Continuity politics and public order

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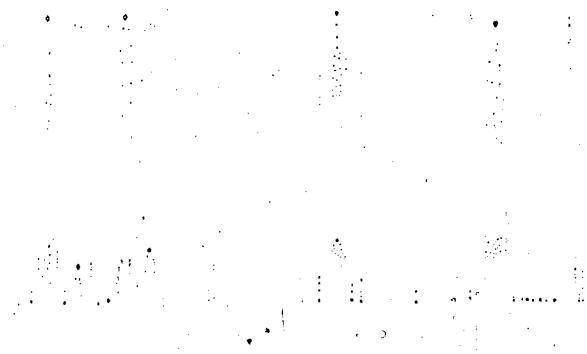
ABSTRACT

The thesis begins by enquiring into the relationship between politics and public order in a world of change (Introduction: 'Politics, Public Order and Time'). The view is put forward that political activity is crucial in maintaining an order which enables men to coordinate their activities. The concept of order is then examined and the way in which change is significant in the establishment of individual identity in a shared public world is explored (Chapter 1: 'Order, Change and Identity'). The thesis then moves to a consideration of what it means to be a member of such a public order and of a civil society in particular (Chapter 2: 'Membership and Citizenship'). Being a member is seen as accepting certain rights and duties with regard to others. The way in which these rights and duties are specified in civil society and the obligations which they impose are then examined (Chapter 3: 'Law and Obligation'). In the following chapter the character of authority and the role it plays in establishing the rights and duties of membership are taken up (Chapter 4: 'Authority'). The distinctive characteristics of institutions and organizations in establishing and enforcing the conditions of membership in civil society are then considered (Chapter 5: 'Political Institutions and Organizations'). When these conditions are not readily complied with, coercion may become necessary, and its role in the maintenance of public order is examined (Chapter 6: 'Coercion, Violence and Public Order'). The debate which precedes the passage of any law creating obligations is the concern of the following chapter (Chapter 7: 'Political Talk'), and the thesis moves to an examination of how such debate is brought to a close (Chapter 8: 'Political Conventions'). These distinct aspects of political activity taken together constitute over time a characteristic way of going about politics which has a prescriptive force (Chapter 9: 'Tradition'). Finally, the successful

maintenance of a relatively continuous public order is seen to lie in the possibilities it upholds for freedom (Chapter 10: 'Freedom and Order').



CONTINUITY, POLITICS AND PUBLIC ORDER

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PREFACE

In recent years a great deal of time and energy has been devoted to the problem of social and political change. Attention has been focused on the difficulties of social and political orders which are facing the transition from what we may call tribal and/or feudal societies with modern economies. At the same time, we in the West have become concerned in our own societies with the problem of change and the necessity of meeting new and unprecedented problems in our own social orders. We anxiously wonder if we are capable of changing fast enough to survive or if we are changing too fast and are losing something of value in the process.

Amidst all this concentration on the problems and potentials of change, what is perhaps equally remarkable is the relative continuity and stability of social orders. If it is less fashionable to be concerned with order and continuity than with innovation and change, it is nonetheless true that order is not without interest or significance. This thesis originated in a reluctance to embrace the current preoccupation with change and its concomitant disposition to regard order as something which is given in our experience and which need not concern us unduly. Here order is as problematic as change, and the concern is to elucidate what it is that characterizes a public order, the purpose it serves and how it is maintained through time.

In a sense, this preoccupation with public order is not a rejection of the current debate about change, but is simply the obverse side of that concern. Order and change, while distinct, are not separate and isolated features of human experience which can be treated apart from one another. The two are interdependent. Change would not make sense outside of order, and order could not be conceived apart from change. There

is, therefore, no attempt here to ignore the significance of change. Rather the attempt is to relate change to the often overlooked other side of the coin; to see how change is related to order and the way in which both are significant in the maintenance and modification of a common social world shared amongst men.

Political activity is not the only way in which public order is established and maintained, but it is a primary way. It is for this reason that political activity remains the focus of this essay. There are, of course, various approaches which may be taken in an examination of the relationship between political activity and public order. It may be both fruitful and interesting to undertake research into the way in which children are socialized into a community and come to accept certain political procedures as right and proper. It may be of interest to investigate the way in which perceptions of political events are moulded by an anticipation of what will be an acceptable view in the eyes of one's peers. Or it may be valuable to trace the development through time of a particular public order, narrating the events which may be said to have led to its growth or its demise. Such endeavours as these may well be revealing about the way in which public order is maintained and the role which political activity plays, or has played, in its preservation, but they are not of concern here. This is not an exercise in political sociology, political psychology or political history. It sketches the outlines of human activity from a different perspective, that of political philosophy.

There are, however, various things which could be meant by political philosophy, for there are great differences in the kinds of discourses which it is claimed are political philosophy. In the past, men have on occasion embarked upon the analysis of political activity from a particular understanding of the nature of man or his purpose in life.

From such premises, they have proceeded to argue that political order ought to exhibit particular characteristics. One thinks most readily of Bentham, Burke or Locke. Writers of this kind, in an attempt to come to grips with the essential character of political life, have frequently resorted to extended metaphors, analogies or concepts borrowed from other disciplines. The confusing diversity of political life is clarified, it has been claimed, if we understand political society as a family, or like a market, or in terms of the efficiency of information circuits. In these cases one thinks of Filmer, Spencer and Deutsch. Such men have suggested that political life is not merely to be understood, but is to be mastered and transformed as well, and political philosophy is significant to the extent that it provides the theoretical basis for such a transformation.

This essay has a different approach. It begins not from an understanding of the eternal nature of man or his purpose in life, but from a particular historical experience. It attempts to explore the character of a political life and its relationship to public order by examining the way in which this activity has been carried on over a given period in a given place. Moreover, the categories of analysis employed are not analogical or metaphorical, nor are they imported from other disciplines. They are native to a political tradition. The politics of a particular form of society has a vocabulary which is unique to its political life. Concepts such as citizenship, law, government and freedom are the concern of this essay.

This is, then, a characterization of a political experience at a particular level of abstraction. It neither descends to a discussion of specific political issues nor ascends to consideration of what the ultimate goal of all political activity may be said to be. It is neither a political argument nor an ideological statement. It seeks to clarify

and to distinguish different aspects of Western political life which, taken together, at once modify and maintain the established, although fluid, public order within which we live. The categories of analysis are drawn from modern Western political experience; from the liberal democratic societies which have emerged over the past two hundred years, and in particular France, Great Britain and the United States. The distinctions which are made, the relationships which are traced, the conclusions which are drawn serve to illuminate the character of political activity only in these societies. This essay is a philosophical characterization of these political orders in that it seeks to elucidate the logical distinctions and relationships which pertain between diverse aspects of political life in these particular kinds of societies.

It may be concluded that because this thesis directs its attention to liberal democratic societies, it amounts to a defence of liberalism. However, it is instead an analysis of an experience to which liberals have made a notable contribution. To characterize a practice is not to defend it; to explore its dimensions is not to prescribe it. Unlike political and ideological argument, which urge practical activity upon the reader, philosophic argument urges only a way of viewing the world. The only thing which it is intended to recommend in these pages is a manner of understanding the way in which political activity is carried on in modern Western societies. There is no attempt to discredit or defend any particular practice; to lend support to or detract from any political programme; or to eulogize or condemn particular form of society.

It may be asked, what could be the significance even of the successful achievement of such an endeavour? What justification could be given for such an effort? The final effect of all this might be dismissed as

merely the clearing of our conceptual decks prior to the initiation of action in the political world. However, even those bent upon action must admit that, modest or not, such an effort is necessary if their prescriptions and programmes are to be efficacious. Only when our conceptual decks have been cleared, and our understanding of political activity clarified, are we in a position to begin to decide intelligently how and when we should act. It must be admitted, however, that to such men this will always be seen as a rather minor enterprise; a necessary evil which must precede the far more significant problem of political action. The claims of this sort of analysis will always appear modest to them.

It is to those whose concern is understanding political activity rather than initiating political action that the achievements of this kind of endeavour are likely to seem most valuable. Its appeal will be to those who do not feel impelled to act and are not in search of justification for their programme, but who wish to understand the character of political life in liberal democratic societies. If this analysis can lead to a keener appreciation of the character of our public life and a greater sensitivity to its subtleties and nuances, then to such men it will not appear quite so modest and apologetic alongside the more imperious and strident claims of political argument or ideological prescription.

INTRODUCTION

POLITICS, PUBLIC ORDER AND TIME

We live in a world in which we experience time, which is to say that we live in a world which is always undergoing change. If there were no change, there would be no time. When we talk about the passage of time, we are able to do so only because we are able to refer to changes in the world which are evidence for the passage of time. 'Now' is different from 'then' because in the time that has elapsed since 'then' we can see that there have been changes in the world. It is change which enables us to mark and identify time; to distinguish one time from another.

Time is thus irrelevant to no man. It pervades the world in which all men act and is indeed the very condition of action itself. Time calls for action for if time were irrelevant to men there would be no reason to act now instead of later, or ever to act at all. Action, and the order which results from it, also take time to complete. When action is undertaken, purposive changes are initiated in the world; some plan is imposed upon it; some order is fashioned within it. This takes place in time, and the duration of the resulting order marks the difference between 'now' and 'then', before and after.

However, taken by itself, the duration of human order cannot provide an objective standard of temporal measurement. Men live in the present and their memories are subjective. In order to measure the lapse of time we rely on the phases of the moon or orbit of the earth about the sun, rather than human actions, to make calendars, and the rotation of the earth about its axis to mark the hours. It is against these changes, which do not depend upon the contingency of human action and the subject-

ivity of human memory, that we measure the changes that occur in the world.

Like other activities, politics must cope with the problems and potentials of a world in which change must both be met and initiated. If time were not a part of our lives, political activity, like other kinds of activity, would cease. In a world of no change, contingency would vanish and there would be no need to concern ourselves with the practical problem of making arrangements about our common lives.

Most of our lives are lived in public, amongst our fellow beings, and our actions are undertaken with due regard for the fact that we do not live in complete isolation. The opinions and actions of others are of significance to us. Their aid may be enlisted in our projects, or their opposition overcome. Individual autonomy is transcended by a common world which binds men together. Activities are guided and coordinated in accordance with an appreciation of some public order. Without this public order, each man would pass his existence in an autonomous and isolated universe where relationships with other men would only be contingent but could never be directed or planned. Two men could neither agree nor plan to meet at a particular time if either or both of them refused to accept the convention which divides the day into twenty-four hours and which designates certain moments as 'one o'clock', 'two o'clock', etc. Only the acceptance of a convention makes it possible for them to decide to meet at a particular moment and to plan their common endeavours in light of that decision. Recognition of a common word enables disparate men to coordinate their efforts, and thus to reach beyond the limitations of any one man.

Political activity must presuppose such a common world shared amongst men. It is an activity in which only those who recognize conventions can participate. Politics would be impossible amongst men who were in every

sense strangers to one another. At the same time, political activity both manifests and maintains public order. It manifests public order in that, insofar as political activity is carried on, men continue to act within a conventional framework. It maintains public order in that the character and preservation of rules is the primary concern of politics. It addresses itself to the problem of deciding how we are going to arrange our common lives and the manner in which our activities will be coordinated.

Politics is not the only way in which the activities of men are coordinated and public order preserved in a world characterized by change, but it is perhaps the most significant way. It is more comprehensive, more self-conscious and more enduring than other human activities. All areas of human existence are of potential interest to those engaged in political activity. It is the character of the whole society which is their concern. The prescription of rules and regulations to facilitate or to inhibit any activities in public may be consciously contemplated and openly debated in political life. As all areas of human life are of potential interest in politics, so, too, are all men. Whatever the character of a particular society, no one may claim to be completely indifferent to public affairs because all men are liable to the restrictions and directions which result from decisions reached in politics. By such public decisions men attempt to mould the character of their public world in accordance with their wishes. Political activity is, therefore, a self-conscious activity where men are intent upon the examination of their society and the ways in which their public world demands coordinated action.

This public order which is maintained by political activity is likely to endure through time beyond the life of any one individual, providing the context within which his actions achieve significance not simply

beyond the immediate moment, but beyond the immediate generation as well. It is no accident, therefore, that the history of man has primarily been political history; the record of the actions of men seeking to maintain or to modify public order through time so that they may coordinate their activities. To the extent that such endeavours have been successful and public orders have endured, men have been conscious of themselves as a part of an on-going common world; of acting within a relatively continuous public order. Those who take pride in and value this continuity have come to see their society as '... a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born.'[1] Perceptions of the past, appreciations of the present, aspirations for the future are all couched in terms of the public order within which men coordinate their actions to modify the world in accordance with their plans.

The framework of public order within which political life is carried on is not given to us as an inevitable part of our experience. Change can disrupt public order, making political activity difficult or even impossible, and thereby destroying the primary way in which concerted action is made possible. Because it is the creation of human action, the public world is contingent and constantly in need of attention and maintenance in the face of change. Therefore, change, which is one fact bringing forth political life, also presents politics with its primary task: the maintenance of the continuity of the public order within which men are able to coordinate their endeavours. An order which is here one moment and gone the next is of little significance. There would be little opportunity for any man to act within

[1] Burke, Edmund, Reflections on the Revolution in France, (London: Penguin Books, 1969), 194-95.

such an order, no permanent public to observe and appreciate his actions, and no possibility of others following his inspiration. As with individual identity, a public order achieves significance only insofar as it is maintained in the face of change, its character revealed by its relative continuity in contrast to the relative change in the world.

It appears then that we have a paradox: on the one hand, change makes political activity possible, even necessary, if men are to live together and act in concert to make a home for themselves in the world. On the other hand, change threatens the continuity of the public order within which men are able to sustain common activities, and is the major preoccupation of their political concerns. Political life both springs from a world where change occurs in time, and seeks to control that change so that public order may be sustained. At the heart of political activity lies the complex and paradoxical relationship between time, change, and a public order shared amongst men.

It is because of this relationship that politics is Janus-faced. It looks both to the past and to the future of the public order within which it occurs. It looks to the past for two distinct but related reasons. First, it is only as the public order endures from the past to the present that men become aware of the world they share in common with those about them; that they become conscious of what it means to be a member of a public order, and the possibility of acting with other men rather than apart from them. Such an order is not created overnight, nor can it be established by the fiat of one man. It takes time for men to gain an appreciation of what they have in common with their fellows and this appreciation is not susceptible to command. Second, the present character of a public order has been determined by the experience of the past. The past is never wholly inconsequential to political activity

because it is the past which has given birth, so to speak, to the present with which politics must deal. Who we are and where we stand in relation to one another cannot be divorced from who we have been and where we have come from. It is in this sense that 'we are backing into the future.'[2] From our understanding of who we are and where we stand, we proceed to formulate our hopes, expectations and fears for the present and the future, and attempt to coordinate our activities with others to achieve some states and avoid others. The course of the future is contingent, and it is from our view of the past that we attempt to work together with others to shape its character. 'No man can have in his mind a conception of the future, for the future is not yet. But of our conception of the past, we make a future.'[3] An awareness of the past, therefore, is as vital to understanding the character of the public order, and is as much the concern of political life, as an awareness of his biography is to appreciating the individual. The decisions arrived at through the political activity carried on within public order can never escape the influence of the past.

At the same time, political activity must look forward to the future. It must concern itself with the threats to the continuity of the public order and attempt to reduce the uncertainty of the future by controlling change. Undesirable change must be thwarted or its effect minimized while desirable change must be encouraged. Complete stasis is, of course, impossible. In a world where time is fundamental to all experience, change is inevitable, and no public order can ignore or indefinitely resist all change. Things must change in some respects

[2] Valéry, Paul, History and Politics, Denise Folliot and Jackson Matthews, trans., (London: Routledge and Kegan Paul, 1962), 69.

