

Brian Barry (Hinkley Visiting Professor): The John Hinkley Memorial Lecture
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POLITICAL CHECKS AND SOCIAL CONFLICTS

The attraction of the 'mysterious east' for western speculation about politics has always lain precisely in its mysteriousness. Ever since Marco Polo told his fabulous tales about his travels - partly no doubt shrewdly designed to scare off potential competitors in the silk trade - the lack of hard information has enabled the East to stand as a symbol for the hopes and fears of Westerners. Today, for example, China is perceived by a lot of young Westerners (who would probably find the puritanism of the regime pretty repugnant) as a symbol of hope: as a demonstration that, through a process of recurrent 'cultural revolution' it is possible to dispense with representative institutions and yet avoid the development of a bureaucratic elite with a distinctive interest in maintaining the stable operation of the system at the expense of its supposed goals.

Normally, however, China has been a negative reference among Western political thinkers. In particular, it has been lumped in with the rest of the east as an example of 'oriental despotism'. Now the concept of 'oriental despotism' is of great interest in the history of ideas, because it illustrates the power of a myth to maintain itself over many centuries if it serves a purpose. There is a direct line from Herodotus to Karl Wittfogel. As Melvin Richter expressed it:

From the time of the Persian Wars, the Greeks considered despotism to be a set of arrangements characteristic of non-Hellenic or barbarian peoples thought to be slaves by nature, a form of kingship practiced by Asians, and the most notable example of which was to be found in the Persian Archaemenid Empire (559-330 B.C.)

Aristotle, who dealt with the subject at some length, illustrates the two functions which (in differing proportions) the concept of 'oriental despotism' has served during its history. First, by counterpointing the supposedly static and uncivilized east to the progressive and enlightened west, it makes an internal propaganda point: the more our political institutions are unlike

those of 'oriental despotism' the better. And, second, since these eastern peoples suffer under a regime of despotism, they will be at least no worse off politically and better off in terms of progressiveness and civilization if they are conquered by western forces. 'Meet it is that barbarous people should be governed by the Greeks.' (Politics, I.i.) Moreover, since (as Aristotle asserted) they are 'slaves by nature' there is no reason why they should not be ruled over by a foreign power in perpetuity. Aristotle even anticipated Montesquieu by suggesting that the orientals are fated to servitude by their uninvigorating climatic conditions. The only refinement lacking - which the Greeks perhaps did not feel as much need for as their European successors - was the myth that the 'oriental despot' owned all the property in the country. This had the delightful consequence that by beating the despot in a just war (and since he was a despot any war against him would be just) you were morally entitled to seize all the property in the country.

Montesquieu was not responsible for reintroducing the idea of 'oriental despotism' into political discourse. That had already been done in the seventeenth century by those in France - aristocrats and Huguenots - resisting the crown.

During the Fronde, the type of royal power exercised by the Sultan was called despotique, and distinguished from that recognized by French constitutional usage.

But it was unquestionably Montesquieu, first in the glittering literary artifice of the Persian Letters and then as one of the three basic categories of the Spirit of Laws, who launched the concept of 'oriental despotism' on its triumphant career as a myth serenely invulnerable to hostile evidence.

Montesquieu's notion of 'oriental despotism', indeed, took very much the same stark and simple form as Aristotle's, though, of course, tricked out with an appearance of verisimilitude by details from contemporary travellers' tales. Of the two functions which I suggested that the myth has served in its history, Montesquieu was entirely concerned with the first:

as the President of a provincial parlement and the foremost defender of the thèse nobiliaire his object in drawing an unflattering (and largely imaginary) picture of oriental despotism was to point the contrast with an idealized version of contemporary France in which the power of the king was checked by autonomous intermediate groups. At the same time, he could suggest that the supporters of the thèse royale - those who wished to introduce rational, centralized, bureaucratic modes of governing the country, were seeking to transplant 'oriental despotism' in Europe. 'Abolish the privileges of the lords, the clergy and cities in a monarchy, and you will soon have a popular state, or else a despotic government.' (p. 16, Neumann ed.)

