniature, an exact portrait of the people at large. It should think, feel, reason, and act like them» (Adams [1776] 1850-56, IV.195). Hanna Pitkin calls this descriptive representation (Pitkin 1967). Adams later supposed that the representative assembly should channel the people's voice without reproducing their character (Adams 1787, iii, x). In Pitkin's taxonomy this is 'acting for' or substantive representation, and as far as politics is concerned, the representatives must be unlike the represented – they must be smarter, and more virtuous. By 1787 Anti-Federalists, including Melancton Smith and Samuel Chase, criticised the proposed Constitution for failing to resemble the represented, and cited Adams' 1776 text against him. In response, Federalists such as Noah Webster took a leaf from the British counterargument to the Revolution, and claimed that every member of the legislative represented the whole nation virtually, irrespective of their party or constituency (Slauter 2009, 128-137). Others, including James Madison, hoped that while the partiality of interests cannot be eliminated, they can be locked into a self-correcting arrangement that advanced the public interest.

These distinctions are so well-established that we even have a long-standing literature on the dangers of ignoring or confusing them, for instance by expecting leaders to both represent the whole (which depends on them sharing normal human nature) and to simultaneously best represent the nation's interests (which depends on being better informed and more effective than the people). Think of how John Adams' friends and opponents agreed that his two views of representation are incompatible, or of the "Little Speech on Liberty" John Winthrop gave in 1645 after he was acquitted from the charge of interfering in an election. Winthrop reminded his audience:

when you choose magistrates, you take them from among yourselves, men subject to like passions as you are. Therefore, when you see infirmities in us, you should reflect upon your own, and that would make you bear the more with us,

and not be severe censors of the failings of your magistrates, when you have continual experience of the like infirmities in yourselves and others (Winthrop [1645] 1963).

It is a mistake to set higher standards, and the most one can expect from magistrates is “faithfulness.” They are accountable when they act in bad faith; but for effective politics, the people must look to constitutional design, including the protection of individual rights, sufficient transparency to enable the people to monitor magistrates, and so on. Such are the taxonomies of rights claims for groups, and of representation. What to my knowledge does not exist yet is a genealogy or theory for the category of texts that present a group or class that is part of the whole, and argues that it is features of this group’s particularity that make it an ideal representative of the whole.

Neither the taxonomy of group-oriented constitutional reforms nor prevailing theories and historiographies of representation capture accounts by Cicero on *homines novi*, Thomas Smith and Samuel Adams on yeomen, Alexander Hamilton or Silas Deane on merchants, Emmanuel Joseph Sieyès on the third estate, or Ezra Stiles’, James Madison’s, John Jay’s, Hamilton’s, and others’ proposal for a senate (Pitkin 1967; Manin 1997; Hofmann 2003; a shorter genealogy in Urbinati 2006). They all identify a group that faithfully represents the collective interest by pursuing their clearly and strictly limited group interest without having to change their morals, behaviour, or aims. To explain the counterintuitive inference that the whole must support these groups’ partial interests, writers often posit a form of providence to explain how such groups sometimes unwittingly but always necessarily aggregate and best advance the common good. This article examines historical models of synecdochic representation, identifies commonalities and variations among them, and outlines merits and limits of reintegrating synecdochic representation into contemporary theory.

The new men

Not working (*otium*) was a sign of nobility in feudal Europe. Both feudal and humanist ideals of nobility espoused wealth; but the latter allowed for, even encouraged, new wealth. Instead of appealing to asceticism, other-worldly values, charity or altruism, fourteenth-century economic theory already recognised the potential conformity of self-interest with natural law, and sought to maximise and entrench the public benefits of private ambition (Burckhardt 1958, II.354-360; McGovern 1970; Morris 1980).