[3] Hobbes, Thomas, Behemouth in English Works, vol. VI, Sir Wm. Molesworth, ed., (London: John Bohn, 1843), 259.

if they are in any way to remain the same. Political activity must direct and coordinate the actions of disparate men to meet this change head-on if the public order is to survive.

Political life is thus overwhelmingly concerned with acting in time to orchestrate the efforts of those who comprise the public. Failure to do so may well be fatal as unwelcome or disastrous changes invade the public order and disrupt the continuity of the common world. Coordinating action in time demands that one be able to decide in time, and the ability to command time to this extent is the privilege of authority. To have access to information, to have time to assess it, to terminate discussion and to arrive at a decision, all demand the exercise of authority. Political action, public order and authority are interdependent. A political decision may be the act of one man, but although the responsibility is his, the act does not belong to him alone like a private possession which excludes others. It is a decision affecting all members of the public order, and to the extent that it has authority, it forms the character of the public order. At the same time, public order is the foundation of authority. Men abide by authority, direct their actions according to it, and modify the identity of their society as a consequence, only where that order is recognized. Those who prove recalcitrant and call the authority of political decisions into question have to be compelled to adhere to the conditions of membership as they have been determined through political activity lest public order be destroyed and the opportunity for political action lost.

Political activity thus takes time. It takes time to collect and disseminate information, to initiate discussion and come to agreement, to pronounce decisions and coordinate actions, to identify the reluctant and compel obedience from the unwilling. To the extent that a government

is incapable of keeping abreast of events, its ability to coordinate action in time is reduced and the chances of maintaining its continuity through time are impaired. It is likely that it will be outflanked by events and overwhelmed by the unexpected. In a sense, those concerned with political activity must attempt not simply to keep abreast of events but to anticipate them. This requires practical judgement more than scientific knowledge. The events which are likely to be of significance to those engaged in politics are not like natural occurrences which can be predicted, but are generally human actions which may resolve themselves in almost any number of ways. By anticipating such events, men can attempt to meet the threats to the continuity of their public world. Their initiation of concerted action can attempt to direct and control the changes occurring in the world, rather than restricting themselves to merely reacting to changes. The more successfully men are able to anticipate future developments and to initiate appropriate public action, the more the world of practice will come to be informed with their plans and programmes; the more they will be acting to create a world rather than merely reacting to a world imposed upon them.

There is, therefore, always an attempt to create a kind of breathing space within which political activity can take place and within which men may decide how best to react to and direct change through their common actions. It is this breathing space which gives men the time necessary to act judiciously so that the continuity of the public order may be maintained through time. How it is that such a breathing space is sustained - how political activity acts both to maintain and to modify public order - is the concern of the following pages.

Chapter 1

ORDER, CHANGE AND IDENTITY

When we look around us, the scene which we survey is a complete, unified and coherent one. We are able to discover no gaping holes where nothingness intrudes to rupture the completeness of our view. Everything which we see is a part of a single scene and nothing intervenes to disrupt this unity. The diverse shapes and colours we see are related to one another and are subordinate to the total scene. To be without order - to be without this complete, unified and coherent structure of diverse elements - would be to exist in a world of disconnected, chaotic and meaningless sensations.

Order provides the context which makes understanding possible. An object, event or idea becomes meaningful and significant only when it stands in relation to other objects, events or ideas; that is, when it is seen to be part of an order. Isolated from order it could be neither conceived nor understood. In even a partial and inadequate understanding of the world, thoughts are ordered so that they are related to each other in a systematic way, the total structure rendering comprehensible what would otherwise be chaotic.[1]

Things, events or people which we encounter are immediately related to an order with which we are familiar, and we begin to explore a new situation in terms of what is known already and makes sense to us. '... We give the name of disorder to any order in which we cannot recognize the visible essences to which we are accustomed. Chaos is a name

[1] This is the point of Parain's comment on language in his Essay on Human Wretchedness: 'The sign taken in isolation has no other relation with the object signified than that of designation ... it is, so to speak, floating ... it acquires reality only in an ordered system.' Quoted in Sartre, Jean-Paul, Literary and Philosophical Essays, (London: Collier-Macmillan, Ltd., 1966), 133.

for any order that produces confusion in our minds.'[2] When we discover something washed up on the beach which we have never seen before, we attempt to fit it into the order which serves as a basis for our understanding of the world. 'It looks like some kind of fish', we may say, attempting to view it in terms of a category already at our disposal. Only by doing this can we bring it into the bounds of our comprehension, attempting to encompass it within our mental order, giving dimension to what would otherwise be immeasurable. As long as it eludes the framework of our order, it must always hover on the horizon of our understanding, dimly perceived and never fully recognised. Our tentative assertion that it looks like some kind of fish will always have to be qualified by the admission that, after all, it isn't a fish. And if we are unable to determine what it is we lay it aside, at least temporarily, as *sui generis*. 'In understanding we start from the system of the whole, which is given to us as a living reality, to make the particular intelligible to us in terms of it. It is the fact that we live in the consciousness of the system of the whole which enables us to understand a particular statement, a particular gesture, or a particular action.'[3]

When we encounter incompleteness or contradictions in an order, we either ignore them or alter the structure of the order to account for these apparent anomalies, thereby restoring its completeness and coherence. We create new categories or modify the old, and in this way the order is modified. Thus the structure of an order, to which we subordinate diverse elements, may be impermanent and shifting as

[2]Santayana, George, Dominations and Powers, (New York: Charles Scribner's Sons, 1951), 33.

[3]Wilhelm Dilthey, quoted in Hodges, H. A., Wilhelm Dilthey: An Introduction, (London: Kegan Paul, Trench, Trubner and Co., Ltd., 1944), 20.

we discover flaws and inadequacies in it and strive to make it more comprehensive, but it can never be entirely absent.

Although an order makes things, events or people comprehensible to us, it is not merely the sum of its constituent elements. It is not a conglomeration of parts but the relationship each element has to every other element. Recognition of order is not the mere perception of objects, events or ideas, but the recognition that these elements are related to one another in some way. Order is thus an abstraction which provides the context for understanding its elements and for assessing their significance. However, an order does not appear in the world apart from these elements. It is not an *a priori* which imposes itself upon diversity, but is the recognition of unity arising out of the relationship of its distinct elements. Order cannot be isolated from its elements any more than its elements can be isolated from the order. The two are interdependent, achieving meaning and significance only in relationship to each other.

To recognize an order is to see a complete, unified and coherent structure of relationships between diverse objects, events or ideas. To describe an order is simply to point to these elements. To explain an order is to elucidate the principle which relates these elements to each other; it is to indicate in what way elements are related to one another. The more clearly this principle is elucidated, the more meaningful the constituent elements of that order become - not because they are described in any greater detail, but because their relationship to other elements is made more explicit. If we say that a scene which we view or an activity which we witness is disorder, we mean that we do not recognize in what is before us an order to which we are accustomed. That is, we do not recognize any principle which will relate diverse elements to each other in a complete and coherent way. More and more

detailed description of these elements will not make what we see more meaningful to us unless it leads us to recognize the principle of order which unites into a single framework what appears to be separate and unconnected elements.

If order makes the world comprehensible to us, it is in terms of that order that we are able to come to grips with the new, thereby relating the unprecedented to what is already familiar to us. We are able to recognize a new event or occurrence because it resembles or is similar to something which is not new and which we already know; something which is a part of the order familiar to us. I may never have been in this particular shop before, and never have seen this particular assistant. But I am able to recognize that the girl behind the counter will sell me goods because I have been in other shops and have dealt with other assistants who were also standing behind counters. This particular shop and assistant make immediate sense to me because they are similar to what I have previously experienced, and I interpret the entire scene in terms of that established order. Recognition of what is similar, then, presupposes order.

We are able to classify events or things because, whatever their individual differences, they have certain elements in common, and in this respect they are indistinguishable from one another. The unique character of an individual soup spoon is of no interest to me if I am simply concerned with eating a bowl of soup. Any spoon, as long as it is a member of the class of soup spoons, will do. There are, of course, other principles of classification which I may use in relating diverse objects to one another. I may wish to gather together all the silver spoons, or all the spoons of a particular pattern. The principle which I select will determine the kind of order which I create out of the various disparate spoons which lie before me. But it is what these ele-

ments have in common as a class which is the focus of my attention, and any other attributes will be irrelevant to my purpose.

Most commonly we classify people and objects according to some principle of practicality, their function being most relevant to our purposes. An army officer, for example, who wishes to replace a fallen man is concerned with efficiency. He is looking for a man of the appropriate rank who commands the necessary skills. Whether that man is short or tall, married or single, will most likely be of no interest to him. What he is after is a man who will function properly in the performance of a task. He will, accordingly, classify the men available to him, creating an order according to some principle of usefulness, ignoring other irrelevant characteristics. Therefore, if recognition of events and objects presupposes order, classification according to some principle establishes order.

Identification, however, is not the same as either recognition or classification. To identify an occurrence or an object is not to make an assertion that it is like something else, nor is it to indicate what it has in common with other things. It is to point to what is distinct and individual in a thing. Recognition that this situation is similar to previous ones which I have experienced encourages me to assume, for example, that this building standing before me is a public house. From the attributes which he has in common with other men I have had dealings with, I classify the man behind the bar as a publican. But in doing so I have not identified who he is as opposed to what function he performs. Identification of a man or object has to do with what is unique about him or it.

Something which has an identity

> ... is itself and no another thing. But what does its uniqueness consist in? ... The unique is the unrepeatable,

> the once and for all. But what can have this characteristic of unrepeatability? The most obvious candidate is an event. ... It can never literally be repeated. But what is it about an event which makes it unique and unrepeatable? The answer is its spatio-temporal location. It is not what happens which is as such unique, but its happening where and when it does.[4]

Identification of events, locating them in unique spatio-temporal coordinates, presupposes order. Without order it would be impossible to distinguish here and now from there and then; one spatio-temporal location from another. Like recognition and classification, identification of events, therefore, is intimately bound up with the notion of order and would become nonsense in a world where order was impossible to achieve.

This much is enough to identify events, but what about identification of things? Here it is not simply an object's spatio-temporal coordinates which are important, but its history as it has moved from (or through) distinct coordinates in the past to its location in the present. Unlike events, which are of the moment, things have a history, and it is in the history of their movement from the past to the present that their identity lies.

To be able to talk of the history of a thing, I must be able to treat it as a unity, as a whole, and I speak of the history of that whole and not the history of its components. It is because the elements of a thing are related to each other in a particular way, creating a definite and relatively stable order, that I am able to speak of one thing and not of many or of innumerable things. If this order is not relatively stable, there is not a single thing which is capable of sustaining itself long enough to acquire a unique history. It is the relative continuity of this internal order which enables us to distinguish between one thing and

[4] Milne, A. J. M., Freedom and Rights, (London: George Allen and Unwin, Ltd., 1968), 196-87.

another. Were we denied the possibility of such a continuity, we could never point to 'this' without having 'this' flow into 'that', creating something which did not exist a moment ago and which may not exist a moment hence. The unique history which a thing has, and which is the basis of its identity, is possible only when the survival through time of a relatively permanent structure of order allows me to speak of a single thing and to treat it as a unity.

There is, however, something further which is required before we are able to identify an object, as distinct from an event. Recognition, classification and identification all either presuppose or establish order, but identification of things demands change in addition to order. It has been said that change threatens identity. By this is meant, it would appear, that change threatens the relatively permanent internal order which allows us to speak of a thing and enables it to endure long enough through time as a single thing to have a unique history of spatio-temporal coordinates. But the notion that change threatens identity is a half-truth at best, and a misleading one at that. A world of no change would be a world with no experience of time. Nothing could be said to have a unique history which would distinguish it from any other thing because the world would be a single thing, complete in itself with a single, continuous and unchanging order. It is not all change which threatens identity because change of some sort is necessary to establish identity. Change which seems to occur 'outside' or 'around' a thing, revealing the relative continuity which is only then seen to be 'within' it, creates the possibility of identity. Durham Cathedral is a building of historic significance with a unique identity, not simply because of the relative continuity of the order of its components which has been maintained for centuries, but also because the world around it has changed. The relative continuity of the order of the cathedral, con-

trasted with the relative discontinuity of its surroundings, enables us to establish it as a thing, and to discern and follow its history. Out of this contrast between stable and changing orders its identity emerges.

Knowing things, in the sense of identifying them as unique, therefore, takes time. It takes the changes brought about by time to establish something as a unity, and it takes the endurance through time of this internal order of a thing for its history to be established. When this internal order does not endure long enough for me to know it, or when I do not have time enough to discover its history, it can be said to have no identity at all. If I deal with it in such a case, I do so in terms of its being like something else, or being a member of a class. That is, I am not concerned either with its uniqueness or with the relative endurance of its internal order. The cigarette which I am smoking, for example, is soon changed into ash. Its internal order is disrupted, and I can no longer talk of it as being a single thing, a cigarette. If, before I smoke it, I am unable to establish it as a single thing with a unique history, or if I do not take the time to do so, it has no identity. It is a member of a class (e.g., a Rothman's cigarette), and is indistinguishable from other cigarettes in the packet. It is because I do not or cannot identify this cigarette as a unique thing that I may easily reach for someone else's cigarette, thinking that it is mine, and for us both to be uncertain whose cigarette is really whose.

The change which is necessary to establish the identity of an object can never be total change, of course. Complete and continuous change would make it impossible to distinguish anything at all. In the midst of such change, there would be no order which would make recognition, classification or identification possible. All would be chaos,

and there would be no way to distinguish 'this' from 'that'. Not only the internal order of a thing, but also the order which makes the world comprehensible to us is necessary if identification is to be possible. The changes which take place 'outside' or 'around' a thing, if they are to have meaning for us, must also be recognizable within the order which gives significance to all that surrounds us. This order must itself be relatively continuous and stable if it is successfully to orientate us in the world. However limited or partial our view of the world, we are always able to distinguish some parts which appear to change little or not at all in comparison to other parts. There is always some relatively stable structure of order which, in effect, forms the backcloth before which changes within and between other things are seen to take place. This relatively firm structure provides the framework from which we are able to perceive and judge the world; the relatively solid platform beneath our feet which allows us to recognize, classify and identify events and objects about us.

Order and change are thus both crucial in the establishment of identity, neither taken in isolation being sufficient to create something which may be seen as having a unique history. Complete and unchanging order would make it impossible to establish a thing as an individual thing, and to discern its history by contrasting its internal order with the changes going on around it. Complete and continuous change, precluding any kind of order, on the other hand, would make it impossible to speak of a thing, treating it as a unity, and would also make it impossible, in a world of total impermanence and flux, to comprehend any relationships between things.

What constitutes the 'relative continuity' of an order is, of course, problematic. How long does the internal order of a thing have to survive so that it may be said to possess an identity? The answer can

only be suggested in terms of the length of time it takes to discern its unique history; long enough for it to be known as itself and not simply as being like something else or as being merely the representative of a class.

It is obvious from what has been said so far that identity is not something which exists *a priori*, but is recognised and established both within a framework of order and in contrast to change. It is a matter of judgement and debate, and can never be said to be self-evident. Where men dispute the identity of a thing, they are attempting to establish what its unique history is and to determine in what way its internal order may be said to have endured through time. Seldom is there easy agreement on such matters, particularly when the issue at dispute is an institution or social order. During the Reformation, for example, the Roman church pointed to the continuity of the institution of the Church, claiming the Pope as the legitimate heir to the Petrine commission, and the righful claimant to the authority of Christ on earth. Those who dissented claimed that the Roman Church had abandoned the true doctrines of Christ and that there was within it only a continuity of betrayal and corruption.[5] In effect both sides claimed that the other was mistaken in its identification of the continuity and character of the Roman Church. The difficulty is that the continuity of an order is never totally disrupted nor totally unaltered. The world and the things within it are never created entirely afresh, nor do they endure completely unchanged. It is always possible to discover some elements in the present order which are continuous with the past order, just as it is possible to point to innovations which have modified the previous order.