It would be interesting to trace the further career of the concept as it reappeared, substantially unchanged, in the work of political theorists otherwise as dissimilar as Hegel, Marx and John Stuart Mill. But I shall make only two points. First, in popular thought, the main thing about 'oriental despotism' became its legitimation of the process of European imperial conquest, and, second, as the spotlight moved from Asia to Africa, the notion of a typical 'despotic' regime moved with it, fed by the first travellers' tales from the Zulu and Bugandan kingdoms, whose heads were indeed arbitrary and terroristic, but also quite atypical. The norm was a limited monarchy of very much the kind advocated by Montesquieu. [As E. V. Walter describes the normal position in an African society,

the king ruled without opposition as long as his actions conformed to the working consensus. When he moved outside its limits, certain officials exercised their own legitimate power against him.... In a system that endowed officers below the king with secondary powers, their legitimate resistance temporarily interfered with co-operation. The consequence of their resistance was to modify the action of the ruler, thereby restoring co-operation.... The stability of a limited monarchy depended on the smooth, co-operative interaction of legitimate resistances. (Walter, p. 334)

Nowadays, of course, we are not so crude as to say that some races are slaves by nature, but we don't mind saying that the African 'political culture' makes Africans unfit for any except autocratic regimes. Thus the

myth of a continuous history of 'oriental despotism' - with even less justification in the case of Africa than Asia - continues to bolster the self-esteem of those fortunate enough to have white skins. As Henry Sidgwick put it in the high Victorian era:

In the general history...of political institutions it is a peculiar characteristic of certain portions of the white race or races of men, that they have maintained...the constitutional method of avoiding the evils of arbitrary rule. (

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Obviously one could pursue reflections on the history of the concept of 'oriental despotism' in any number of directions. The one that I want to follow up is this. The by-product of Montesquieu's unsuccessful attempt to refeudalize eighteenth-century France has been a particular way of looking at politics that has run through much European thought and almost all American thought: the idea that the main object of all institutional design in politics is to get as far away from 'despotism' as possible. Despotism appears as the natural state of mankind, from which the 'white races', perhaps due to the special intervention of the deity, have alone been saved. If so, one can hardly have too many safeguards against it, both de jure and de facto.

I want to suggest that this image, derived surely in some measure from the myth of 'oriental despotism', does us a disservice. It positively obscures the reality that is all around us today. It is simply not true that the natural tendency of states is to concentrate power in the hands of a single man or a single cohesive set of men, standing off from society and operating upon it by coercive force. On the contrary, the natural tendency of states is towards the diffusion and fragmentation of political power, and towards the absorption of political power into the social and economic groupings of which the society is composed. The creation of active, independent political power requires continuous attention and effort. It

can be achieved, with difficulty, either through coercion or consent. Clearly the latter is preferable, and is what we hope our western democratic societies will maintain. But I think that our fear of despotism is counter-productive to the point where a continuation of present trends could really lead to a change towards despotism.

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I want to begin by observing that there is really no trick at all about having a weak state: most states manage it quite easily. Even in the absence of any constitutional limitation on the powers of government it can happen in either of two ways:

- (a) although there is no constitutionally-provided separation of powers, the loyalty or obedience of sections of office-holders to the top office-holders is conditional. This may manifest itself in two ways:
 - (i) unless their interests or preferences are respected they will overthrow the top office-holders (characteristic of the armed forces)
 - (ii) they simply don't implement policies they dislike but either do nothing or do something else instead (characteristic of bureaucracies)
- (b) there are certain corporate entities (firms - maybe multinational - or churches - again maybe multinational) or cohesive social groups (e.g. landowners or those with some other hereditary privileges) which
 - (i) can overthrow the regime if their distinctive interests are challenged
 - OR (ii) cannot be coerced by the government to act contrary to the interests of those running them (e.g. in the case of firms by repatriating more profits, by adding refining or

manufacture to the extraction of raw materials; or in the case of landowners by accepting state intervention in the way they manage their land or accepting redistribution of land.

This power to overthrow or resist may be based on the possession of private armies which physically enable this to be done (especially by landowners) or by their capacity to summon military intervention from outside the country (multinational corporations) or on their ability to cause the collapse of the government by withholding co-operation (withdrawal of capital and/or expertise; ability to arrange boycott of products if expropriated).