But it would be a mistake to assume that the new rich pursued social mobility and ambition through diligent activity. In fact, some emerging urban patriciates expressed their new status by withdrawing even from trade, and living on income (Schöffler 1968). Scarcity of land was a dominant and long-evolving theme in political discourse

in and about Venice, and the Netherlands. In a sense, capital investment there was the equivalent of the French and English nobility renting out land and, contrary to some genealogies of commercial republicanism, often signalled an ambition to preserve, not proudly depart from, the feudal order (Hont 2005, 374). It went against, rather than emulated, the civic humanist critique of feudal nobility and the call for a new aristocracy based not on birth and the trappings of parasitism and idleness, but on the energetic cultivation of body and mind. It is the space between feudal aristocrats and equally idle capitalists that the new men, who worked with their hands, traded, and invested, grew into. It is the ascent of the new men, not of merchants, that is analysed in Leonardo Bruni's 1420 translation of the pseudo-Aristotelian *Oeconomicus*, Poggio Bracciolini's 1428-9 *De avaritia*, and Leon Battista Alberti's *I Libri della Famiglia* (1430s).

The template goes back at least to Cicero (106-43 BCE). The second *De lege agraria* in particular is a defining text on *homines novi*. Unlike the first agrarian, delivered before the Senate, this oration was given before the Assembly. It begins with Cicero presenting himself as a new man, defending his ancestors' *de facto* nobility even though they were *de iure* common, and praising Romans for opening their political system to merit. Voting is a chief instrument of meritocracy and public reason, Cicero explains (Cicero [63BCE] 1930, II.i-ii.370-375). However, meritocracy raises the risk of demagoguery and populism. It is to the people that Cicero turns:

But I have urgent need of your wisdom to help me to explain the force and interpretation of this word [i.e. *popularis*]. For a great error is being spread abroad through the hypocritical pretences of certain individuals, who, while attacking and hindering not only the interests [*commoda*] but even the safety of the people, are striving by their speeches to obtain the reputation of being supporters of the people (Cicero [63BCE] 1930, II.iii.376-379).

Commodum is Cicero's word for the public interest. This key notion was revived in sixteenth- and seventeenth-century Dutch and English texts, for instance by Harrington and De la Court, exactly in Cicero's sense (Blom 1995, ch. 4). Harkening back to the Latin, probably as an implicit criticism of the contemporary 'interest' literature, Hobbes prefers the term, "commodious living" for the same thing (Evrigenis 2018). "Interest" or "commodious" refer not simply to industry and commerce, but address social, political, and material interests under a unified aspect. Cicero in the second *De lege agraria*, and often Livy, handle this semantic range, and links between the meanings within this range, effortlessly. These texts contain sophisticated systems of political economy, and neglecting them has led to misidentifying the originality of later developments. For instance, rereading the agrarian laws helps us to better understand

the extent to which “interest” was reconceptualised rather than invented in the seventeenth century (Gunn 1969; Rommelse 2011). They also challenge genealogies in which commerce and interest were minimised or absent in Machiavelli, Harrington or Hobbes (Pocock 1965; Somos 2017; Evrigenis 2018).

The second thing to note is the pressure on new men to justify their eminence in terms of representation and natural law. Cicero posited that he was the most reliable consul because he recognised the people’s greatest desire, which they shared with all animals, as peace, liberty, and leisure (*pax, libertas, otium*). False promises of riches and new land damage public welfare (Cicero [63BCE] 1930, II.iv.378-381). At the end of the Second Agrarian, Cicero returned to this theme, and argued that the people’s interests were safer in his hand, because parading ancestral images and upholding his family’s public glory was absent from his set of possible motivations (Cicero [63BCE] 1930, II.xxxvi.476-479). The new men are the best and most reliable representatives because they are self-made, and they depend on the people alone.

The yeomen

A remarkable cast of Englishmen studied politics and law in Italy in the 1530s-1540s before they were recalled to help Thomas Cranmer rebuild the state for Henry VIII. Among the best known are Reginald Pole, Thomas Starkey, Thomas Linacre, Cuthbert Tunstall, Michael Throckmorton, Thomas Candour, John Cheke, Henry Cole, Thomas Lupset, John Caius, and of course Sir Thomas Smith (1513-1577), who all studied in Padua (Dewar 1964; Woolfson 1998). In *De republica Anglorum*, first published in 1583 long after it was written, Smith elaborated and transformed Cicero’s *novi homines* (Smith [1583] 1635, I.xx). They are needed, according to Smith, because as times and circumstances change, princes and commonwealths must create new and suitable optimates, «as The Husbandman hath to plant a new tree where the old faileth» (Smith [1583] 1635, I.xx.54). In particular Smith praised yeomen, who are freeholders between gentlemen and labourers, and who «commonly live wealthily, keepe good houses, and doe their businesse and travell to acquire riches» (Smith [1583] 1635, I.xxiii.60). Due to their daily labour, travel, and avoidance of idleness, they possess unrivaled practical wisdom as a class (Smith [1583] 1635, II.xxvi.183, III.x.263).