[5] Allen, J. W., Political Thought in the Sixteenth Century, (London: Methuen and Co., Ltd., 1967), pp. 6, 8, *inter alia*.

As with matter and energy, so also with order: nothing is created out of a void and nothing can disappear into a void. Never being able to make a clean break with the past, we are always faced with untidy left-overs which force us to use such unsatisfactory and imprecise phrases as 'sufficient disruption of continuity' or 'relative continuity'. Out of such imprecision debates and controversies easily arise as to what the 'true' identity of a thing or institution is.

When we act in the world we do so in terms of what we are able to recognize, classify and identify about us. That is, we act in light of our understanding of the order of the world. Our actions are informed by the order which we perceive and are manifestations of this understanding. It is within this order that we recognize, classify and identify things and events, and our actions are directed in accordance with this understanding. As we think, speak and act in the world, what we do is made meaningful and significant by the order which we perceive and the events and objects which we are able to recognize, classify or identify. In turn, this order is illuminated and modified by the experiences which give rise to it.

Such action within a framework of order - that is, in accordance with an understanding of the principle which relates otherwise separate elements - may be called an idiom. The principle of order is an abstraction; an idiom is its manifestation in action. To be in command of an idiom is to have an appreciation of an order; to have the ability to act appropriately and to respond within the relevant framework of order. Describing and explaining an order are distinct from appreciating an order. It is possible to describe in great detail the activities of a Registrar's Office, a science laboratory, and a seminar without explaining the principle which unites these diverse elements into the abstract order which we call a university. It is also possible to explain what

a university is without being either required or able to manifest an appreciation of the order through the manipulation of the appropriate idiom.

An idiom may be described, and the order which it manifests explained, but a command of the idiom can only be demonstrated. The impartial observer at a cocktail party can describe the behaviour of those who are present. When he does so, he does not act within the order, but remains on the sidelines attempting to capture as exactly as possible the actions of others. Further, he can attempt to explain behaviour in terms of such abstractions as class characteristics, psychological motivations, or group dynamics. Again, he is not acting within the order, but stands apart from it attempting to discover the principle which unites the various actions of those he sees around him. The man who appreciates this order, on the other hand, is not interested in either describing a cocktail party or explaining it, and, indeed, he may be incapable of both. He acts within it and demonstrates his appreciation through his actions and responses. Appreciation is shown through the manipulation of an idiom and occurs within that idiom alone. It explores the dimensions of an idiom, while an explanation defines the limits of an order.

Appreciation, therefore, is not to be mastered through description or explanation. It can only be observed and emulated. Those who share a common appreciation of an order will not need to explain themselves to one another because, quite literally, they speak the same language. The recognition, classification and identification of things and events which guide their actions will be something which, roughly speaking they have in common. The actions and responses which are understood to be appropriate are enough to establish the communality of this appreciation The intrusion of the outsider who neither perceives this order nor has

an appreciation of it, requires either description or explanation; that is, the shift to another idiom because the stranger does not speak the same language. He will have to submit himself to a period of apprenticeship - a time of action, of trial and error, rather than description or explanation - if he wishes to develop an appreciation of the unfamiliar order and to demonstrate a mastery of its idiom.

If our actions are to be understood by others and our relationships with those about us to be significant, we must share a common appreciation of order; we must act in the same idiom. This is what sociologists would seem to mean when they tell us that meaningful action with other human beings presupposes a common set of shared values, expectations and orientations.[6] What we are talking about is public order.

Although the phrase 'public order' is commonly used to refer to the absence of violence in public, or the absence of actions which will intrude on what has been established as the privacy of others, this is a confusion of the concept of public order with its most obvious manifestation. Public order is more than merely the absence of brawls in the street. It is the common appreciation of an order which unites the actions of diverse individuals in a particular area over time. To violate public order is to disregard this common appreciation. It is to insist on operating in an idiom which is different from the one which is commonly accepted or public. It is to intrude a private, or at least an uncommon and unappreciated idiom upon society, recognizing, classifying and identifying objects and events in an idiosyncratic manner in accordance with an unappreciated order.

[6] Blau, Peter M. and W. Richard Scott, Formal Organisations: A Comparative Approach, (London: Routledge and Kegan Paul, 1963), 2-3.

> "When I use a word," Humpty Dumpty said in a rather scornful tone, "it means just what I choose it to mean - neither more nor less."
>
> "The question is," said Alice, "whether you can make words mean so many different things."
>
> "The question is," said Humpty Dumpty, "which is to be the master - that's all."[7]

Surely the answer to such a question is that the master must be neither the word nor the individual who uses it, but the common appreciation of the public order if any sense is to be communicated. Words which mean exactly what I want them to mean, no more and no less, are words which are without public significance because they are not within a public order. To use a word which means only what I want it to mean is to speak a private language (if, indeed, this is possible), and unless I am speaking only to myself, I am violating public order. I am refusing to manipulate a common idiom and will remain unintelligible to those who are patient enough to listen to me.

An idiom, of course, is not constant, and the order which it manifests is not immutable. Appreciations can and do vary with time. The innovator violates the public appreciation when he brings something new to the order. He modifies the constituent elements and realigns their relationships according to new principles. His efforts at first will not be easily understood, and may well be resisted. He may, in fact, remain forever outside the common appreciation - the misfit who is unable to modify the common idiom and remains something of a stranger to the social world.

It is within public order, through the manipulation of the appropriate idiom, that human identity is established. Human identity is distinct from the identity of a thing. Smith - as jovial or reticent or

[7] Carroll, Lewis, Through the Looking Glass, (New York: Clarkson N. Potter, Inc., 1960), 269.

stubborn - is distinct from his body - as tall or fat or muscular. The identity of Smith's body is established through the relative continuity of its internal order in contrast to the changes around it. 'That must be Smith', we may remark as we spy a familiar figure on the horizon. But the identity of Smith as a person is established through his actions; through his demonstration of his appreciation of the public order. 'That must be Smith', we may remark in quite a different sense when we are able to identify a characteristic manner of acting or speaking. Both the identity of a thing and the identity of a person require order before they may emerge as entities with a unique history, and both require change to establish what is unique about them. Thus both require time. But the change that is necessary for the establishment of human identity is the result of conscious action within the public order; the product of human intention demonstrating an appreciation of the order, and not mere accident or coincidence.

As with things and institutions, human identity is neither self-evident nor *a priori*, but requires establishment and maintenance. This is a public process and not simply an individual achievement. Our identity is not a private possession but a public affirmation. In the first place, we do not own our names. They are bestowed upon us at birth by others, and their constancy is confirmed through the actions of others. We can alter our name only by recourse to a public process; by application to a court of law. Even so, this public process will be little more than useless if we are not able to convince our friends and acquaintances that we should now be called by our new name.

More than what we are called, who we are - both in our own eyes and in the eyes of others - is established in society through the manipulation of the appropriate idiom and is thus dependent upon public order. 'The child derives his identity from the social environment. The social

environment remains to this death the only source of validating that identity'.[8] Acting before others constitutes a claim to recognition. It is not simply an appeal for attention, but for the acknowledgement of an identity which will establish the existence of the individual in the world. The withdrawal of this acknowledgement and refusal to affirm another as an individual threatens his identity because it removes the public world in which his identity must be fashioned. Exclusion threatens him with the disintegration of his view of himself and of his place in the world. Solitary confinement is frequently employed as an extreme form of punishment precisely because it terminates the public existence of the individual and brings him to the threshold of the total decay of his identity. A secret identity, held apart from public order and recognition, like the secret life of Walter Mitty, is no identity at all. 'To lose one's social credentials is to be exiled into oblivion'.[9]

The public recognition which is essential to the establishment of human identity thus presupposes a common public order within which it can be established. We may meet as strangers in public, but if we are to understand one another and to establish our individual identities (and thus to distinguish between one another), we cannot meet as complete aliens. If there is no way for you to appreciate my mastery of the idiom, then there is no way in which I can establish my identity, for my performance will not be comprehended. It will not have the significance which location within a public order gives to it and which establishes who, as opposed to what, I am. 'We live within the words of language, the shapes of poetry and plastic art, the structure of

[8] Becker, Ernest, The Birth and Death of Meaning, (London: Collier-Macmillan, 1967), 85.

[9] *ibid.*, 116.

music, the framework of religious representation and religious belief. And it is only within these that we "know" each other.'[10] The public affirmation of individual identity is possible only where this public order endures long enough for us to achieve public recognition of our actions; to be known to our fellows. If we are to have an identity, therefore, we have a stake in the maintenance of a relatively continuous and stable public order.

Public order, then, makes it possible for us to understand one another because we have something in common. As order is necessary if the world is to be comprehensible to us, so also public order is necessary if the actions of men are to be comprehensible and significant to us. As change is necessary to establish the identity of a thing, so also change that results from the manipulation of an idiom is necessary to establish human identity. It is in this way that we are able to distinguish ourselves from one another while understanding and appreciating each other. 'The public realm, as the common world, gathers us together and yet prevents our falling over each other, so to speak.'[11] The public order unites us in what we have in common, while our actions within it allow us to make ourselves distinct individuals. This, one suspects, was Herder's point when he comments (in his Travel Diary, 1769) that a person '... learns to adapt himself to the ways of others, and at the same time to distinguish himself from them; that is to say he develops wit and discrimination.'[12] Wit both acknowledges and violates the structure of order. Or perhaps it would be more accurate to say that it

[10] Cassirer, Ernst, The Logic of the Humanities, (London: The Yale University Press, 1961), 143, emphasis in the original.

[11] Arendt, Hannah, The Human Condition, (London: The University of Chicago Press, 1970), 52.

[12] J. G. Herder, quoted in Barnard, F. M., J. G. Herder on Social and Political Culture, (Cambridge: The University Press, 1969), 78.

acknowledges the structure of an order through its violations, which are conscious and not the result of mere accident. It is this measure of control and artful violation of the public order which distinguishes wit from vulgarity or absurdity. Discrimination implies the ability to select some elements of the common idiom, but to retain the independence and individuality to ignore others. Both wit and discrimination allow the performance of the individual to be understood by a public by being within the public order, while enabling his performance to remain distinctively his. In this distinctiveness lies his identity, established and maintained by both order and change.

Within the framework of public order, human action, and the changes which are initiated by actions, then, establish human identity. Action within the public order both makes the individual part of the world (in that he received public recognition and affirmation of his identity) and the world part of the individual (in that his performance manifests the public order and maintains the conventional idiom). To establish an identity is to make oneself at home in the social world by making something of that world. It is not fixed by one performance in public, is never clear-cut, and (until death, possibly) is never final. For this reason the individual constantly returns to the public order shared amongst his fellows to renew and reaffirm his identity. Denial of the opportunity to act, by withholding either the power or the ability to act, is denial not simply of public approbation and the withdrawal of social recognition of the individual, but is also a condemnation to perpetual alienation from the world. Only hermits and madmen comfortably remain forever in their purely private worlds, unwilling or unable to recognize the shared public order and to employ the appropriate idiom on their actions.

Marx clearly saw this connection between action, public order and

identity. In the Economic and Philosophical Manuscripts he asserts that alienation is the result of capitalism which demands action from the labourer but is unconcerned with his intentions or his identity. His labour becomes a commodity which is sold as an economic good to produce other goods which he will never use or enjoy.[13] Action thus becomes no longer expressive of individuality, but is instead an alien imposition upon the labourer. Stressing the importance of action in the establishment of human identity, Marx asks, '... for what is life but activity? ...'[14] He envisions the possibility of establishing man's identity in the creations which result from his labour; the possibility of seeing '... his own reflection in a world which he has constructed.'[15] Under the capitalist system, however, Marx claims that the capacity of the worker to create his own identity is denied him because of the nature of the public order within which he must act. It is an order which is imposed upon him and is alien to him; an order in which he is only able to manipulate a given idiom within established bounds. Because of this he is alienated from the world which offers him no opportunity for expressive action establishing an identity which is truly his instead of one which is imposed upon him. The dull, repetitive routine of assembly-line labour allows for no individual manipulation of the appropriate idiom, and the public world within which he finds himself is not one which he creates but one which he is forced to accept.

It is, of course, not quite accurate to claim that the worker has no identity at all under capitalism. Clearly the worker is someone, and

[13] Marx, Karl, Early Writings, T. B. Bottomore, trans. and ed., (London: McGraw-Hill Book Co., 1964), 69-70.

[14] *ibid.*, 126.

[15] *ibid.*, 128.

we may presume that however oppressed workers may have been in the 19th century, they were at least recognized as individuals by their wives, families and friends, and they did have some sense of who they were. What Marx is drawing our attention to is his notion that the identity of the worker under capitalist conditions is not what Marx felt it could and should be. There is, he claims, the possibility of a new and different kind of social order which will make possible a better and more admirable kind of identity for the great mass of people.[16]

Whether or not Marx's diagnosis and prescriptions are tenable is not a relevant question here. What is significant is that Marx points out that if an identity is established within public order, the possibility of establishing any identity at all is not open to the individual. A man is not completely free to determine the kind of identity he would like to have. He is born into a public order which is already an ongoing concern. Through a process of socialization he is gradually brought into the public order and is expected to master the idiom which is current around him. He is not at liberty to strike out in any direction which appeals to him, but must make do with what is already at hand. The changes he can initiate within the public order to establish his identity are far from unlimited. For most men, by the time they reach maturity, the innumerable possibilities which are theoretically open to them at birth have severely diminished with few, if any, radical alternatives still available to them. The kind of identity which the individual will be able to fashion for himself must, if it is to enjoy public recognition and affirmation, be within the possibilities of an

16 Marx, Karl and Friedrich Engels, The Manifesto of the Communist Party, (Moscow: Progress Publishers, 1964).

order which the individual almost certainly has played little or no part in establishing.

To recognize the necessity of order for understanding and acting in the world is not the same as being committed to a particular order. It is, rather, a kind of non-ideological conservatism; the admission that order is a prerequisite of human action, significance and identity, without specifying what kind of order. At the same time, however, it must be conceded that men do become committed to the order which make the world comprehensible to them, and to the idiom which manifests their appreciation of that order. There is a tendency to cling to the familiar order no matter how glaring the anomalies which it confronts seem to be. In their commitment to a particular order, human beings seem to have a great capacity to ignore contradictions and inconsistencies, seeing only what they want to see and what reinforces the validity of the order to which they are committed, the idiom which they practise, and the identity which they are able to fashion.

Chapter 2

MEMBERSHIP AND CITIZENSHIP

Being a 'member' means being a member of something; being part of a group; having something in common with others. Depending on our purpose, the principle of classification by which we group diverse individual entities together may focus on any one of several attributes which are held in common. Being a member of a public order, however, is distinct from being a member of a class.

It depends, first of all, on the existence of a public. One cannot be a member in a public order in isolation from all other men. Not only are other people required, but they must be people drawn together in a common world. Being a member of a public order means that we are aware of others; that we are conscious of the fact that there is a public world in which we act and in which we have a part in common with those who surround us. This is an awareness which is not implanted fully formed in the minds of men, but one which is developed through time in a process of trial and error as men mature and become more knowledgeable of the conditions governing action in public. It would be possible, in contrast, to be a member of a class which did not depend on the awareness of a common public order and the conditions governing participation in it. We might, for example, learn with surprise that along with other living individuals we share a common trait of high blood pressure. But none of the members of this class need be aware of the others for the classification to hold true. There need be no self-conscious awareness about the significance of our actions for us to be placed in this class. Indeed, the knowledge that this condition is possible could well be hidden from us and we could be totally unaware of any such condition in ourselves or in anyone we know or have ever seen.

Yet, although this class would not constitute a public order, we would still be members of the class of individuals who suffer from high blood pressure.

