

The Fifth Estate
by
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On the occasion of this event, where we salute association leadership at numerous levels, I would like to submit a proposition for your consideration. As a proposition, by definition, it is capable of being believed, doubted or denied. I will let you decide.

However, I am firmly convinced it is true. I have not heard this discussed before, so it's possible that in the long history of associations, we are breaking new ground today.

So here is my proposition: Associations, in the 21st century, have become the Fifth Estate of our American democracy.

What do I mean by the proposition that associations have become the Fifth Estate in our 21st century democracy? To answer the question, we need to understand the history of the term "estate."

It dates back to feudal days, when three groups very broadly possessed political power — the clergy, the military and administrators — and worked out some loose arrangements for their mutual loyalty and protection.

The concept grew up from there. In the years leading up to the French Revolution, three estates shared the power in France — the "lords spiritual," or the clergy; the "lords

temporal," or the nobility; and the bourgeoisie, or the very wealthy. A similar concept took a slightly different shape in Great Britain, with the three estates being the priesthood (through the Church of England, recognized by the government and headed by the British sovereign); the aristocracy of the House of Lords, composed of the Lords Temporal and Lords Spiritual; and the commons, composed of the elected members of the House of Commons, representing the people.

These three-estate systems did not materialize out of nothing. They evolved as they did so each estate of political power provided a strong counterbalance to the other two. They were the earliest system of checks and balances, with each estate in place to ensure that neither of the other estates became too strong. The clergy couldn't dominate — but then again, neither could the nobility, and neither could "the people," whether they were people of wealth or people of more common means.

It turned out that three estates were not enough: Someone needed to keep an eye on the people in power. So the concept of a "Fourth Estate" — what we know today as the free press — emerged. Scottish philosopher, historian and economist James Mill originated the concept of the "watchdog" function of the press in a democracy. He advocated a free press to keep an eye on the conduct of individuals who had chosen to wield the powers of government. The actual term "The Fourth Estate" is attributed to the British statesman Edmund Burke, who is said to have been sitting one day in the Reporters' Gallery at Parliament and said of the press, "There sits the Fourth Estate, more important than they all."

The Founding Fathers of the United States of America, arguably the greatest generation of Americans, established a unique, experimental and untested form of democracy, which divided the powers of government among three branches. This was a new concept of the “three estates.” Through our Constitution, they carefully crafted the legislative, the executive and the judiciary branches with an elaborate method of checks and balances. In a young nation which had just won its independence from an authoritarian British monarch, these checks and balances were of the highest priority.

A few years later, in 1791, our forefathers officially codified the role of the Fourth Estate – the free press – in the First Amendment to the Constitution of the United States, guaranteeing that leaders could not abridge the freedom of the press.

So there we have, in official form, the first four estates of our country.

Which brings us to the proposition that associations are the Fifth Estate in our American democracy.

I maintain that the seeds of my proposition can be traced back to our nation’s earliest history.

I look to an indispensable authority for this. After you leave this event, go to a book store

and spend ten dollars to buy a paperback version of the book “Democracy in America,” by Alexis de Tocqueville.

You only need to read two chapters: Volume I, Part 2, Chapter 4, entitled “Political Associations in the United States,” published in 1835, and Volume II, Part 2, Chapter 5, entitled, “The Use Americans Make of Public Associations in Civil Life,” published in 1840.

In these chapters you will find the seed — and, as I said, an indispensable authority — for my proposition to you today: That associations have evolved in our 21st century democracy into the “Fifth Estate.”

The reason you can find “Democracy in America” in bookstores 169 years after Tocqueville published Volume I and 164 years after he published Volume II is because, in my judgment, after the “Federalist Papers,” it is the most influential political text ever written on America.

Tocqueville, a young French aristocrat and civil servant who made a nine-month journey throughout the young country in 1831, was amazed by how Americans formed associations and voluntarily joined a variety of private groups that encouraged commerce, industry, science, culture, public safety, and religion.

Isaac Kramnick, a Cornell University government professor, writes that Tocqueville believed America's voluntary associations — whose members included Americans of every class and interest — were “people-made, democratic substitutes” for the nobility and clergy of the estate system of the old order in pre-revolutionary France. Associations in America, Tocqueville said, served as mediators between individuals and the state, acting as an important guard against tyranny.

Tocqueville observed that Americans were enthusiastically involved in associations not only to check the abuse of power, but to check excessive individualism. Working through associations took Americans outside themselves, Tocqueville argued, drawing them away from a preoccupation with private interests, and turning them to a shared common need and sympathy for others. I think all of us here today know what a very keen and important observation that was.

To support my argument, I suggest that our Founding Fathers felt so strongly about the role of associations in our American democracy that they codified the Fourth Estate and the Fifth Estate together in the same place — the First Amendment to the United States Constitution. The First Amendment did more than ensure freedom of the press. It also guaranteed Americans the freedom of speech, the right to assemble and the right to petition the government for a redress of grievances.

The First Amendment has been put to the test many, many times since it was enacted, and a look at legal history shows that our highest courts are maintaining the sanctity of the

associations the forefathers sought to protect.

In 1958, following tumultuous years that saw some states looking for ways to rein in the NAACP, the United States Supreme Court affirmed a truth that it called “beyond debate”: “The freedom to engage in association for the advancement of beliefs and ideas,” the high court wrote, “is an inseparable aspect of the ‘liberty’ assured in the Due Process Clause of the Fourteenth Amendment which embraces freedom of speech.” (NAACP v. Alabama ex. rel. Patterson, 357 U.S. 449, 460-641 (1958). Other Supreme Court cases echo that position.

It is clear that, from the Court’s opinions, Americans’ right to association derives directly from the First Amendment and its guarantees of freedom of speech, assembly and petition. And at times, the right of association has been referred to by the Court as a separate, independent freedom protected by the First Amendment.

I have no doubt whatsoever that the time has come today for us to aggressively and unapologetically assert that associations are absolutely vital in the life of our nation and that associations are truly the Fifth Estate in our American democracy.

As James Mill said about the “watchdog” role of the press, I maintain that today, associations keep an eye on the conduct of others who wield power in our democracy.

As public policy advocates, associations are a counterbalance to the other estates who hold power in our system: the legislative, the executive and the judiciary branches of

government, and the press.

But the American democracy is not all about government. The very unique aspect of our American democracy is that it is all about the common man having the equality of opportunity, the equality of rights and the equality of treatment. So even if your association does not have a government relations program as its highest priority, your association and professional society allow the individual in America to work with others for common goals — goals that enhance the profession, occupation or industry you serve. Goals that enhance America.

I believe our associations make the American democracy a stronger system, and make the United States of America a better place in which to live. America is and will continue to be the land of opportunity. Associations provide that opportunity for all Americans. No matter where they live in this vast land, no matter their station in life, through the enthusiasm and commitment of our millions of members, associations give all Americans a seat at the table in our democracy.

When misguided and misinformed critics attack the association community, always remind them of what the late United States Supreme Court Justice Thurgood Marshall said: “Millions of Americans speaking in unison is not a corruption of the democratic political process; it is the democratic political process.”

The proposition is this: Associations have become the Fifth Estate in our 21st century

American democracy. Let the debate begin.