Moreover, yeomen combine local, national, and international knowledge like no other class, Smith explained. They farm gentlemen’s lands, go to market, employ servants, and send their sons to university or raise them into gentlemen by other means. Then follow pages of praise for this new class, their ability to farm and to fight as archers and infantry, and thereby save and expand England, in contrast with the equestrian French aristocracy that continues to suffer defeat. In criminal inquests yeomen are vitally important jurors, because they have relevant local knowledge. Smith explained

that the common law was comfortable with the death penalty but does not abide torture, because it reflects the values of the free and tough yeomen, who determine both the ancient and new *mores* of England (Smith [1583] 1635, II.xvii.197). For Smith, the combination of farming, travel, trade, and fighting, made yeoman interests the state interest, their values the public values, and the yeomen ideal for military, parliamentary, jury, and other forms of public service. The yeomen could not be too rich, or they would be gentlemen; but they had to aspire to turn their sons into gentlemen.

The sense that yeomen best represented collective interests when they pursued their particular group interest continued to feature in British thought. In “Of refinement in the arts,” Hume attached a stadial theory to the rise of this middling rank. Rude nations only have landowners, who are «petty tyrants» and dependents. The rise of commercial republics means the rise of industrious artisans and merchants who refuse to be dominated and are not rich enough to dominate others. They are middling ranks, «who are the best and firmest basis of public liberty» (Hume [1752] 1993, 174-175). When Samuel Adams wrote to Richard Henry Lee on 15 July, 1774, that «It is the Virtue of the Yeomanry that we are chiefly to depend upon» for creating a resilient political community, protecting the American colonies in battle, and producing food and goods fast enough to make non-importation damaging to Britain, it is this versatile and competent group he had in mind (Adams [1774] 1907, III.139). Adams, like everyone else, used “freemen” to mean citizens with voting and other English rights. In his letter to Lee he had in mind a more specific group, and drew on the same notion of yeoman that we find in Thomas Smith two centuries earlier. In fact some nineteenth-century critics of the bourgeoisie thought that it was exactly their middling condition that, once lost, rendered this narrow middle class unfit to represent the whole. In “The Democracy of England”, a 1834 essay in *The New Monthly Magazine*, the author cites Smith’s description of the yeoman at length, sadly adding, «He, too, is changed, and alas that he is so! But what has altered him? The sudden growth of affluence, and the not less sudden decline» (n.a. 1834, 415).

The merchants

Between 1765 and 1775 the American colonists organised a series of non-importation initiatives to force Britain to recognise their rights. Merchants often led these movements, and they were debated at every level, from small township meetings to full conventions between states, such as the Stamp Act Congress or the First Continental Congress. Non-importation had an effect, but it often hurt the colonists more than it hurt Britain.

A Massachusetts-wide non-importation agreement expired on 1 January 1770. A powerful group of merchants argued against renewing it. They had warehouses full of British goods, and restricting trade meant continuous loss of profit. Agreement to and compliance with the boycott became patchy, and by October non-importation was effectively over in Massachusetts, to be revived only much later. While Massachusetts was debating renewal, Connecticut merchants decided to continue by invoking the common good. Among Silas Deane's papers we find the minutes of a meeting «of the major part of the merchants of the Colony of Connecticut» in Middletown on 20 February 1770 (Deane 1770, Box I Folder 2). They declared that despite doubts, well-co-ordinated non-importation was the most promising peaceful means of protecting the «just, natural Rights, Liberty, and Welfare of America in general, & this Colony in particular». They also vowed not to trade with colonies that broke the boycott.