[NB: (a) + (b) especially strong]

It's clear that these forces may make the state very weak indeed. It may look despotic on the formal criteria that it bans opposition movements, suppresses free speech and association, has no independent judiciary etc. But it may nevertheless lack the internal cohesion to act decisively or the power to act against the most important groups in the society. Whether or not this kind of paper Leviathan is better or worse than the real thing cannot I think be answered in general terms. In the case of a despotism it depends on what the aims of the rulers are; in the case of a paper Leviathan it depends on the nature of the groups to which the state is in hock and what they want. This is illustrated by a recent article entitled 'Can Leviathan Make the Life of Man Less Solitary, Poor, Nasty, Brutish and Short?'. (John M. Orbell and Brent M. Rutherford, BJPolS 3, 387-407 (1973).) They looked for empirical indicators of 'Leviathanness' (based on Hobbes's concept of sovereignty) in Banks and Textor's Cross-Polity Survey (1963).

Absence of

- (1) constitutionalism
- (2) group interest articulation
- (3) absence of a separation of powers between legislative, executive and judiciary

The measures of these had a high intercorrelation.

They then looked for factors corresponding to the conditions of a state of nature:

Solitary: mail per capita

Poor: GNP per capita

Nasty: 'no knowledge of the face of the earth, no account of time, no arts and no letters'; % literacy, movie attendance per capita

Brutish: 'continual fear' from war of all against all, civil strife and violence

Short: average live expectancy

Most felicitous: USA, Switzerland, New Zealand, Australia, Sweden

Least felicitous: Indonesia, India, Pakistan, Haiti, Republic of Vietnam

The result of correlating the two was to find that Leviathanness and felicity are negatively correlated, but that among the Leviathans the most felicitous were those of Eastern Europe. No non-socialist Leviathan scored high on the two factors into which they analysed felicity, peace and commodiousness.

They suggest that the relative success of the socialist Leviathans is that they are run by people who are aiming to produce 'an acceptable distribution of wealth, as well as to maintain order' whereas the 'mere Leviathans' are not. In the non-socialist, non-Leviathans power is diffused institutionally, but in the non-socialist Leviathans the disadvantaged will use 'other means, perhaps more 'Hobbesian' means, to gain their ends'. But the other possibility is simply that the non-socialist Leviathans are paper Leviathans in which the government does not have the capacity to make its writ run over the opposition of its own bureaucracy or army or against powerful groups such as landowners, business corporations or churches, whereas the socialist Leviathans have effective internally-responsive administration and no corporate opposition with power to obstruct but are somewhat afraid of popular uprising against them.

The lower score of the Soviet Union might reflect a smaller fear of popular uprising.

The point here is that the paper Leviathan does not (by definition) have the monolithic concentration of power that the real Leviathan has, but this does not necessarily mean that the situation is less oppressive when looked at from the bottom of the heap. For a peasant in the backlands of Brazil, in the nineteenth century especially but still in some parts now, for whom the government, the judiciary and the police are all represented by the local landowner and his assistants, it is not much of a consolation to know that power is decentralized. Provided the bosses do not fall out with one another (and thus give him some possibility for manoeuvre) - so long as they stick to demarcation lines - they are petty despots in their own domains, and the fact that their power is not state power does not alter its reality. For the same reason, we can see that sectoral division of power may not have any beneficial effects to those at the bottom: to have one non-responsive master in religion and education, another at work and another in the rest of life, if they all support one another, is not much of an improvement on having them all rolled into one. The only advantage is that they may clash with one another, if only at the boundaries of their sectors, and this may weaken them. But if they recognize a strong common interest in keeping the system going, they are not likely to allow their squabbles to get out of hand.

But what deviations from despotism are desirable? I want to suggest that there is one necessary condition for our having any general expectation that government will operate so as to respect or advance the interests of the ordinary members of the society. This is regular competition for the highest political offices. This mechanism depends for its effect on the way in which it leads rival seekers after political power to mobilize mass support in the society at large. I shall not present the argument for this as a necessary condition at length - instead I shall simply leave it as a challenge to anyone to suggest an alternative.

What I want to ask rather is this. If we agree that it is a necessary condition, is it a sufficient condition? I think the answer is that it is not a sufficient condition, in other words that we can't say it's enough by itself in the absence of any other institutions.

I shall suggest in the rest of this lecture that there are three kinds of checks that are necessary, the first two generally and the third only in societies of certain kinds:

- (1) those that conduce to the maintenance of representative institutions
- (2) those that increase the effectiveness of representative institutions in making government responsive to that large majority of the population outside the 'political class'
- (3) those that mitigate the tendency for a responsive government in the above sense to be responsive to the demands of one part of the society at the expense of the others especially where this, by failing to give weight to the interests of those who are badly off already, is likely to make them worse off or, by failing to give weight to the interests of those relatively well off, is likely to make them worse off than the currently worst off. This third objective is, of course, liable to cut across the second.