This awareness of being a part of a public order is possible only if one has some appreciation of the actions which manifest that order; if one has developed a mastery of the style and nuances of acting in the relevant public. Those who lack such an appreciation are likely to perceive only dimly that the public order even exists, or they will overlook it altogether. With no appreciation of the idiom which manifests the public order, they can neither understand nor judge the actions of those who are members of that order and who do have the awareness that comes from an appreciation of it. The icy greeting or feigned lack of recognition on the part of the socialite, indicating superior position and social distance, may be totally lost on the stranger who fails to appreciate both the deliberate slight and the hierarchical relationship which it attempts to enforce.

The more extensive our experiences, provided we are reasonably sensitive to those around us, the more sure will be our command of the appropriate idiom. The more easily we are able to demonstrate our appreciation of the order, the more aware we become not simply of the order itself, but of who is in and who is out. Distinctions become clearer to us as our appreciation develops. A room which was merely filled with people becomes a room of groups and divisions, of hierarchy and status. We know who is a member and who is not by the way in which their actions manifest an appreciation of the public order. We are able to discriminate between those who do share in our common public order and those who do not, between members and non-members, because, as members, we are in a position to appreciate that others appreciate the same public order.

The actions which manifest this appreciation must be public in the sense of being publishable. They must be capable of being brought to the attention of and disseminated amongst those who constitute the society; capable of being displayed to all. An individual's actions, for example, must be seen to be appreciated by those who constitute his public. Even if we were not present at the time, they can be related to us later; set before us for our judgement and comment. The mystic visions of San Juan de la Cruz, however, are private for they constitute experiences which by their very nature cannot be shared, and which are incapable of being displayed. The mystic appeals to no public, nor does he seek to submit himself to the scrutiny of others. His experiences are not within a public order constituted by his fellow man. Only those experiences and actions which are capable of being communicated, of being held up for all to see and appreciate, can escape the subjectivity of the purely private to seek confirmation within the public order.

Conspiracy has no proper place here, and anonymous attacks are rightly seen as an attack not merely against a particular individual, but against the nature of the public order itself. We claim not simply the attention of others, but invite their judgement and commentary as well, and it is this give and take of public action and judgement, of action and reaction, which establishes and maintains public order. Along with this openness goes trust which is automatically extended to any who choose to speak and act appropriately in public. It is assumed that statements and actions are truthful until some evidence to the contrary is produced. Deceit, like secrecy and conspiracy, undermines the structure of the public order by attacking the very condition of its appearance. Where there is a pervasive suspicion of all who act and a reluctance to extend automatically trust and credence, public order is in danger of disappearance. The common world shared amongst men who know

themselves to be members of it can be sustained only when men know, not only who they are, but who others are and where they stand in relation to one another. This is precisely what conspiracy, deceit and suspicion make impossible.

Thus, awareness of membership is a two-way process. Not only does the individual act appropriately, but he must be seen and understood to act appropriately. The appreciation of his actions must be a public one, based on trust and credence. It is both the action and the appreciation of its appropriateness which makes membership a common awareness rather than an individual one, and makes it relatively continuous rather than momentary. Recognizing that another is a member, through appreciation of the appropriateness of his actions, is recognizing him to be like ourselves. It is an affirmation of the public order which is neither his nor mine, but ours. The same recognition of communality is entailed in moral judgements, which, in modern Western experience, includes the other in our world by recognizing that he, like us, is a being who is a subject of moral rights and who may command our respect of those rights.

Membership in such a common public order implies not only mutual appreciation and discrimination between those who are members and those who are not, it also implies that the rights and duties of membership (whatever form these may take) must be equitably distributed. The inequality between members and non-members, between those who are in and those who are out, is paralleled by the equality amongst members. Insofar as they share membership in a common public order which is theirs, men are in that respect equal. Individual distinctions are not obliterated by the equality of membership, for otherwise it would be impossible to fashion an individual identity within the public order. But no man may claim privileges for himself which are denied to others, or assume

that obligations fall upon others which he himself is not obliged to acknowledge and meet. Where unequal privileges and duties distinguish one man from another, they also distinguish one public order from another. If a man has rights and duties which are substantially different from mine, then we are not, in that respect at least, members of the same society. We are of different orders or castes or classes rather than members of the same public. Prior to the upheaval of 1789, France was composed of three legally distinct estates. What distinguished one estate from another were the rights enjoyed by and duties incumbent upon the individual members of each estate. Within each estate the members of that order enjoyed equal rights and incurred equal obligations in law. The Revolution sought to abolish these distinctions, speaking of the fundamental rights and duties of man, and thereby attempted to weld a single public order in place of the previously divided orders.[1]

The primary right which is conferred by membership is the right of active participation within that public order; the right of acting in public both to maintain and modify the public order. If the opportunity to act in public is denied, membership ceases for there would be no way in which appreciation of the public order and mastery of the appropriate idiom could be either displayed or acknowledged. If membership did not confer the right of acting in public, there would be nothing to appreciate; no action to hold up to the scrutiny and judgement of those who also enjoy membership. Nor would there be any way in which the contribution of the individual to the public order could be acknowledged, for judgement and criticism themselves are actions displaying appreciation.

The right of acting in public which is conferred by membership in a public order is not unlimited, however. It demands that certain condi-

[1] Lefebvre, Georges, The French Revolution, from its Origins to 1793, (London: Routledge & Kegan Paul, 1962), 38-53, 145-152.

tions be met. Not just any action is acceptable. Action must be restrained by an appreciation of the character of the public order; by an appreciation of what it means to be a member and a willingness to acknowledge the limits of membership. If membership confers the right of acting in public, it also entails the duty of appreciating the limits of the public order. Failure to abide by these constraints is not simply a violation of this rule or that prescription. It is a denial of the duties entailed in membership.

Membership in a society thus implies commitment to a public order. It is not only that one can, if one chooses, act within the constraints of the public order, but that one undertakes to do so. This is not an unconscious or accidental out-come of human action. Faced with the opportunity of stealing a large sum of money from my employer, I must decide whether or not to carry out the theft. By refusing to steal the money I affirm my commitment to and membership in a public order which limits and restrains individual caprice when it comes to the property of others. The decision carries implications beyond the moment of refusing to take the money. It is a decision which aligns me with a particular kind of public order, manifesting my appreciation of the constraints incumbent upon members of that order. Those who reject such an order and want no part of it will very probably scorn my decision, or will be incredulous that I could be such a fool as to pass up this opportunity. They will fail to appreciate my action as I will fail to appreciate their rejection of it. This mutual incomprehension reveals the distinctions between the diverse public orders in which we seek to fashion our separate identities, and the rights and duties which we feel are incumbent upon us as members of these distinct orders.

There is another aspect of commitment which is implied in the concept of membership in a public order. The more that I undertake to act in accordance with the rights and duties of membership, the more I be-

come defined by and within that order. Seeking to act within an order and guided by my appreciation of what is appropriate to it, who I am becomes inextricably intertwined with that order. I become committed to it because in maintaining its continuity through time, I establish and maintain my own identity. My identity cannot be understood apart from the public order within which it is established.

A commitment to the idiom appropriate to a particular order, then, is a condition of acting in that public. But it is also a condition for the appearance of the public order itself. Action within a public order is of a twofold nature. The individual speaks and acts before a group of his fellows, and his action must conform to the conditions of participation in that public. He is within the circle of their attention and within the recognized boundaries of appropriate speech and action. At the same time, such action also constitutes the public order. Were there no such action at all, the public would disappear. An idiom remains an idiom only as long as it is practised, and once an appreciation of the public order fails to be manifested in the actions of men, it no longer exists. The public order is constituted by my actions, and the significance of my actions is illuminated by the public order. The two are interdependent.

Because every action establishing the identity of an individual seeks to distinguish the individual and at the same time to affirm his communality with others, action both maintains and modifies public order. Manipulation of the idiom keeps the idiom alive, but it also changes it with every action. Public order, then, is never firmly and finally established, assuming a fixed and rigid structure, but is constantly modified through time by individual actions which maintain its life as changes are brought about within it. The establishment of identity through action in public presupposes the communality of the public order, and at the same time constantly modifies the basis of this

communality.

Violation of public order is distinct from such modifications of it. A violation is a threat to all who are members of that order because it rejects a commitment to the continuity of the common framework of understanding within which men act. It consciously thrusts aside the duties entailed in membership, and thus threatens the disruption of the order which gives significance to actions, making them meaningful to other men and making the establishment of identity possible. The dissolution of the public order would not only cut one man off from another, it would also terminate the identity of all members, for there would be no framework within which any identity could be fashioned and appreciated. It is not simply the man who is robbed, therefore, but all members who have a motive for chasing after the thief.

Punishment is imposed for violation of the public order. It may be painful and thus act as a deterrent to those who would otherwise contemplate pursuing their own immediate desires at the expense of the demands of the public order. Or it may seek to restrict the freedom of the individual to act, thereby reducing the possibility of further transgressions of the limits of order by that individual. Its aim is to restrict the rights of membership because the person concerned has not been mindful enough of the concomitant duties of membership. Imprisonment, for example, removes those who have been judged, through a public process, to constitute a threat to the continuity of the public order. They are confined to prisons so that they will no longer be in a position to further undermine the fabric of order. Their rights are removed from them and they are, temporarily, denied their status as full members of the public order.

Citizens are members of a public order in the sense we have been discussing. They are those who are members of a civil society. They are members of the public order whose concern is the structure and

character of the entire society; that is, whose concern is political activity. Although civil society is closely linked with the larger society within which political activity takes place, being a member of a society is not to be equated with being a member of civil society; with being a citizen.

Legal prescriptions specify under what conditions an individual may be accorded the rights and duties of citizenship. Mere fulfilment of these requirements can never make a man a member of a society by that fact alone, however. Membership in society is not a matter of simple legal requirements, and it cannot be taken up or sloughed off through the manipulation of legal procedures. British citizens of Pakistani origin are still commonly referred to as Pakistanis, despite their membership in British civil society. Their distinctive national dress, customs and tastes identify them as members of a non-English society despite the fact that they enjoy the rights and duties of British citizenship. Becoming what we now accept as fully British would be for such citizens a massive and ultimately futile task. No matter how diligently they seek to emulate British customs and acquire British tastes, they will never succeed in transforming themselves into fully fledged natives. Whatever the fluctuations in the legal prescription regarding such immigrants, which may at one moment deprive them of their citizenship and at the next restore it to them again, they will always remain at least in part members of another society who are never completely in command of the appropriate British idiom as it is now practised. They will always remain, in some sense, foreigners.

The only way in which it would be possible for Pakistanis, or any other immigrant group, to become fully British would be for our understanding of what it means to be fully British to change. The extension of the rights and duties of citizenship to immigrants may well result

in a modification of the appreciation we now have of what being British demands. This means that the character of the society would have to change before what was previously considered to be alien could become accepted as native - a process which takes time. It cannot be accomplished overnight, nor can it be effected through the manipulation of legal procedures. It is a process which is both gradual and elusive as the character of a people is imperceptibly modified day by day through the encounter with the new conditions and demands of the present.

The fact that the immigrant can never become a true native may or may not be a bad thing for a particular society. Diverse ethnic and cultural groups within a single civil society may not cause friction, and may even be welcomed by all concerned. However, if the disparity between the character of the civil society and the entire society becomes too great, the public order may well be unstable and its relative continuity threatened. In the Austro-Hungarian empire, for example, Serbian nationalists claimed that those determining the character of the entire society were not those who commanded an appreciation of that society. An alien order, it was suggested, was being imposed by men who had little or nothing in common with those whom they ruled, and subjects were given none of the rights of citizenship in determining the character of their society. The persistence of such claims lead to decline in the stability of the public order as violence and repression replaced argument and discussion.[2]

It is for these reasons that the legal prescriptions according to which citizenship is bestowed upon individuals are designed to ensure that, insofar as it is possible to do so, the individual who is made a member of civil society will exercise his rights with an appreciation

[2] Kaun, Robert A., The Multinational Empire: Nationalism and National Reform in the Hapsburg Monarchy, 1848-1919, (New York: Columbia University Press, 1950) vol. 1, 284-93, 431.

of the character of the society within which political activity takes place. Language qualifications, for example, and the requirement that aliens reside in a country for an extended period of time before naturalization is granted, both attempt to ensure that the new citizen is one who may be relied upon to manifest an appreciation of the entire society. Mere birth within the geographic confines of a state is thought to be enough of a guarantee because the child is assumed to be socialised into the society from his earliest experiences. That is, he is a native and appropriate action, it is assumed, will come naturally to him once he is mature. In England the age at which his apprenticeship is presumed to be complete has been set, through a public legal process, at the age of eighteen. There is no absolute surety that all who reach the age of eighteen, or who fulfil the legal requirements for naturalization, will necessarily manifest an appreciation of what is appropriate to the public order. Nevertheless, the intention of the legal stipulations governing the conferment of citizenship is to be as sure as possible.

Civil society, then, is not to be divorced from the larger society of which it is but one part. It does not exist on its own, in isolation from all other aspects of the lives of the men who are members of it and the men who are subject to the decisions which emanate from it. The experience of empire, where a few from an alien culture rule over a society, presents the extreme of the possible separation between those who are able to participate in political life and those who are merely subjects and must simply obey whatever is resolved. In modern liberal democratic societies, the attempt is made to extend civil society to all who are members of that society. Generally speaking, only those who consistently demonstrate that they are unwilling or unable to appreciate the demands of membership in the civil society, or those who are considered too immature or too alien to be capable of such appreciation, are

excluded. The others, whose who know what it is to act in public and to be a member of a public order, enjoy the privileges of full citizenship.

The primary privilege of full citizenship is the right of political action; of engaging in political activity to determine the character of the entire society. Specific rights which are guaranteed by modern liberal democratic states are designed to ensure that the individual will enjoy the capacity to exercise his right of determining the character of his society. Freedom of the press, for example, is concerned with safeguarding the right of public consideration and discussion of whatever issue is of interest to the citizens. Freedom of speech, freedom of peaceful public assembly, freedom from arbitrary arrest - all are concerned with maintaining the rights of citizens to participate in political activity.

Like membership in other public orders, the rights and duties of citizenship entail public recognition. It is not simply a matter of one citizen acting appropriately, but of his fellows allowing him to act and acknowledging his contributions. Inequitable distribution of rights and duties, as in the effective disenfranchisement of the American Negro in the past century, creates, in effect, two public orders with two quite distinct groups of members.[3] The public recognition of the rights and duties of citizenship is reflected in the fact that the requirements of membership in civil society are a public matter, and are susceptible to publicly approved changes. The requirements which must be met for a man to become a citizen are, as we have noted, specified in law. They are both determined and modified by legal processes

[3] Report of the National Advisory Commission on Civil Disobedience, (New York: Bantam Books, 1968), 1-2.

and can be enforced by public institutions such as a court of law. Similarly, the equitable distribution of rights and duties can be secured through recourse to such public procedures. The Race Relations Act in Great Britain, for example, provides the means by which those who are denied the rights of citizenship, by others who are unwilling to acknowledge their claim to membership in civil society, may appeal to courts or the Race Relations Board for the enforcement of equal rights and duties.

Therefore, at least in theory, all members of civil society are equally free to participate in political life. None may claim an inherent privilege to silence, override, or coerce another who is acting in accordance with the demands of this public. In theory, political action is within a circle of equals, and all have at least a potentially equal claim on public attention and an equal opportunity to act.