Non-importation also provoked considerable tension and discussion in New York. As the non-importation consensus began to break down, the committee of Connecticut merchants condemned the «Mercenary and unmanly conduct of the majority of The Merchants and traders of New York», who picked up some of Connecticut's trade. They also pledged solidarity to the New Yorkers who remained faithful, and they expressed the hope that their «self-approbation» and sense of patriotism were ample compensation for «the Sordid prospect of a little present gain» and «the Miserly contracted Views of Advancing there [sic] own Private Interest». The Connecticut merchants declared that like the faithful New Yorkers, they too would ignore their private interest for «the generall cause of Liberty». Interestingly, they did not invoke the well-established equation of useful with honorable conduct. Instead, they acknowledged that experience shows that when «the most Solemn promises» require that people «Sacrifice their private Interest», private interest will normally overrule the public. Nevertheless, to throw off Britain's yoke, Connecticut merchants pledged to endure self-inflicted harm during the boycott. Correspondence among committees of merchants thus reveals a classical republican patriotic model updated to include commercial loss as a form of sacrifice for the sake of the common good.

In the 1787 *Federalist* 35, written at least partly from a New Yorker's perspective, Hamilton offered a contrasting mechanism in which private merchants' pursuit of self-interest embodied and promoted the common good. Hamilton explicitly deployed the notion of classes, not all of which, he noted, could send representatives to Congress. One reason was that class-based representation is impractical. Given that class-based representation was the conventional but increasingly debated norm in most European states, it is remarkable that the normally loquacious Hamilton did not go into detail on this point. The second reason he gave is that «mechanics and manufacturers will always be inclined [...] to give their votes to merchants, in preference to persons of their own professions or trades.» «[D]iscerning citizens» know that industry and trade

are interdependent, and the merchant is the «natural patron and friend» of farmers and workers. They also know that «their interests can be more effectually promoted by the merchant than by themselves» because unlike others, merchants by their profession acquire the ability to argue and negotiate effectively in public councils. Merchants are «the natural representatives of all these classes of the community» because their habits and skills include communicating with all classes, industriousness and dependence on credibility, and physical and social mobility; and because the circulatory nature of the economy forces merchants, if they wish to be successful, to develop a comprehensive view of national interest.

What about the other classes? Hamilton discussed two more: the learned professions, and the landowners. The former class makes up its own mind, but otherwise has no independent class interest. Landowners are not dangerous, because the potentially factional interests of large landowners are diluted by «the middling farmer», who in fact dominates most state assemblies. Hamilton now posed the key question: who are the best representatives of the nation as a whole, landowners, the learned professions, or the merchants, who already and naturally represent artisans, industrial labour, and themselves? As all class interests are connected via the medium of political economy, the best representative needs economic information and expertise, and a good knowledge of the «general genius, habits, and modes of thinking of the people at large». Though in conclusion Hamilton pretended to allow the reader to decide which of the three classes met both requirements, only the merchants qualify.

The Third Estate

Twelve months after *Federalist* 35, in January 1789, Sieyès used the same process of elimination and exclusion to position the Third Estate as the sole natural and legitimate representative of the nation, arguing that similarly to Hamilton's merchants, the interests of this class were the public interest.

In chapter one of *What is the Third Estate*, Sieyès began from a political economy foundation. To survive and prosper, a nation needs «private employments and public services». Sieyès' four economic sectors were raw materials, manufacturing, commerce, and services. His point was that the Third Estate performed in all of them; thus it is «a complete nation». Since the political economy perspective was primary, the idleness of the aristocracy was enough to exclude them from the state. This left the possibility that Cicero's new men, in this case the industrious new nobility – judicial and administrative office-holders and the upper middle classes who bought aristocratic titles for money – could claim to be France's true representatives, as indeed they did (Sieyès [1789] 2003, 106). Sieyès excluded them by arguing that while the distinction between old and new aristocracy was valid, the new men's titles were constitutionally

as powerful as the old nobility's, which made them «unfit to vote in the name of the people» (Sieyès [1789] 2003, 101).