Let's run through these in turn:

- (1) Conditions facilitating maintenance of political competition.

This is pretty obvious, though of course important. Suppose that the elected office-holders themselves wish to bring the competitive electoral system to an end, either by formally abolishing elections or by so restricting candidature as to make elections inoperative as a method of popular control. It would clearly be desirable if any government contemplating this kind of move were to know that it would be met by demonstrations, strikes, refusal to obey on the part of citizens, sabotage of government orders by bureaucratic office-holders, refusal to recognize the validity of the new system by judicial office-holders, and so on. Active involvement of the specialists

in coercion - the military and police - could of course be crucial, as could their refusal to act in restraint of other opponents of the change.

The difficulty here is, of course, that if this ability to resist a non-democratic government exists then it also presumably exists to resist a democratic government. As far as I can see this must be so. It seems impossible to think of sanctions that would work against a non-democratic government but not a democratic one; on the contrary, not all sanctions that work against a democratic government work against a non-democratic one.

The only things to be said therefore are, I think

(a) sanctions effective against a democratic regime that could easily be greatly weakened by a non-democratic regime are on balance undesirable (e.g. formal independence of policy-making bodies not elected or responsible to those elected)

(b) disruptive power should be in the hands of those likely to use it against a non-democratic regime but relatively unlikely to use it in a way likely to bring down a democratic regime, and (subject to exceptions to be noted under (3)) not to resist a democratic regime. This means especially organizations such as trade unions and political parties with a mass base, to the extent that their members are capable of realizing that the representative system is the only way of keeping the outcomes of the decision-making process at all in line with the interests of those outside the 'political class'.

(c) not just having one elected top office-holder (Bonapartiste style) since that makes action too easy, thus having a large elected body essential, though not much of a protection in itself against suppression of electoral competition.

(2) The second reason for welcoming some checks on the power of the elected (apart from that of election itself) is that certain checks may actually enhance the capacity of the electoral competition to make the elected responsive to the wishes of the electors. This is, I think, the

point at which the case for the 'separation of powers' and perhaps also the division of powers (e.g. bicameralism) can be made most strongly. (Such a view is, of course, the direct opposite of the liberal-conservative one that one is led to by the obsession with 'despotism', in which electoral competition, if it is given any standing at all, is recognized simply as a way of making the separation or (even more) division of powers have more bite.)

(a) publicity

- (i) single elected head of government rules by decree. Opposition has no constitutional locus standi except to run in election. Can't debate laws or question the elected boss except in mass media of communication
- (ii) single legislature which also runs government business through committees. Not as bad but by implicating everyone in government business reduces the possibility of some people making it their business to criticize. Even if party system, no structured opposition. (We see this in British local government.)
- (iii) thus legislative/executive division means that there is a forum for debate built into the system and also questioning of executive. (N.B. every democratic state has such a distinction.) Extra methods of getting publicity involving setting part of bureaucracy to watch the rest and report also desirable - ombudsman, independent 'comptroller general' in Britain. Especially necessary where legislative control weak.
- (iv) case for division of powers a good deal more dubious. Will the ordinary citizen get any pay-off from clash between two elected legislative chambers, in terms of increased control, or from veto by elected executive over legislation passed by elected legislature? I don't think so in

general, though it could happen that both use the disagreement as something to fight on. But main case for division of powers insofar as there is one comes in third kind of case, which we get on to next.

(b) accountability

The idea I have in mind here is that it's important for the possibility of control through elections that there should be a manageably small number of crucial decisions that the voters react to. This is, I think, the reason why a separation between a legislative function and an executive and judicial function is so important in democratic countries. Even if the government is non-accountable there is an advantage in having general rules and in their being applied conscientiously. 'Rule of law' means that people know what they have to do and can decide whether to risk punishment or not. Obviously, unless rules are very bad (Nuremburg laws) better than arbitrary decision.

But for accountability the distinction between general rules and applications is essential. For if the government and its agents just go around doing things, not in accordance with general rules, it's impossible for there to be sensible criticism even if there's full publicity, because of the mass of separate cases. Whereas if there's a law and cases are decided in accordance with it (whether it's a judicial or administrative decision) the argument can be about the law and this is a much more feasible basis for voting.