In practice, however, relatively few desire the attention of others in political activity, and these few must compete with one another for the attention of the many. Some will become known for the acuteness of their judgement, and their views will be attended more carefully than others, thus allowing them to appropriate a relatively large portion of the public time and giving their speech and action greater weight. Some will be entrusted with an office which allows them to claim *ex officio* precedence for their views over those of others. The majority of citizens in our society enter actively into political life only intermittently. Every few years the citizen votes, on occasion he may be moved to write a letter to the press or to lobby his MP. More commonly, however, his participation is passive: he gives his attention to those who are acting in politics, seldom seeking to focus public attention on himself. In political life, the passivity of the majority is a recognized fact, and politicians frequently attempt to

appeal over the heads of their colleagues and rivals to the audience which they feel is attending the debate. The assumption is that someone out there is listening.

The passive participation of the majority of citizens is not to be denigrated, for political life is in danger of decay when their attention is withdrawn. Civil society, like other public orders, can be maintained only as long as men count themselves as members and are concerned as to the fate of their common world. If political activity shrinks until the members of the government are acting in a public comprised only of themselves, while the mass of their fellows have concentrated their energies elsewhere, then civil society has disappeared. In such a case political life has ended and all the action, along with all the attention, has moved somewhere else.

Being a member of civil society, and attending to political affairs, distinguishes the citizen from the subject. Citizens enjoy the right of participation in the determination of the character of their society. They are free to engage in political activity. To the extent that the rights and duties of membership are impaired or limited, the vitality of civil society is diminished. When men are not afforded the full extent of their rights or are prevented from participating in political life, the relevance of their membership declines. It no longer has significance for them, and the public order in which they might act to fashion their identities is in dissolution. If, for one reason or another, political activity is impaired, citizenship begins to lose its meaning and men become mere subjects instead. Subjects have obligations but no rights. The subject must obey but he may well have undertaken no commitment to do so. He may, for example, be a member of a conquered community who is excluded from any possibility of determining the laws which will govern his activities and the character of his society. The

man who is merely the subject of a state, and not the member of a civil society, is alienated from political activity. While there may well be public order, his identity is not established through political activity for he is given no opportunity to act publicly there. Consequently he does not depend upon political life to establish who he is. Political activity is likely to appear remote and irrelevant to the life in his village or community, for example, where he is able to participate and establish an identity. The result of political deliberations will seem to be imposed upon him from another world, rather than emanating from the world which surrounds him, is familiar to him, and is maintained by his actions. For the subject, political life has all but disappeared and civil society has no relevance for him. His compliance and obedience may be secured by other means (for example, his acceptance of custom, fear of coercion and reprisal, or adherence to a moral code), but it will not arise from his identification with civil society. To the subject the political world is not a world which is his because it is not a world of which he is a member; in which he acts and has either rights or duties. It is always a world which is 'theirs'.

Chapter 3

LAW AND OBLIGATION

The conditions of membership in civil society, the rights and duties of citizenship, are not left to the interpretation of each and every individual. They are specified in law. Laws are rules, binding on all members of a society, determining what every member is entitled to and in what way each is obligated. Thus laws manifest the structure of the public order by formalizing and making binding on all members what it means to be a member and to have the right to participate in the public order as well as the duty to adhere to the limitations incumbent upon all members of that order.

By creating obligations which men who are members of a public order must meet, law helps to stabilize the public order. The future is always to some extent uncertain. The possibility of unforeseen events disrupting our plans and destroying our expectations can never be fully eliminated. But the creation of obligations amongst men serves to diminish the possibility of the unexpected; to mitigate the uncertain nature of the future by imposing some measure of control on the changes that may occur in the world as a result of human action. Obligations which are imposed by law allow us to be more certain about the actions of those about us than we might otherwise be. Because others, like myself, are obliged by law to drive on the left-hand side of the road in Great Britain, and are forbidden to cross an intersection when a red light is against them, I am able to be reasonably certain that by driving on the left, and by crossing an intersection only when the light is green, I will avoid a collision with another motorist. Collisions do occur, of course, for the world and the changes that take place within it are not completely within our powers to control. The imposition of

obligations contained in the traffic code, however, reduce the chances of just anything at all happening when I drive through town. The area of individual caprice is restricted; some things a man must do, and others he must not do. Insofar as we all know what obligations are imposed upon all of us, we are able to make reasonable projections about our interaction in public.

Law is thus a conservative force. By imposing obligations upon men it seeks to structure their activity within certain bounds; to reduce the possibility of the completely unexpected and unforeseen, and to uphold the conditions of membership in the public order. Law is concerned with the maintenance of the structure of the public order rather than the contemplation of change within it. Contemplation and deliberation belong to the realm of political activity. Once a decision is reached there, it is manifested in law, the purpose of which is to impose obligations so that activities in public are more or less regulated, more or less predictable and more or less structured over time. In this way the continuity of the public order is maintained.

Through the specification of the rights and duties of membership, law draws a line between what is designated as 'public' and 'private'. What law does is to indicate those areas which are the concern of public bodies, such as the state, and where particular kinds of behaviour may be enforced upon all members of a society. The manner in which all people drive on public highways is a concern of the police organisations of the state, and particular behaviour can be demanded of drivers while other behaviour is forbidden. An individual's literary taste, by contrast, is not regulated by law and (for the moment, at any rate) falls outside the area of public concern. There is no generalized rule prescribing certain kinds of literary tastes and forbidding others, and therefore no public body may act to enforce one or prohibit another.

Until such a time as the law is changed, this is a private concern and forms no part of the conditions of membership in the civil society.

The line between what is designated public and what private is never a steady one, however. It is constantly shifting through time as some areas are brought under the regulation of law, and thus made the concern of public bodies, while others are returned to the relative freedom of privacy where there are no legal obligations which impose themselves upon a man's actions. Debate in political life, which may focus on any aspect of the society, is largely debate about how the division between the two areas shall be drawn; about the rights and duties of membership. Working conditions in coal-mines were once outside the sphere of legal obligations. There were no standards which had to be maintained, no practices which were forbidden, no rights to be upheld or duties to be enforced. In legal terms this was a private matter. 'Private' not in the sense that it did not affect a large body of men, for it obviously did, but in the sense that the legally defined boundary between what was subject to public regulation and what was not left the operation of coal-mines on the side of those areas free from the imposition of legal obligations. In time this was altered. Debate about the character of the society and the rights and the duties of membership resulted in a redefinition of those rights and duties, and thus a redefinition of what was considered to be public. Certain aspects of coal mining came under public regulation, and the line between what was designated as public and what as private was re-drawn.

The rights and duties of citizens, established in law, are thus public in that they are incumbent upon all members of a civil society. Their violation becomes a public concern. Men may resort to courts of law to have their rights upheld or to ensure that others meet the obligations which, as members, they have incurred. In private affairs

there is no possibility of making an appeal to any public procedures. The claims upon other individuals are perhaps moral claims or claims of affection, but such claims are irrelevant to the conditions of membership in the civil society. The betrayed lover, emotionally deprived child or long-suffering friend cannot turn to the courts to get what they want, and the inconstant lover, unresponsive father and unfeeling friend cannot be held to have violated the conditions of membership in civil society. Although not beyond reproach, they are beyond the law.

The obligations which are imposed by law are generalized obligations. They deal with classes of men and organizations, rather than specific men or organizations. All automobile owners must register their vehicles, for example. No man may make false claims for his merchandise. Unlike a promise between two individuals, a law imposes an obligation upon nameless men; on 'whosoever'. It deals with classes of men and organizations and not particular identifiable ones. A restaurant, for example, is obliged to maintain a certain hygienic standard in its kitchens. This is not because of any promise to various customers, or even to the general public, but because it falls into the general class of businesses whose activities have been designated as being of public concern and which are regulated by public health laws.

Because laws are public, imposing generalized obligations through a public process on classes of men, they are open to public inspection. Indeed, their efficacy is dependent upon their being generally known and not hidden away in secrecy from those who comprise the public. Laws are open to scrutiny by all, and any member of a society may demand to see the law under which another is said to have a claim against him. There can be no esoteric body of law, known only to a chosen few, which regulates the public order.

The imposition of legal obligations upon generalized classes of men

means that although laws may be changed by the relevant political institutions, they are not open to renegotiation between individual parties. A law is not a business contract whose conditions may be modified by the two parties directly concerned. Barring corrupt practices (which undermine the rule of law), a traffic offender may not try to persuade the arresting officer that together they should agree to revise the speed limit on a road.

Promises, esoteric rules and regulations known only to a few, business contracts and commercial agreements all may impose some kind of obligations upon men. They may oblige some men to perform certain activities and enjoin them from performing others. But from what has been said above, it should be clear that these kinds of obligations are distinct from a legal obligation and should not be confused with it. Obeying a law is not keeping a promise, abiding by secret rules or fulfilling a contract.

It is the invocation of conventions and the adherence to procedures within political institutions, whatever form these conventions and procedures may take, which establishes new laws, and thus new conditions of membership, or repeals old laws, and thus abolishes old conditions of membership. Where these conventions are properly invoked, the procedures correctly followed, and the relevant institutions acknowledged as authoritative, the decisions which are made have authority. That is, they create obligations which are incumbent upon all members. Violation of any of these conditions deprives the law of any claim to legitimacy. If Parliament were to enact a law without the requisite three readings or Royal Assent, or attempted to ignore the view of the majority of its members, the claim that the resulting decision created any legitimate obligation would be regarded as false. In such a case what claimed to be the law would be rejected as no law at all, and no obligation would be

held to be imposed upon the members of the society.

This emphasis on the importance of adherence to commonly recognized procedures and proper invocation of accepted conventions distinguishes law from custom or mere habit. Obedience may be habitual in the loosest sense of the word, meaning that it is unreflective or automatic obedience. But law, and the obligations which it creates, are neither unreflective nor automatic. The fact that it is my habit to have my morning tea in bed cannot be made either legitimate or illegitimate by reference to conventions or procedures, nor is it a practice which carries authority. It is simply my habit. It may be viewed as a good habit or a bad one, but it cannot be said to be legitimate, binding or authoritative. Similarly, customs amongst a group of people are not established by recourse to public conventions or procedures and they do not remain in force until they are repealed. They are practised over time, and their gradual abandonment by a society results in their dissolution. They then become simply irrelevant.

As conventions and procedures can only be consciously employed, so also laws can only be consciously established or repealed. New laws, unlike new customs or habits, cannot creep up on us, catching us unawares. And old laws remain on the statute books, not to be abandoned simply because of disuse or because they are out of fashion. The obligations created by laws may be ill-advised or unfair (whatever we may mean by such judgements), but they can never be accidental or totally inexplicable.[1]

Laws are not only created through the invocation of the appropriate authoritative conventions, imposing generalized obligations upon all members of a society, they also form a coherent system. In this sense

[1] Hart makes a similar point in his discussion of what he calls 'secondary rules', which are here referred to as conventions and procedures. Hart, H. L. A., The Concept of Law, (Oxford: The Clarendon Press, 1961), 77-96.

laws may be said to be reasonable, rather than arbitrary, in the obligations which they impose. Many things can be meant by claim that laws are 'reasonable', but a few definite characteristics are indicated by such a description.

First, a body of laws must be relatively continuous. Laws do not appear one day and disappear the next; one moment quite arbitrarily creating obligations and the next dissolving them. Although laws obviously are amended and repealed, it is only if they remain relatively constant over a period of time that they are able to maintain a fairly stable structure of public order. The obligations which we failed to fulfil yesterday must still make us liable for prosecution today, and the laws we make today must be assumed to be in force tomorrow. Only then can we know where we stand with one another, and hope to meet our obligations, thereby reducing the potential chaos of our interaction with other men. Ambiguity in the meaning of a law is inevitable, however much those drafting legislation may attempt to be as explicit and precise as possible. But, despite the possibility of changing interpretations and significance, laws are written down and preserved over time. As a corpus, laws are always in force as long as the public order which they manifest and stabilize is in existence.

Secondly, a corpus of laws must be coherent. A proposal to give eighteen year-olds the right to vote cannot be made law without repealing or amending the existing law which has established the requisite age as twenty-one. If two laws within a society are contradictory, it must be assumed that one or both of them is invalid, creating no legitimate obligation. However difficult the task, attempts are made to achieve coherence, both over time and at one point in time. Historically we remember great law givers less than great law codifiers who have made the law coherent so that it may speak with one voice and impose compatible obliga-

tions upon members of a society.

For this reason, judges will refer to precedent, desiring to make their present judgements consistent with past judgements, maintaining the coherence of the corpus of law over time. If, in the view of a judge, the case before him is analogous in all its relevant aspects to one which has been decided previously, he will feel bound to follow that precedent. If he chooses for some reason to violate the precedent, he will attempt to justify his decision, giving reasons why this case may not be considered analogous to the previous one, or why precedent should not be followed in the case at hand.[2] Such attempts at justification testify to the significance of coherence to a body of law.

Thirdly, a body of law will be coherent only if it is universal in its application, and this is what is generally meant by equity; treating equal claims equally.[3] Where this principle is violated, law does not serve to stabilize relations amongst men in public, but rather adds to the uncertainty of interaction with others. In a society where equity is not observed, I can never be sure that others will respect the conditions of membership as they are defined in law, and can never have confidence that they will respect the rights which I ought to enjoy as a member of the public order. If equity is successfully violated, the equality between members is attacked and the coherence of the public order is threatened. In such a case, the claim of law to be a reasonable system of obligations imposed upon all members of the society is undermined, and the relative continuity of the public order comes to depend more on whim and caprice.

Deciding what constitutes an equal claim and what treatment of that

[2] Berman, Harold J. and William R. Greiner, The Nature and Functions of Law, (Brooklyn: The Foundation Press, Inc., 1966), 384-87.

[3] Hart, *ibid.*, 153-60.

claim would count as equal is, of course, seldom an easy task. A large part of the skill of judging lies in the ability to decide whether or not the particular case now before the court falls in the general class regulated by the law cited, and whether it should be treated exactly like other members of that class. Is a powered wheelchair a member of the class of motor vehicles which are banned by law from using footpaths in public parks? The decision to include the particular case at hand in the general class regulated by law, or to exclude it from that general class, requires reasoning and justification. It is never an arbitrary or random classification, but can be elucidated, discussed and debated. Judges explain and defend the process of reasoning and the criteria which have led to their decision, and a higher court, in reversing this decision, will put forward what it feels are better reasons for arriving at the contrary conclusion.

Continuity, coherence and equity - those aspects of a body of law which transform it from a series of random and arbitrary commands to a system of obligations incumbent upon all members of a society - all involve the use of reason. As the establishment of law cannot be an unreasoning process, so also its maintenance and application cannot be an unreasoning one. Actions and decisions must be taken with reference to a whole corpus of existing laws, and require justification in terms of their reasonableness.[4] It is the importance of continuity, coherence and equity which allows us to speak of a corpus of law instead of a mere collection of laws.

If this is what is entailed in the notion of a corpus of law, what does it mean to have an obligation under law? To what or whom is one obligated? I may obey the law out of a sense of prudence. The fear of

[4] Ladd, John, 'Morality and Philosophy', in Sidney Hook, ed., Law and Philosophy, Proceedings of the New York University Institute of Philosophy, (New York: New York University Press, 1964), 70.

what will happen to me if I do not may convince me that it is in my interest to obey, my decision being the result of the most careful and rational calculation I am able to make on the basis of the information which lies before me. Fear of the coercive powers of the police or of the retribution of my neighbours may lead me to conclude that on balance it is better to obey the law than not. But this is not the same as recognizing an obligation to obey. Prudence may explain why people do in fact obey the law, and coercion may be a practical necessity for the enforcement of law, but neither prudence nor coercion alone explain what it is to have an obligation to comply with the law.

The calculation as to which is the most prudent course of action is a self-interested one. It is a calculation which rests upon the assumption that my primary commitment is to myself. It is possible that a calculation will lead me to conclude that evasion of the law is on balance the most prudent course of action for me to take. Indeed, it would seem, as suggested by the Sophists, that the most prudent course to follow over time would be to appear to uphold the law, encourage others to obey it, support the state in enforcing compliance from others, while secretly evading the law oneself.[5] Prudence resolves itself into self-interest, and the recognition of self-interest is not the same as the acknowledgement of an obligation.