Sieyès added two more reasons why only the Third Estate was able to represent the whole nation. Firstly, it was the majority and, given natural equality among men, majority rule is unquestionable. Secondly, the fact that the king, clergy and aristocracy unjustly, but did have a constitutional role, meant that the Third Estate should not claim to join them, even though they outnumbered them. Instead, they should create a constitutional convention of extraordinary representatives. Sieyès saw this as a unique constitutional instrument. Ordinary representatives receive a mandate from the people to represent them by administering government in accordance with their constitutional role and process. Extraordinary representatives act in a purely republican capacity. They are not limited to the powers and scope of ordinary representatives; they have the «independence from all constitutional forms» that characterises the whole nation, as the nation never leaves the state of nature. The convention assembles for a fixed and short period to decide fundamental constitutional questions (Sieyès [1789] 2003, 138-139). According to Sieyès, the Third Estate should convene without the other classes, and use its majority status and the injustice that is the aristocracy's very existence to form a constitutional assembly «to deliberate and vote on behalf of the whole Nation without any exception» (Sieyès [1789] 2003, 150-151). One of the things they should do is formally exclude the other orders, which «have become the real enemies of the common interest» – unless the old orders renounce their titles, in which case they are entitled to rights and representation, like every other citizen (Sieyès [1789] 2003, 161). That is how the Third Estate, an economically self-sufficient group with distinctive interests, can bring about a classless society.

The senate

Other historical instances of synecdochic representation include the portrait of religious warriors in sixteenth-century treatises in which the capacity of Spanish-speaking Christian warriors to embody and represent the nation preceded the nation itself (Housley 2000); soldiers and citizens representing their states during war (Grotius [1604-1606] 2006, VI.93, XII.377-9, XIII.403-4, XV.491; Grotius [1625, 1632] 2005, III.VI.xiv.526, III.VI.xiv.1333, III.X.iv.1416-7, III.XXIV.vii.1637nVII); and the groups supposed to both embody and actively lead historical change in the theories of Hegel and Marx. To underline that synecdochic interest groups could play more than a countervailing role in constitutional design, our last example is not a pre-existing or extra-constitutional group but a new institution, the US Senate. Ezra Stiles (1727-1795) and all three authors of the articles collected as the *Federalist Papers*, thought of the

future US senate as the group which, by virtue of its distinct, irreplicable and non-generalisable characteristics, would faithfully aggregate and further the whole nation's collective interest.

One of the most famous texts produced by Ezra Stiles, president of Yale, is his May 1783 election sermon, *The United States Elevated to Glory and Honor*. Among other things, Stiles described his ideal senate as elected not locally but nationally, which made it «the interested and natural conservator of the universal interest» (Stiles 1783, 21). Madison, Hamilton and Jay made the same point in five *Federalist Papers*, 62 to 66, first published from the end of February to 8 March, 1788. In fact the Senate is the only main theme in the *Federalist Papers* that all three writers addressed.

Senators must be older and have lived in America longer than Congressmen, so they have better «information and stability of character», commensurate with «senatorial trust». They also represent the nation through negative powers. They represent the states against the federal government; they block laws that are dangerous and/or stupid either because the House is corrupted, or because the House faithfully represents the «sudden and violent passions» of a corrupted or misguided nation. Longer terms make senators better informed, and more disinterested and effective. According to Madison, Hamilton and Jay, it is not the House, but the Senate, that repairs both domestically and abroad the damage to the young republic's reputation that a lack of national identity would cause (Federalist 63.382). It is not constitutional conventions, the House, or the Supreme Court, but the Senate that bears the nation's trust; it is the only institution with the integrity and independence to mediate between, or impeach, the other branches (Federalist 65.397-398).

Conclusion

Synecdochic interest groups are parts of the nation, and represent the whole, by virtue of one or more distinctive, irreducible, and non-generalisable characteristics. They further the national interest by pursuing their own, limited group interest. They tend to be independent, in the sense that they survive national shocks more easily than other constitutive groups. This point is explicit in texts concerning the farming-fighting yeoman. The Third Estate is wholly self-sufficient. Unlike the patriotic Connecticut merchants, Hamilton's merchants can easily adjust to shifts in political economy; their essential functions of buying and selling, embodying and acting on economic signals, hardly change. Interestingly, given the maelstrom of moralising in reform schemes, synecdochic interest groups do not need to become more virtuous, or otherwise improve, to represent the whole. The whole state should help them pursue their self-interest, through which everyone benefits. Commerce is almost always a load-bearing part of this strange aggregating function.