Of course, if this is to work, the laws themselves must be sufficiently precise to make the function of applying them relatively non-discretionary. If the 'law' is merely a piece of enabling legislation permitting the executive to make its own rules and apply them or even worse, simply to make its own deals, then the burden of decision is again shifted away from the public arena, especially when the content of the resultant deals is treated as confidential, which often happens. Ted Lowi, in his book The End of Liberalism, has criticized what he calls 'interest-group pluralism' for its celebration of the 'flexibility' of modern public administration in the USA, precisely

on the ground that this 'flexibility' is really simply a favourable word for not following a publicly-stated and properly-debated rule. I think that Lowi underestimates the pressures on government that have led toward this trend towards framework-legislation in, as far as I know, every Western democracy without exception since the 1930's, but at the same time I also believe that those charged with governmental regulatory tasks actually adopt, gratuitously, an ideology of 'flexibility' that is in fact destructive of equity, efficiency and above all responsibility.

(3) The third reason for desiring checks and balances is that they should operate to prevent electoral competition from bringing about a government dedicated to pursuing the interests of the majority versus the minority. This obviously is a potential Pandora's Box. In fact, it leaves it open to someone to argue for the reinstatement of all the limitations on elected office-holders that I threw out before, on the grounds that they're necessary to protect otherwise oppressed groups. But I don't believe that such an argument could be maintained successfully.

The problem does not arise at all in some societies: in, for example, the Scandinavian countries, Australia, New Zealand and the UK (except Northern Ireland) the institutions for checking the power of office-holders already mentioned are quite adequate. It arises only where there are sharply-defined communities in a single country with strongly opposed aims.

In most democratic countries the problem is not the excessive pursuit of a majority interest but the opposite: the inanition of the popular will in politics or (to put it less metaphysically) the failure to assert the primacy of the public interest over private and sectional vested interests. In almost every democratic country there seems to be a failure of political invention, of political courage, of political skill and maybe fundamentally of political power. Contemporary states seem to be incapable of exerting control over destructive physical changes - the tearing down of well-loved buildings and mixed neighbourhoods in the pursuit of commercial gain and the

ruin of the countryside and the seashore by a collectively self-defeating desire to have a house in an undeveloped area. They seem to be incapable of exerting effective control over the massive sectional interests of organized business and organized labour to prevent inflation and direct economic growth into socially beneficial channels. The state either does nothing to prevent undesirable changes or - even worse - is captured by special interests and (as in many urban redevelopment projects and all road-building programmes) puts its own financial and coercive resources behind the process of destroying the material fabric of the society. The notion that 'the mills of democracy may grind slow but they grind sure' (put forward by John Strachey) is a comforting myth: rather they have ground to a halt. Strachey's context was the reduction of inequalities. Inequalities are not being reduced in the western democracies, even under social-democratic governments, vested interests and privileges are not being sapped, even slowly, but if anything are gaining force.

The result, clearly enough, is a disillusionment with the political game as it is currently being played that in one country after another has given rise to popular support for anti-system parties. On the whole, I think the sequence in which this has happened in Western Europe corresponds pretty closely to the degree to which the parliament has either been reduced to the position of ratifying deals made outside among organized interests or has been the captive of particular interests itself: France (the second up to 1958 and subsequently the *first*), the Netherlands, Belgium, Scandinavia and now Britain.

The European Common Market is of course the epitome of this whole tendency, with its endless haggling in Brussels and its dummy parliament in Strasbourg. The widespread dissatisfaction with it is, I would guess, not going to be a passing phenomenon. I believe - and, to be candid, I hope - that it stems rather from a gradual realization of the essential nature of the institutions of the EEC. I would predict that the present retreat from

economic and monetary integration is not, as the apologists suggest, reculer pour mieux sauter but reculer pour mieux reculer. Indeed, I expect that, looking back from the year 2,000, it will be wondered at how a whole generation of politicians and opinion-leaders could have been seduced by the vision of this political monstrosity.

In the USA, characteristically, the same process of revolt against what has been called 'interest group pluralism' has occurred within the framework of the two party system, in the form of the primary challenges of Eugene McCarthy and George Wallace and (in a somewhat more muffled way) the candidatures of Goldwater and McGovern. The threat to democracy comes not from the assertion of the interests of the majority but their neglect amid either immobilism or corporatism or both at once. Those who - in the mainstream tradition of American political science - cry up the dangers of the 'tyranny of the majority' are like the 'Character of an Assembly-Man' written in the seventeenth century: 'He preaches indeed, both in season and out of season; for he rails at Popery when the land is almost lost in Presbytery; and would cry Fire! Fire! in Noah's flood.' (Boswell, 'Journal of a Tour to the Hebrides', Wednesday 18th August (p. 195 of ed. R.W. Chapman, Johnson and Boswell, OUP 1924)).