What is missing in any account of obligation in terms of prudence is a clearer understanding of the public character of law. Just as the man who lives in complete isolation can be neither witty nor moral, so also he can have neither legal obligations nor legal duties. Laws create obligations. They are prescriptions declaring what the relations between men ought to be, and not definitions or explanations stating

[5] The argument of Callicles is perhaps a classic statement of this view. Plato, Gorgias, Walter Hamilton, trans., (London: Penguin Books, Ltd., 1971), § 482 ff.

necessary relationships, as scientific laws may be said to assert. These prescriptions arise out of social situations. What we owe under a system of law, we owe to other men and not to the law as an abstract concept. The obligations we incur are mutual obligations, enabling other men to make claims on us as their obligations enable us to make claims on them. Such obligations cannot be understood simply as a matter of prudence, which does not require a social situation where men confront one another in order to make its appearance.

We incur these mutual obligations as members, and it is to other members that we are obliged. It is only between men who are members of the same public order that the possibility of law presents itself. Outside any shared public order, it would be impossible to determine what claims men could be said to have against one another because there would be no common framework within which each man could locate those he confronted, and no way of knowing what action would be appropriate to the situation. While law stabilizes the conditions of membership in a public order, it is the public order which provides the necessary context within which a system of law is both possible and meaningful.

The fulfilment of legal obligations to other members is a manifestation of a commitment to the public order within which we interact with those about us. The recognition of a legal obligation, like the recognition of a moral obligation, is an affirmation of membership in the common world which together members sustain through their actions, and which binds them to one another. It is in this sense that any violation of the law is an offence against all citizens, whether or not they witnessed or were directly affected by it. A broken law threatens the stability of the public order in which all men have a stake. This is not simply a matter of prudence, which may or may not encourage violation of the law, but of commitment to a common world - a commitment which is

brought into question by those whose actions undermine the relatively stable and continuous public order within which we are able to act and to establish an identity for ourselves. No member of the public order, therefore, may consider himself unaffected by the violation of the law.

In helping to maintain the continuity of the public order, the obligations created by law are an expression of the character of the society. They are, in a sense, a manifestation of the collective identity or character of those who comprise the public; a statement as to what sort of people 'we' are. Law is the result of a temporary halt in the continuing debate about the structure of the public order and the conditions of membership.[6] Like the identity of the individual, the system of law establishing the rights and duties of members is never completed. It can never be said to be concluded like a work of art or solved like a puzzle. Its development is an on-going process as the public order which it helps to sustain is modified through time.

Laws which contradict the popular understanding of what sort of people 'we' are, are likely to meet with only reluctant compliance or even widespread evasion. In either case, the character of the public order is called into question, and the reluctance or unwillingness of men to accept the legal stipulations of the rights and duties of members may be the basis of resistance. Resistance to law on moral grounds, on the grounds that it is contrary to the kind of people 'we' are, or on the grounds that it does not further the common good (that is, on other than prudential grounds) is, in effect, a refusal to accept the outcome of political debate. It is an unwillingness to adopt the resulting legal statement as to what sort of people 'we' are. In this it is not simply a rejection of the structure of the public order as it has come to be

[6] Cf. Vico, as quoted in del Vecchio, Giorgio, The Philosophy of Law, 8th ed., T. O. Martin, trans., (Washington: The Catholic University of America Press, 1953), 308 ff.

defined in law, but is at the same time an affirmation of another public order with a distinct character. By refusing to obey a law, a man

> ... means, for instance, that "this has been going on too long", "so far but no further", "you are going too far", or again "there are certain limits beyond which you shall not go". In other words, his "no" affirms the existence of a borderline

which defines the limits of his identity.[7] 'It is in this way that the rebel says yes and no at the same time': 'no' to the obligations created by the law, and 'yes' to a particular kind of public order which he sees as threatened by that law; a society to which he is committed.[8]

The result of such a refusal to obey may be complete isolation from those around him who were formerly part of his public world but who now are able neither to understand his intentions nor support his actions. The intention, however, is one of solidarity with what he sees as the appropriate character of his society, not opposition to it. Refusal to obey a law will bring the individual into conflict with the state, but that conflict does not undermine his affirmation of a commitment to a particular kind of society. '... The society into which we are born is not the same entity as the state that governs us ....'[9]

This sort of refusal is far different from the refusal of the thief who would like everyone else to obey the law so that he may be assured of keeping with some degree of security what he has stolen. The thief

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7 Camus, Albert, The Rebel, Anthony Bower, trans., (London: Penguin Books, Ltd., 1971), 19.

8 *ibid.*

9 Walzer, Michael, Obligations: Essays on Disobedience, War and Citizenship, (Cambridge, Mass.: The Harvard University Press, 1970), 112. The same point is made in Locke's Second Treatise, where he states that 'He that will with any clearness speak of the Dissolution of Government, ought, in the first place, to distinguish between the Dissolution of Society and the Dissolution of Government.' Locke, John, Two Treatises of Government, Peter Laslett, ed., (London: The New English Library, Ltd., 1963), 454. Also cf. Knvitz, Milton R., 'Civil Disobedience and the Duty of Fair Play', in Hook, ed., ~~ibid.~~ *op cit.*

must insist on a distinction between himself and others. Stealing property from others can only be a profitable enterprise if one has confidence that the wealth which is accumulated will not be stolen in turn. The man who refuses to obey the law for conscientious reasons, however, must insist upon his solidarity and communality with others, and upon the distinction between the character he feels legal obligations are attempting to impose on his society and the kind of character he feels it ought to have. His is not a commitment to mere self-interest, nor is he advocating one law for himself and another for the rest of his fellows. Rather he refuses to obey the law because he is committed to a different kind of public order to be shared in common with others.

A refusal to obey the law on conscientious grounds is a difficult position to combat. The man who takes this position will not be likely to be persuaded on grounds of prudence; that is, that he will be imprisoned, for example, if he does not obey. Nor is it likely he will be persuaded on grounds of legal authority; that is, the appropriate conventions have been followed and procedures adhered to in the relevant political institutions. Nor even is he likely to be moved on the grounds that the law is reasonable; that is, it is continuous, coherent and equitable, forming a consistent corpus of law. Because identity and character are debatable qualities, not open to quantification or empirical verification, what is being questioned in this kind of refusal to abide by a legal obligation is judgement. One may attempt to show the man who refuses that his views are logically inconsistent; that he has misunderstood the past; that he has unreasonable expectations about 'our' future. But all arguments will eventually return to the problem of identity and to the fact that the conscientious objector has not only an idea of who he is, but also a distinct idea of who 'we' ought to be; of the kinds of rights and duties which should be incumbent upon us as members of this society.

Chapter 4

AUTHORITY

The laws which establish the conditions of membership in civil society are not determined by just anyone in the society. Only a relatively few are accorded the privilege of establishing the legal obligations which shall be binding upon all members of the society. These few enjoy positions of authority, and it is the exercise of their authority which helps to ensure the stability and relative continuity of the public order through time.

It is obvious, therefore, that authority has to do with men acting together in a public order. An isolated man cannot exercise authority for there is no-one over whom he may exercise it, nor can he make authoritative judgements for there is no-one to receive them. Authority is pre-eminently political. It arises out of the experience of men interacting with each other and is intimately related to the very conditions which make possible the creation of public order amongst men. But while all agree on the importance of authority to an understanding of political activity, there is little agreement as to its nature.

It is widely acknowledged that somehow authority involves one (or a few) commanding, and others (or the many) following their directives. For some this much is enough of a distinction. 'By authority I mean the faculty of gaining one man's assent. Or it may be called, though it comes to the same thing, the efficient cause of voluntary associations'.[1] By inducing another man to select the alternative which I have proposed and to follow the course of action which I have suggested, I am, according

[1] de Jouvenel, Bertrand, Sovereignty: An Enquiry into the Political Good, J. F. Huntington, trans., (Cambridge: The Cambridge University Press, 1957), 29.

to this view, exercising authority. However, if authority is nothing more than '... the ability of a man to get his proposals accepted',[2] it is difficult to see what, if anything, distinguishes authority from persuasion, threat, or coercion. My rational arguments or rhetorical skills may induce others to adopt a particular course of action. Or I may threaten them with some punishment or other disastrous consequences if they do not follow my suggestion. Or I may physically coerce them if other methods fail. The reasoned argument of a mathematical proof, the prospect of heavenly reward or promise of earthly punishment, the flatteries and deceits of a seducer, the pressure of a bayonet at the throat - all may secure the acceptance of a proposal. However, to claim that in every case authority has been exercised is to ignore crucial distinctions between these various examples. Such an understanding of the character of authority, by including too much, distinguishes too little.

What is it, then, that makes one statement authoritative and another not, even when both induce others to act in a particular way? An authoritative statement, it has been suggested, must be one which is capable of being defended as reasonable. Far from being arbitrary, it must (at least potentially) be explained in terms of reason.[3] Unreasonable statements, then, must sacrifice any pretensions to being authoritative, if this view is to be accepted. While it is true, for reasons which will be examined below, that the exercise of authority is never arbitrary, the attempt to use reasonableness (whatever that is taken to mean) as a distinguishing criterion is misguided. It is not so much what is said that makes a statement authoritative, as who says it. Papal Bulls are autho

[2] *ibid.*, 31.

[3] Friedrich, Carl J., 'Authority, Reason and Discretion', in Carl J. Friedrich, ed., Authority, Nomos I, (Cambridge, Mass.: The Harvard University Press, 1958), 28-40. This same point is also presented in his more recent work, Tradition and Authority, (London: The Pall Mall Press, 1972).

ritative for Catholics not because they can be defended or explained in terms of their reasonableness. Their very character, it may be argued, precludes such an effort. It is because they issue from the Pope that they are recognized as authoritative and are able to command respect and compliance. Similarly, it is not absurd to say that whatever statements Parliament may endorse and laws it may approve, they are authoritative and should (and in all probability will) meet with the compliance of the subjects of the United Kingdom. The abstract statement asserting that Parliament is an authoritative institution does not depend on what is said in any given instance, nor can it be said to rest upon any criterion of the reasonableness of one or another Parliamentary decision. It is Parliament which is in a position of authority, and what emerges from Parliament is significant because Parliament has decided upon it and not because it is either reasonable or unreasonable.

Authority is exercised by those who are acknowledged to have some particular competence; men who are acknowledged to have some position which sets their statements, whatever their content, apart from the statements of others.[4] Competence in this sense does not mean simple expertise or efficiency, although these may play a part in establishing who is an authority. It is not enough just to do a job well, however. Competence must be recognized by others, and to establish authority this recognition must be a recognition of the right to make decisions, resolve differences, or settle disputes within the entire group. Without this public acknowledgement establishing the legitimacy of making decisions for others, for resolving disputes amongst men, there is no authority. No man can be a secret authority, unknown to his contemporaries. Nor can he exercise authority in the face of universal rejection of his

[4] Jacobson, Norman, 'Knowledge, Tradition and Authority', in Friedrich, ed., *ibid.*, 113-15.

right to make decisions affecting the relations and activities of men who comprise the relevant public. We go to a person in a position of authority when we are unable to agree amongst ourselves how to go about a task, how to decide between conflicting views, or which course of action to adopt. The person we approach is an authority because we go to him. The fact that we approach him to solicit his judgement is acknowledgement by us that he has more of a right than any of us to resolve the dispute, and that his views ought to take precedence over our own in determining the outcome of the disagreement.

Thus the authority which a man has does not adhere to him alone. It is not something which he can pack up and take with him if he decides to move on and make his home amongst a different group of people. It exists only as long as it is recognized, and it can be recognized only within an already established public order. It requires the relatively stable and continuous public order to make its judgements heard and obeyed. Without this public order there is no-one who may speak with authority, resolving differences, and no-one who may comply, recognizing the authority by adhering to its judgements. If a judgement is neither heard nor followed, it cannot be said to be authoritative.

This public recognition of a particular competence or legitimate right to make decisions for a group and resolve differences within a group distinguishes the exercise of authority from the use of reason or the attempt to persuade.

> Authority is incompatible with persuasion, which presupposes equality and works through a process of argumentation. Where arguments are used, authority is left in abeyance. Against the egalitarian order of persuasion stands the authoritatian order which is hierarchical.[5]

The man in a position of authority judges, the rest comply. He does not

[5] Arendt, Hannah, 'What was Authority?' in Friedrich, ed., *ibid.*, 82.

attempt to persuade, nor is there anything in his judgement that allows it to claim precedence because it is reasonable. Discussion may follow if the judgement is unclear, but once it is understood, it must be followed. If those commanded refuse, authority is already brought into question and the superior position of the man in authority called into doubt. He may coerce the recalcitrant, threaten them, or plead with them, but these are all measures of the extent to which the hierarchical relationship of authority has broken down. '... However "authority" is being used, it is true that when a number of people begin to ask in a mutinous and not theoretical tone of voice, "Why should I obey X?", X has already lost, or is in the processing of losing, his authority'.[6]

Authority, therefore, is not a thing. It is not something to be conserved fearing that the more it is used, the less there is of it. To speak of authority is to point to action in public; the manipulation of an idiom within the public order. Only in action amongst men does authority manifest itself. It exists only in relationships amongst men, and is a capacity rather than a commodity. Just as the man who is unknown or is publicly discredited can never be an authority, so also the man who never speaks or acts in the appropriate idiom can never command authority. Like the human body, authority must be exercised. It must make itself felt within the public, or else it becomes weak and no longer enjoys the attention, respect and compliance of those who once acknowledged its pre-eminence. Continued silence leads eventually to the decay of authority because the incessant conflicts and differences of the present demand the judgements and decisions of those in authority. If one man refuses to exercise his authority, the need to resolve differences amongst the men who comprise the relevant public will persist, and another

[6] Weldon, T. D., The Vocabulary of Politics, (London: Penguin Books, Ltd., 1953), 56.

man will arise to take his place. This is why the dead, if they are to remain authorities, need the living to speak in their name and to confront the dilemmas of the present, as the church claims to speak for Christ and the Communist Party to speak for Marx.

To exercise authority, then, is to be publicly acknowledged to possess the right to resolve differences within a group; to have one's judgements heard in public, and to direct the efforts of those who comprise that public. It is this public recognition of who you are - that is, of a hierarchical relationship - more than what you say that makes your statements authoritative. However, if we are to examine the political significance of authority, we must distinguish between being an authority and being in (a position of) authority. Both demand public recognition if they are to be possible, but the first demands acknowledgement of the man, while the second demands acknowledgement of the office. It is primarily this second which is political and is of interest to us in attempting to understand the relationship between authority and public order.

The difference is between acknowledging the authoritative statements of Einstein, because he is recognized as being an expert in theoretical physics and has a history of reliable judgements in that field, and acknowledging the authoritative statements of the king, whoever he may be, because he occupies an office which is recognized as entailing the right to make certain kinds of decisions and to take certain kinds of action. It is, in short, the difference between having a reputation and holding an office. Both are concerned, in a sense, with recognition of who a man is, but in one case reference is made to an individual's personal reputation, while in the other reference is made to the public office which he occupies.