Alongside commonalities there is useful variation in the group, too. Unlike Cicero's new men and Smith's yeomen, it is not obvious that Hamilton's merchants or Sieyès' Third Estate can fight. Unlike the yeomen or the Third Estate, the senate in Stiles and the *Federalist Papers* is not a distinct class. The prudence and wisdom of the Third Estate do not depend on its habit of traveling, as is the case with Smith's yeomen and Hamilton's merchants. One could continue building out taxonomies, but the aim of this article is simpler. To my knowledge, the current theory of representation does not fully account for synecdochic groups, which aggregate state interests and represent the common good through their distinctive characteristics and actions. If so, then a comparative historical approach frames five ostensibly disparate discussions, from republican Rome, Renaissance England, and revolutionary America and France (with other synecdochic works mentioned in early modern Spain, Grotius, Hegel, and Marx), to identify and address a blind spot in contemporary constitutional theory. Perhaps due to the historical rise of egalitarianism and individualism (Somos 2010), we lost a way of thinking about collective through particular interest. Starting from this recovered historical tradition, political and legal theorists can formulate categories and conditions of cases in which synecdochic representation can validly serve as a practical instrument. While this task is beyond this paper's scope, a few broad remarks and starting points emerge from the material.

The texts on synecdochic representation discussed above were produced during constitutional crises (Adams, Deane, Hamilton, Madison, Jay, Stiles, Sieyès) or diagnosed rather than proposed reform, and occasionally fell on deaf ears (Cicero, Smith). In stable modern democracies, courts and legal scholarship can be a more fertile source of constitutional experimentation and innovation than politics. Politicians normally depend on parties and votes at some point in their career. Despite its limitations, the median voter theorem explains a great deal of observable political positioning (Downs 1957). Acting as each other's ideological demand and supply, majorities and parties keep one another conservative relative to the agility available to judges and legal scholars. Innovative applications of synecdochic representation are more likely to emerge in law, and enter politics if successful. Class action lawsuits and global constitutionalism are particularly high-probability sources of future synecdochic innovation.

Class action litigation usually involves small groups representing large groups descriptively, 'in miniature' (Cabraser and Issacharoff 2017), while claims by distinct groups have been rejected when they were deemed insufficiently representative of society as a whole (see e.g. pensioners' failed complaint regarding progressive development of socio-economic rights, IACtHR 2003, §147). However, descriptive representation is not an integral standard in class action suits. In the landmark *Somerset v Stewart* case (1772), Lord Mansfield ruled that the common law cannot

abide chattel slavery. While the decision has been criticised for its ambiguity about slavery in the British Empire, historians of human rights point to the process whereby Somerset, the runaway slave, was turned into a representative of all slaves with «humanity» as the «collective litigative entity» acting on the slaves' behalf in order to improve the condition not only of slaves, but all mankind (Yeazell 1987, Winter 2018). Trends in class action litigation signal a continued space for innovative uses of synecdochic representation (Yeazell 1997).

Global constitutionalism combines positive and normative analysis to detect and foster the globalisation of human rights, rule of law, separation of powers, and allied constitutional principles (Peters 2015). A global constitutionalist perspective shows synecdochic representation in the Nuremberg Military Tribunal's expansion of international criminal law in the name of humanity as a whole, in order to punish Nazi leaders for the murder of Jews, Romas, homosexuals, dissenters and others as distinct groups (Gostwyck-Lewis and Somos 2018). Future categories of cases could involve global animal rights regimes to protect biodiversity, and groups with distinctive genetic, linguistic or cultural characteristics on the verge of extinction, such as the Samaritans, the El Molo of Kenya or the Livonians. Genetic diversity benefits the human species as a whole, making such groups synecdochically representative in the sense that collective resources mobilised for their particular group interests would serve the common good.

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