The exception to this in the USA is, of course, the way in which the assertion of the interests of the majority has in the South bent the weight of public policy against the interest of the black population. However, the joke is - rather a sour joke, admittedly - that from Calhoun onward the application of the notion of 'majority tyranny' to the South has been the reverse of what one might have naively supposed: not that the 'majority tyranny' to be avoided is of whites over blacks in the South, but that 'majority tyranny' would be constituted by the ability of whites (and, increasingly, blacks) in the rest of the country to require the whites of the South to behave equitably towards the blacks. Whether in the discursive historical argument of Herbert Agar's The Price of Union, the elegant abstractions of Robert Dahl's

A Preface to Democratic Theory or the formal mathematical models of Buchanan and Tullock's The Calculus of Consent, the message is the same. Anti-majoritarian measures such as the two-thirds rule for closure in the Senate are valuable because they prevent the interests of an 'intense minority' - white Southerner - from being overridden by the votes of representatives from the rest of the country.

Nevertheless, aberrant as may be this shift from concern for the victims of injustice to concern for the perpetrators of it, the underlying point about black-white relations in the South is itself significant. The South - and indeed the whole of the USA - is in racial matters (though not ethnic ones) a 'plural society'. By a 'plural society' I mean one in which there are self-consciously separate communities, divided by ethnic identification, race, religion, language or some other cultural trait which leads them to have sharply opposed desires for the public policies of the state in which they live. The tendency of institutions which simply ensure that the office-holders are responsive to the wishes of a majority of the population is, of course, to result in the enactment of legislation and the pursuit of policies that are highly favourable to the majority community and anathema to the minority community. Three fairly recent clear-cut cases of political systems divided between two communities with simple representative institutions are Sri Lanka (Ceylon) (Sinhalese/Tamils), Guyana (Negroes/Indians) and Northern Ireland before the abolition of Stormont (Protestants/Catholics).

To the extent that there are institutionalized remedies, they take two forms:

- (a) constitutional specification of either
 - (i) individual rights against discrimination in jobs, housing &c
 - (ii) - and logically quite different - collective communal rights to the use of language, practice of religion, control of education &c
- (b) requirement of concurrent action by majority of representatives

of both communities in all matters involving inter-communal relations. This might be done by two chambers, one with majority of each, by requiring an extraordinary majority, or by a strong convention simply giving each side's representatives a veto. This can be reinforced at the level of administration by applying the principle of the proporz to all levels of the civil service, judiciary, state-run enterprises of all kinds (if they're common institutions) schools and universities.

In terms of the kinds of check involved, the first method is judges versus elected representatives whereas the second is representatives of one community versus representatives of the other. The most extensive experience of the first was provided by the rules protecting the rights of minorities that were written into the constitutions of the successor states in Eastern Europe after the First World War; the longest experience must surely be the application (or non-application) of the Bill of Rights to blacks in the last 198 years.

The obvious problem with this depends on the judges, and if they are appointed by the representatives of the majority community or elected directly by majority vote (and this is likely to be the case if the system does not otherwise deviate from the simple democratic form) the constitutional guarantees cannot be regarded as very securely based. (The fact that the Supreme Court, and in consequence the District Federal Courts, acted with increasing intensity against discrimination from the 1950's is hardly a counter-example since the whole point is that the Presidents who appointed the justices were not dependent wholly on a Southern constituency and the Supreme Court's decisions mainly affected the South. The vote-appeal of Wallace outside the South surely suggests that as soon as the Supreme Court starts to affect the racial practices of de facto segregation outside the South the white majority in the country as a whole is liable to be mobilizable. The ominous relative success of Gov. Wallace in 1968 and the real success of Richard Nixon in 1968 and 1972 on an Aesopian platform of 'strict construction' of the

constitution led to the appointment of more conservative justices and this is what one would expect if decisions run contrary to majority wishes.