Experts become authorities through the recognition and acknowledgement of their colleagues. They may publish articles, write books,

deliver papers, organize symposia, or participate in discussions - all of this gaining them a reputation amongst those who comprise a particular public. There is no formally established procedure or path that leads to this recognition. Through the accident of being in the right place at the right time, some men become authorities at an early age, while others are not acknowledged until after their deaths, when their writings and disciples must speak on their behalf. There are no rules governing the length of time that they may be authorities, nor specific regulations stipulating how others may come to replace them. It is in this sense that a man may become an authority by being the originator, the author, of an idea or programme, in the way that Marx is an authority for Marxists and Hitler was for National Socialists. Their authority rests, or rested, upon the recognition of their pre-eminence as creators, and reference could be made either to them or their works to resolve disputes and divergent interpretations or schools of thought amongst the faithful. The way in which this kind of public acknowledgement is formed and flourishes, however, is fluid. It is not bound by rules and regulations, formal procedures or established requirements. It would be as absurd to claim that we ought no longer to regard Darwin as authoritative because his theory of evolution has occupied a position of pre-eminence for too many terms, as it would be to have a vote as to whether or not we should still regard Rembrandt as one of the great masters of painting. Reputations do not have terms of office, nor are they established by conventions or procedures. The authority which a man of reputation enjoys may come to be established in any number of ways just as it may fade and eventually disappear in any number of ways.

Political authority, in contrast, is carefully circumscribed by rules and procedures. The way in which one comes to occupy a position of authority (as opposed to being an authority) is not fluid nor is it

left open to question or to the fashion of the moment. To achieve a position of political authority one must, for example, be the eldest legitimate son of the deceased monarch, or receive a simple majority of the popular vote of the citizens, or manifest specific and recognized signs of divine favour. How long one may occupy such a position, and how another may succeed to the office are similarly specified. What is publicly acknowledged in political authority is not the legitimacy of the man, but the legitimacy of the office and of the rules and procedures by which a man comes to occupy it and within which he must act while he occupies it. That is, what is acknowledged is the establishment and maintenance of specific hierarchical relationships which are circumscribed by formal rules, procedures and conventions.[7]

The pronouncements of those who hold an office, and who speak with authority because of their position, have immediate effect. Or, at least they should have immediate effect if the authority of the office is intact. This is not necessarily the case with those who are authorities because of their reputations. The decisions of Parliament are acted upon. The state immediately takes the appropriate steps to initiate the action which has been authorized by Parliament. An artist, on the other hand, may only become a recognized authority long after his death, his works remaining unacknowledged during the period that he practised his art.

It is, of course, difficult in political activity sharply to distinguish the significance of statements of a man in authority and those of a man who is an authority. The elder statesman, who presently occupies no office of institutional authority, may be widely listened to

[7] The distinction made here is similar to Weber's distinction between charismatic authority - what is here referred to as having a reputation or being an authority - and legal authority - what is here referred to as having an office or being in a position of authority. Cf. Weber, Max, The Theory of Social and Economic Organization, Talcott Parsons, ed., A. M. Henderson and Talcott Parsons, trans., (London: Collier-Macmillan, Ltd., 1964), 328 ff.

and highly influential as a political actor. On the other hand, the personal reputation of an office holder may decline to the point that he is less able to exercise the authority of his office. Political authority, however, is largely formalized and revolves around the acquisition of office. A man out of office gradually declines in importance. He is unable to command the power of the state organization which gives him access to information and renders him a qualified expert. And he is unable to act within the political institutions, invoking political conventions to resolve disputes and to inform the public order with his judgements. The longer he is out of office, the greater the danger that his judgements will become irrelevant as events pass him by, and he will eventually become more of a spectator and less of an informed commentator or effective actor. His position is likely to become purely honorary, while the actual problems and dilemmas of political life are confronted by those who do occupy an office and may still claim to exercise the authority of that office.

Political ideologies, amongst other things, attempt to establish the legitimacy of or to discredit the system of procedures governing the accession to a position of authority and the rules circumscribing its operation. A defence of the legitimacy of the authority of a hereditary monarchy or elected representative centres not on this king or that representative, but on the office of kingship and on the procedure of election. Those who clamour for a different kind of authority do not seek a new version of authority, for the exercise of authority in one political situation is very much the same as the exercise of authority in another. Authority in a democracy, like authority in an absolute monarchy, ultimately rests upon common recognition of the pre-eminence of the office holder and the legitimacy of his right to resolve disputes and to make decision involving the entire group. Crucial to

both is the hierarchical relationship which allows the judgements of those in authority to be heard and followed. The difference comes not between two different kinds of authority but in determining who is going to be in a position of authority, how they are going to attain that position, and what rules and regulations will circumscribe the conduct of their office. The claims of divine favour, of popular mandate, of superior wisdom, or of higher caste may all be put forward. However, these claims focus on questions which are distinct from the problem of what it is to exercise authority and the relationship between authority and public order.

From what has been said so far it can be seen that authority speaks with a public voice, in opposition to private claims. In a sense, it puts the collective seal of approval on a proposal for public action, for men in authority act as public men and their authority appears only in public. To bend authority to the fulfilment of private needs is to abuse it and will result in the debasement of the office and the destruction of the reputation of those involved. In order to speak with this public voice to resolve issues of public disagreement, authority must exist within the context of public order. Far from being '... the creator of the social tie ....'[8] authority entails the social ties which make its establishment possible. Without public order there could be no authority; and without authority, it is unlikely that public order would survive for very long. The two are mutually dependent upon one another, each ensuring the existence of the other and thus of itself.

> All characteristically human activities involve reference to an established way of doing things. The idea of such an established way of doing things in its turn presupposes that the practices and pronouncements of a certain group of people shall be authoritative in

[8] de Jouvenel, ~~Ibid.~~ op cit., 39.

connexion with the activity in question.'[9]

'... The notion of an "established" way of doing things is essential to the notion of authority as such.'[10]

Because authority is bound up with public order and not created anew each day, it is historical, established through time and providing a link between past and present. An element of the collective identity of a people, it is a product of the past, possible only when a living tradition provides continuity and establishes a common public order. Insofar as political authority is exercised, it is a confirmation of the present identity derived from the past. It seeks to maintain that historical link; to preserve public order through time. It is in this sense that authority is necessarily conservative, always carried forward into the present from the past.

Revolutionary regimes, which self-consciously and deliberately attempt to cut themselves off from the past, are regimes which have made any use of authority to structure the public order impossible. The traditions that exist are ones which the revolutionary regime wishes to repudiate, and the identity which it seeks is one which lies in the future and has yet to be created. It is in terms of an envisioned future that its actions must be understood and justified. Any attempt to use the authority of the *ancien regime* is a compromise with the old order. Until such a time as the new order has been established, there is no shared public order within which authority may make its appearance. In the absence of authority, the revolutionary regime may only have recourse to the power of the revolutionary party or to persuasion in its attempts to restructure the public order. Lenin's quite explicit use of the Communist Party is an example of the former, and Marat's numerous appeals to

[9] Winch, Peter, 'Authority' in Anthony Quinton, ed., Political Philosophy, (Oxford: The Oxford University Press, 1967), 100.

[10] *ibid.*, 101.

the people of France is an example of the latter.[11] And, as the success of Lenin and the failure of Marat indicate, in the absence of authority, power is more likely to be effective in the creation of a new public order than is persuasion.

How it is that the power of revolutionary groups is transformed into authority is difficult to say. There must, however, be a period when the ability of a man or party to enforce obedience becomes the publicly acknowledged right to expect compliance. Even so, it is important to note that even in revolutionary situations authority can never be entirely absent. In order to use the Communist Party as a source of power in the establishment of the Soviet Union, Lenin had to exercise authority within the party. The effective power of the party depended, as Lenin clearly appreciated, on the immediate and unquestioning compliance of its members to the directives of the party hierarchy.[12] Whatever his standing in the country as a whole, if he was to get anywhere Lenin had to be certain of his authority within the party.

To say that authority is conservative is not to say that it is static. As has been seen, authority must be exercised. It manifests itself only in action, and every action is a modification of the world. As events bring new problems, new responses are required. Each decision will change both the structure of the public order and the way in which authority is exercised within that order. The exercise of authority, therefore, cannot be understood as mere imitation of the past nor can it be equated with the automatic application of fixed formulae. The authority of an institution depends in part on its continuity with the past,

[11] Lenin, V. I., What is to be Done?, (London: Panther Books, 1970, 164-73; and Gottschalk, Louis R., Jean Paul Marat: A Study in Radicalism, (London: The University of Chicago Press, 1967), esp. 52-57, 97, 100-01, 104-05, 109 ff.

[12] Lenin, *ibid.*, 184-91.

but it also depends upon its ability to resolve disputes within the public order effectively. What is required in addition to continuity is the successful encounter with the problems of the present; problems which are always unprecedented. The exercise of authority must always be creative if the office (or the man) is to retain its position of pre-eminence within the public order. The celebration of the tercentenary of the Romanov Dynasty in 1913 highlights the distinction between mere formal continuity and the successful maintenance of authority. By that time the Tsar's authority was already disintegrating, along with the political tradition which made it possible, as the regime proved more and more incapable of meeting the demands of a new era.[13]

The exercise of authority, therefore, is as concerned with bringing about change in an attempt to meet the demands of the present as it is with preserving the continuity of the society within which makes itself felt. It both grows out of public order and in turn manifests and modifies that public order. This is true both for political authority and for other kinds of authority. A physicist cannot be recognized as an authority in his field except by other physicists who are able to judge his contributions to the discipline and to recognize his excellence only within the established context of physics. Once his reputation is established amongst his fellows and his authority recognized within the context of physics, he, in turn, manifests and establishes that context. Other men will be measured against his excellence, and members of his profession will defer to his judgements. His actions will modify the context within which contributions to physics are acknowledged, thereby altering the character of physics through his practice as a physicist.

Similarly, a politician cannot even aspire to office until there is

[13] Von Laue, Theodore, Why Lenin?, Why Stalin?: A Reappraisal of the Russian Revolution, 1900-1930, (New York: J. B. Lippincott Co., 1964), 68-85.

a commonly shared framework of public order which establishes that office and the procedures governing access to it, as well as the common acknowledgement of the legitimacy of the holder of the office to make certain kinds of decisions. Once in authority, the politician must meet threats to public order with authoritative decisions which direct the actions of those who comprise the relevant public. Thus he will initiate change within public order. Without public order creating the authority of the office, and the authority of the office maintaining that order at the same time that it modifies it, the hopeful politician exists in a vacuum - an actor in search not merely of a role, but a stage on which to act as well.

When authority is exercised by political institutions, for example, the state is commissioned to undertake comprehensive medical care, to provide universal compulsory education, or to enforce certain standards in commerce and in business practices. The boundary between what has been designated as public and what as private shifts, and the identity of the society is altered in its on-going creation. The link with the past, crucial to authority, can be maintained only if events in the present do not overwhelm and destroy the established public order. To preserve this continuity, some change must be authorized. Authority which relies entirely upon the past and refuses to meet the challenges of the present, is authority which is diminished and which will soon be drawing on an empty account. In this sense, authority must be progressive if it is to survive.

It is because of the intimate interrelationship and interdependence of authority and order that it was stated previously that authority is never arbitrary. (This is not, as has been indicated, the same as saying that it is always rational.) Authoritative pronouncements do not arise and demand compliance *ex nihilo*. They come out of the context of public

order and may only be judged within that context. It was earlier stated that it is not so much what is said that makes a statement authoritative, as who says it. Although this is generally true, it is not entirely so. As we have seen, the context of public order will determine whose judgements will be heard in the society. A judgement which is made by those who are acknowledged to be authorities or in positions of authority cannot belie this context, contradicting the established public order and undermining its own basis of authority. A man cannot say just anything and still be authoritative. The physicist cannot deny the existence of matter or time and still have his pronouncements received as authoritative. Attempts may be made to redefine what we mean by matter or time - that is, to modify the structure of the public order and the basis of authority - but if the existing structure is jettisoned altogether, so also must the authority be abandoned which is an integral part of it. 'The difference between tyranny and authoritarian government has always been that the tyrant rules in accordance with his own will and interest, whereas even the most draconic authoritarian government is bound by laws'[14] which provide a structure of public order within which the conduct of those who hold office must operate. Although the exercise of authority must be creative, the man in authority is not at liberty to exercise that authority in just any way at all.

The legitimation of authority, like the exercise of authority, cannot be separated from the public order of which it is an integral part. The idiom in which authority is exercised is meaningful only within the context of a particular public order, and it gains force from the order itself. As long as that order is still intact, and the idiom manifesting

[14] Arendt, Hannah, Between Past and Future, (New York: Meridian Books, The World Publishing Co., 1968), 97. Plato makes the same point in his discussion of tyranny. Cf. Plato, Republic, F. M. Cornford, trans., (Oxford: The Clarendon Press, 1961), 281-92 (VIII. 562A - IX. 576B).

it is still viable, the justification of the exercise of authority is established through the relevance and practice of the idiom itself. Claims that the Crown in Parliament is sovereign have not authority outside the tradition of British political practice. Within that tradition it is enough that Parliament acts. The simple fact that it is Parliament gives its actions authority; authority which will only be acknowledged amongst those who count themselves members of the civil society we call the United Kingdom. The continued manifestation of that public order in the actions and practices of the British people validates that authority. A different kind of public order, manifested amongst a different group of people with different idioms and practices, would find no place for the pre-eminence of the Crown in Parliament. They would neither acknowledge the legitimacy of its claim to pre-eminence nor give its judgements the privileged hearing reserved for those who are in positions of authority.

To exercise political authority, then, is to be publicly acknowledged to have the right to make decisions for, and to receive obedience from, those who constitute a public order. It is to come to occupy an office, circumscribed by rules and procedures, which give one's judgement weight in determining the character of the public order, and to be in a position to authorize actions either to maintain the continuity of the society or to bring about changes within it. In the face of the demands of an ever-changing present, political authority maintains through time the continuity of a public order and is exercised in the continual creation of a collective identity. Its success is marked by its self-preservation and the perpetuation of the public order with which it is intimately interrelated. Its failure is marked not simply by the disintegration of its own ability to guide and direct, but also by the decay of the order which it manifests.

Chapter 5

POLITICAL INSTITUTIONS AND ORGANIZATIONS

An institution, however it may be structured and whatever the area of its activities, is concerned less with the accomplishment of a specific task than with the preservation of a characteristic pattern of activity. There is no final goal or single achievement on which an institution fastens its attention to the exclusion of all other concerns. Rather it is more a 'way of life', however vague that term may be, which is its concern. Religious institutions, for example, are not enterprises which may be wound up like an organization once a particular product has been produced or goal reached. It is the character of the religious way of life which is the focus of such institutions. What they seek is the maintenance of a manner of acting in the world, and this is a constant endeavour.

Fundamental to the maintenance of a pattern of activity or way of life is the notion of criteria and standards. Institutions are the guardians of the standards of judgement appropriate to a particular activity. They attempt to maintain the criteria which form the background against which any particular performance may be judged. Religious institutions, to continue our example, seek to maintain the continuity of the religious way of life, preserving the criteria of judgement which distinguish between good actions and evil ones. It is against these standards, which have been upheld over time by institutions, that any particular action is measured. Standards of acting or criteria of judgement endorse one course of action and condemn another. Some actions will meet the required standard and will receive both the blessing and support of the institution, while others will not and will be faced with opposition from it.

The success which an institution has in guiding the actions of men so that a particular way of life is preserved depends on the popular recognition accorded it and the acceptance of the standards it brings to bear on an activity. What is recognized by those who comprise a public is the pre-eminence of the institution. What is acknowledged is the entitlement of the institution to judge; to decide what the relevant standards are and how they are to be applied in the present circumstances. Its pronouncements are given weight and take precedence over the views of others who are outside the institution. It makes itself heard because others are willing to be quiet and listen. In short, an institution exercises authority. If an institution is not recognized, its judgements will not be heard in public. If its judgements are not accepted, it will be incapable of directing men so that the relevant standards are maintained. An institution which is neither heard nor accepted can have no claim to being an institution at all, for it has shown itself incapable of maintaining anything.