We're therefore left with (b). This is a very complex field of study, which I'm still working in, and I haven't properly formulated my ideas yet. Roughly, though, the evidence seems to be that there is an association between 'power-sharing' (as the new constitution for Northern Ireland calls it) or 'consociational democracy' (as Lijphart has called it in his study of the pattern of religious accommodation in the Netherlands) and decent treatment for the minority; but the question is which way the causal nexus runs. Is it the institutions that produce the policy or is it that the willingness of the representatives of both sides to collaborate with one another and reach a settlement that produces the institutions? No doubt the causal sequence runs both ways, but I think the second is the more important.

If we analyse the cases of successful conciliation we find that the following conditions were fulfilled:

(1) leaders of both communities were convinced that they couldn't win (often as a result of a bloody but indecisive fight) OR

(2) although the leaders of one community believed they might win, they thought it would be a Pyrrhic victory because

(a) they would be swept away by other leaders, more suited to the requirements of repression OR

(b) the country would be so weakened by conflict or by the disloyalty of the losing community that it would be a prey for some other country to annex.

Examples of relatively successful power-sharing:

- Netherlands (especially consensual settlement of religious question in 1913)
- Switzerland (especially after defeat of Sonderbund in 1848 when extreme decentralization introduced)
- Lebanon throughout its history - the most thoroughgoing example of

communal checks and balances to the point at which the state is apparently unable actually to do anything about the kinds of problems - traffic, housing etc. - that are the stuff of ordinary competitive politics

- Austria from 1945
- Venezuela from 1958

This of course introduces a tricky point. If the only way co-operative institutions can be introduced is via the ill effects of conflict, this entails that each community must have the capacity to bring about these evil effects if the government is wholly dedicated to pursuing the interests of the other community, and in a democratic country that means the minority community must have the power (extra-constitutionally) to cause trouble. This is hardly a happy conclusion to arrive at, but if my analysis is correct it seems unavoidable.

We arrive here, then, at the limits of institutions. No device for the distribution of power can prevent violent and uncontrollable conflict or pitiless repression if the will to conciliate is absent. The institutions of power-sharing themselves cannot produce peace if there is no will to peace. It was on the basis of this analysis that I made the depressing prediction, when the British government at the beginning of this year introduced its 'power-sharing' constitution for Ulster, that it was doomed. The massive repudiation of the Prime Minister, Brian Faulkner, by the Protestants in the recent British general election have unhappily brought the collapse even nearer than I had expected in so short a time. The fundamental problem, if my analysis is correct, is that the Protestants believe they can beat the Catholics if it comes to it, at acceptably low cost to themselves. They are twice as numerous and almost certainly far better armed and organized. Their belief is not therefore unrealistic. They might be unable to hold Derry, which is an overwhelmingly Catholic city and just on the border with the Republic of Ireland. But they could almost certainly

kill a number of the Belfast Catholics, the other large concentration, and hence terrorize the rest into fleeing south to the Republic. Obviously, this sanguinary outcome may well never occur. The British government and the Irish government have a big stake in preventing^{it}, and so perhaps (for the same reasons of ethnic identification that operate in the case of Israel) has the US government. But the fact remains that, while the conditions for a stand-off do not obtain, or are not believed by the Protestants to obtain, the prospects for inter-communal co-operation must be regarded as dim.

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The argument of this lecture has been rather depressing. It suggests that social science is better at predicting the conditions under which democratic institutions can operate with tolerably good results than in saying what institutions will produce good results in unfavourable situations. Perhaps this is the nature of the case. Perhaps if two communities are determined to destroy one another there is nothing much to be said about institutions to prevent it - if there were it seems plausible that somebody would already have thought of it.

I think that social scientists can do something though it may be tragically insufficient. They can point out that a community which settles for the path of repression rather than accommodation may well be underestimating the costs involved. Dictatorship, created in an emergency, has a way of living on and turning on even those who originally supported it, while the maintenance of communal repression on a popular basis tends to produce a spiral of ever greater repression that produces insecurity and the atmosphere of an armed camp.

The social scientist may therefore be able to persuade recalcitrant communal groups that, whatever may be the ~~long~~^{short} run relief of suspending representative institutions or operating them as a process of communal repression,

the long-run consequences have always proved to be deleterious. No doubt where passions are insufficiently inflamed or the immediate interests of a section of the population are based on the maintenance of gross injustice, not too much can be expected. But all this tells us is that in some circumstances it is unreasonable to expect too much of the power of reason.