Because it is concerned with the preservation of a characteristic pattern of activity, an institution cannot be created overnight. An institution is not like a pressure group organized at a particular moment to accomplish the goal of blocking a government proposal, nor is it like a business founded with the hope simply of securing the maximum amount of profit. An institution cannot be created overnight because the characteristic pattern of activity which it seeks to preserve, the standards it seeks to perpetuate, cannot be created overnight. It cannot come into existence until the way of life itself has come to be established. It is from existing ways of life, shared amongst a group of people, that institutions emerge and gradually establish themselves. They are not susceptible to creation by fiat, government decree or acts of incorporation. Rather, the emergence of an institution is a process which takes time.

Similarly, it is only through time that institutions decay and event-

ually lose their capacity to preserve continuity and to maintain standards. They are not terminated at one moment, but gradually lose their grip as time brings about changes in the way of life they seek to preserve, opening up the possibility that the institution may be made irrelevant to the present if it is not sensitive to the time. One cannot imagine, for example, that the Roman church could be terminated by Papal bull, in the way that a commercial venture simply goes out of business by declaring bankruptcy. As institutions are only gradually established through time, so also they gradually decline through time, their authority slowly diminishing in significance and eventually lapsing altogether.

Institutions, therefore, tend to be long-lived and do not come and go with the seasons. Because there is no final or ultimate purpose which is realized, after which the institution may wind up its affairs and shut down operations, the purpose of an institution is always in the process of being achieved. It is always unfolding through time, as the men who comprise it exercise authority to maintain continuity between the past and the present. In a sense, the only product of an institution is itself - the adherence to certain standards and the preservation of a characteristic pattern of activity, which in turn makes possible the continued life of the institution.

The authority of an institution is exercised to designate what is appropriate and what is not; what is in keeping with the particular activity or public order, and what is not. It is, therefore, in a position not simply to preserve, but also to endorse change. An institution must not only maintain continuity with the past, but it must also successfully deal with the present. The present constantly brings new challenges which must be confronted and overcome, not simply ignored, if the way of life or pattern of activity is to remain relevant. By endorsing one pro-

posal and condemning another, an institution invariably authorizes changes at the same time that it seeks to maintain continuity.

Because the exercise of their authoritiy modifies as well as preserves, institutions cannot be seen as rigid structures incapable of undergoing changes. If the relevant way of life is changed, the institution is not necessarily left behind. Like all men, those who comprise institutions can be more or less sensitive to the occasion, more or less capable of ensuring that their judgement is appropriate to the moment. The political institution of the British Parliament, for example, has been significantly altered over time as the public order and pattern of political activity which it sought to maintain has changed. The process, of course, has been a long and protracted one - one which cannot be said to be completed - but the institution has been sensitive to the occasion. While Parliament is not now what it was fifty, or one hundred, or four hundred years ago, it has remained an institution with a long and continuous history, exercising its authority in a variety of different ways.

The changes which men who exercise institutional authority come to accept and endorse are likely to be limited ones, however. Piece-meal modification may be condoned and standards may be altered slowly, allowing what was formerly unacceptable to be acknowledged as permissible. Sudden, wholesale changes, however, will be resisted because this would amount to a complete repudiation of the established way of life upon which the authority of the institution rests.

Being concerned with a way of life and the preservation of criteria of judgement, an institution is characterized less by rules and regulations, which specify how a particular task is to be performed, than by norms and values, which provide the context for judging whether that task was done well or poorly. The Royal Society is not preoccupied with designating which scientific investigations should be undertaken, and precisely

what shall be done in each case, but rather with the establishment of criteria for judging the results of any one investigation. It is the character of scientific activity which is the concern of the Society. Does this particular experiment fulfil the requirements of the scientific method as those requirements have come to be understood over time? Does it meet the standards of the scientific community? In short, does the effort count as 'science'? What counts as science and what does not is not established by reference to a specific canon of rules or body of regulations. There is no handbook which will tell you how to be scientific in your approach to a problem, in the way that there are handbooks which will tell you exactly how to go about repairing your automobile. Being scientific is something which is achieved through the appreciation of the norms and values of the scientific community. It is the concern of the Royal Society to preserve these norms and values, and not to produce handbooks of rules and regulations.

As with rules and regulations, efficiency is less prized in an institution than experience and judgement. An institution is not like a commercial enterprise, attempting to utilize resources in the most efficient manner to produce the maximum number of goods at the lowest cost. Production is not what institutions are concerned with. Efficiency is not irrelevant, of course. An institution must be able to speak at the appropriate time or else it will find that the opportunity for exercising its authority and making its judgements heard has passed. Its success in preserving a way of life and maintaining its position within the public order depends in part on its capacity to act in time. This, in turn, depends partly upon the efficiency of those who comprise the institution. However, the judgements of an institution are not susceptible to cost-benefit analysis, time and motion studies, or any of the other measures of efficiency. It is, instead, the quality of a man's judgement and

experience which lends weight to what he says and sustains the authority of the institution on whose behalf he acts. Sensitivity to the relevant norms and values, appreciation of the uniqueness of the moment, discernment of what is significant and what is not, and awareness of the possibilities of the present will be more valued in an institution than the ability to take orders, devotion to superiors, or aggressiveness in getting one's views accepted. It is a man's judgement and his experience which are likely to make him successful in maintaining the continuity of a pattern of activity in the face of the ever-changing present. Imitation of the past, reliance on mechanistic formulae, strict adherence to a body of rules all spell the decline and eventual demise of an institution which, unable to recognize and adapt to change, will find itself irrelevant to the present, with its authority evaporated.

The emphasis on judgement and experience means that institutions are likely to be more interested in a man's character, in his identity, than in his function. It is relevant to ask of the man who works in a factory, performing a routine task, is he dependable? Will he follow orders? By this is meant, can he discharge his job efficiently? When it comes to an institution, however, we are much more likely to ask, what sort of man is he? What is his character like? Can we rely on his judgement? Unlike the former individual, the man who exercises authority in an institution is always called upon to address himself to unprecedented problems and new situations where no book of rules can provide a guide for his actions. He must, instead, rely upon the sensitivity of his judgement and appreciation.

A university is perhaps a good example of an institution as it has been characterized so far. A university is not concerned with processing individuals to produce a commodity called 'university graduates', in the way that an automobile manufacturer processes raw materials to produce a car. Rather, it is concerned with maintaining a characteristic pattern of

activity - academic enquiry - and with the preservation of certain standards implicit in that activity. Cheating in exams, for example, or plagiarism in essays, undermines that activity, perverting its character. Consequently neither are properly tolerated by the institution. Degrees will not be awarded for those who cheat, nor marks given for essays which are plagiarized. If these standards were to be modified or abandoned, the quality of academic life and enquiry would change and the institution would no longer be exercising its authority to preserve what it had once striven to maintain.

Although universities have been recently created in the United Kingdom, the way of life which these institutions seek to maintain was long established. The various new universities which were established were not expected to create a pattern of activity where none had existed before, but to continue an established order, ensuring its relative continuity through time. Over the past centuries this order has, of course, been modified, and the institution, along with the way of life it seeks to perpetuate, has changed. Alchemy is no longer part of the recognized field of legitimate enquiry, and more recently a mastery of Latin has been dropped by some universities as a requirement for entry. So the institution has not been static, even if it has been conservative, attempting to preserve and at the same time acknowledging and adapting to change.

While there is a bureaucracy in every university, ensuring that the death or retirement of any one member does not signal the collapse of the entire institution, it is not the bureaucracy which defines the academic way of life, deciding what is and what is not appropriate to academic enquiry. Men with a reputation, based on their experience and judgement, rather than on their function which is bound by rules and regulations, succeed to offices which enable them to guide and judge the activities of those who pursue academic enquiry. The institution will

thrive to the extent that these men display an excellence in their judgements which ensures that they will receive the recognition and respect of others.

Unlike institutions which come only gradually to be acknowledged, organizations are founded. This foundation, at least in theory, is an historical act which can be traced to a particular moment in time. A leader founds a party, a prime minister creates a new department, an entrepreneur starts a business. In each of these cases, organizations are consciously created or established at a particular moment. In addition, organizations are '... established for the explicit purpose of achieving certain goals'.[1] These goals are likely to be explicit and limited, and they will determine the behaviour of individuals insofar as they are members of the organization. A leader founds a party for the explicit purpose of competing for position in politics. A prime minister creates a new department for the explicit purpose of dealing with a new problem, or assuming public responsibility for an old one. An entrepreneur starts a business for the explicit purpose of maximizing his profits in the market place. A recognition of such explicit goals will determine what an individual within the organization should be doing; what tasks are legitimate and how they should be undertaken.

The goals of an organization, of course, may shift over time as the original goal is achieved and is combined with or replaced by more recently acquired ones. A community organization may achieve its original goal of blocking plans for a new motorway, and then go on to organize support for the development of a park. It may become manifestly impossible to achieve the goal of the organization as it was originally defined,

[1] Blau, Peter M. and W. Richard Scott, Formal Organizations: A Comparative Approach, (London: Routledge and Kegan Paul, 1963), 1. Cf. also, Caplow, Theodore, Principles of Organization, (New York: John Wiley and Sons, Inc., 1959), pp 2 ff.

and alternative goals may come to be adopted. A communist party may abandon its revolutionary aspirations and decide that, after all, it would be better to accept a place in a coalition government. Or the original goal of an organization may be made irrelevant by time, and it must either adjust or become moribund. In an age of modern warfare technology, the Vatican's Swiss Guard has become merely ornamental, while the women's sufferage movement in Britain has ceased to exist.

A common understanding of the purposes of the organization, of its explicit goals, allows individuals to coordinate their activities and to unify their efforts towards the achievement of the goal. This subordination of the individual, whereby his activity becomes only one element in the organization of effort, creates the power of organizations in contrast to the authority of institutions.

> Power corresponds to the human ability not just to act but to act in concert. Power is never the property of the individual; it belongs to a group and remains in existence only as long as the group keeps together.[2]

Organizations thus come to achieve an existence which is greater than the sum of their constituent parts, both more powerful and longer lasting than the subordinate elements which combine to create their strength. Power does not grow out of the barrel of a gun, but out of the coordinated actions of a large group of men.

Coordination of effort demands not only a common understanding of the goals of the organization, but of the means as well. Where large groups of men are involved, this will mean that some men must ensure that each individual understands his role in the achievement of the goal, and ensure that each properly performs his task. Only by making certain that each knows exactly what he is to do, and does it as he has been directed, can effort be coordinated in collective action. This

[2] Arendt, Hannah, On Violence, (London: Allen Lane, The Penguin Press, 1970), 44.

means that a hierarchy is necessary, and the relationship between individuals within the hierarchy is one of superior to inferior; of command and obedience.[3]

> It is necessary ... that there should be a relatively high probability that the action of a definite, supposedly reliable group of persons will be primarily oriented to the execution of the supreme authority's general policy and specific demands.[4]

The destruction of this hierarchy or uncertainty that the commands of the superior will be obeyed by his inferiors will result in the impotence and eventual collapse of the organization.

Like interchangeable parts of a machine, men in an organization are defined by the function which they perform. If a man is efficient in the execution of his duties, other information about him is irrelevant. In contrast to an institution, it is his classification and not his identity which is important. It is assumed that he will be equally efficient wherever he is sent, for he is being asked only to repeat a defined task and to respond in a routinized manner. The recognition and evaluation of differences - that is, the necessity for creativity and the exercise of judgement - disrupts the established routine and is likely to throw the organization off balance. The certainty which is established by the regular performance of routine tasks is brought into doubt, and the individuals who comprise the organization become unsure of themselves. Creativity is a privilege which is reserved for the elite of the hierarchy of the organization lest the rhythm of the machine be disrupted and the power of the organization

[3] Cf. Bakke, E. Wright, 'The Concept of Social Organization', in Mason Haire, ed., Modern Organization Theory, (New York: John Wiley and Sons, Inc., 1959), where a similar argument is put forward.

[4] Weber, Max, The Theory of Social and Economic Organization, Talcott Parsons, ed., A. M. Henderson and Talcott Parsons, trans., (London: Collier-Macmillan, Ltd., 1964), 324.

diminished.

The operation of a hierarchy of offices and coordination of effort is maintained by the establishment of rules and regulations governing individual behaviour. Not a standard of judgement or criteria of evaluation is demanded, as in an institution, but the performance of specific actions according to a determined plan is required if the organization is to maintain its power. 'Company policy' or 'standard operating procedures' will inform subordinates how they should react to a particular situation. Rules and regulations will establish a man's position in the organization, and will define the proper scope of his efforts and responsibilities, denoting both his powers and his limitations. These rules are established neither by agreement nor by convention. Nor do they simply emerge through time as a characteristic way of doing things comes to be established. They are imposed at one moment in time by superiors upon inferiors. Failure to adhere to them will constitute grounds for expulsion from the organization as the individual concerned will rightly be considered to be a threat to its structure and the maintenance of its power. Caprice, whim, or the views of an eccentric, if tolerated at all, will be severely restricted. For most men, the operation of an organization is a matter of adherence to the rules; of consultation of the handbook or manual where the appropriate action to meet all contingenies has been formulated, catalogued and circulated. Judgement and sensitivity, highly prized in an institution, are not relevant to most members of an organization.

Because the importance of the individual in an organization is limited to his function, his actions severely restricted by established rules and regulations, the appeal of a petitioner to his ethics or sentiments is not likely to be heard. If there is time, the bureau-

crat may sympathize with the predicament of the petitioner, but he will retreat from the exposure of his identity. Unwilling to reveal who he is, he will be quick to make the excuse that he doesn't formulate the rules, but merely follows them. Responsibility for his actions, therefore, attaches itself to the position he occupies in the organization, but not to him personally.[5] To give in to the appeal to his personal identity would be to violate the rules of his office, and would open him up to the charge of abusing his position or acting corruptly by intruding personal considerations into the impersonal realm of the organization's rules and regulations.

The limitation by hierarchical control and by rules and regulations to defined areas of competence will create specialized tasks; a division of labour within the organization. Men will develop expertise, and specialized training will be acknowledged as essential as the organization grows and its purposes become more complex.[6] This, in turn, will impose an even more demanding burden upon those controlling the hierarchy, whose distance from the performance of any given individual becomes more remote as the necessity for close supervision and coordination becomes more pressing.

Information at the disposal of such experts is always crucial to an organization. To have information about the world is to be in a relatively advantageous position to act successfully. Information is practical. It tells us of the conditions that pertain in the world which are relevant to our activities. The better informed we are about these conditions, the better we will be able to formulate plans

[5] This theme is very thoroughly explored in Crozier, Michel, The Bureaucratic Phenomenon, (Chicago: The University of Chicago Press, 1964).

[6] Gerth, H. H. and C. Wright Mills, trans. and eds., From Max Weber: Essays in Sociology, (London: Routled and Kegan Paul, Ltd., 1967), 241.

and projects which take account of everything of relevance, and which, therefore, enjoy a greater likelihood of success. In a very real sense knowledge, and the ability to utilize it, is power. The more information we have about the world, the less the chances are that our efforts to maintain a public order in the face of change will be overwhelmed.

The interest an organization will have in the past, therefore, will be a practical interest. An organization will want to know about those aspects of the past which are relevant to its present activities. Historical accounts and chronicles or archeological evidence will excite the attention of an organization only to the extent that they illuminate the present, giving information about how and why the world we confront is the way it is and how this will affect our contemplated actions. As time lapses, however, the state of affairs described by such records will become progressively 'out of date'. By this we mean that successive changes in the world will make the state of affairs they describe quite remote from what it is now. The relevance of this past state for our practical undertakings in the present will be increasingly difficult to determine as time passes and changes intervene between the way things were 'then' and the way they are 'now'. The records simply become less informative for practical purposes. Consequently, the importance of past records to organizations declines over time, their practical significance being diminished by the acquisition of more up-to-date information which gives a more immediate and clear indication of what is relevant to the present purposes of the organization. The historian's love of the past for its own sake is a luxury in which organizations, concerned with succeeding in the achievement of some goal, cannot indulge.

The information an organization requires must be received quickly

if it is to be relevant and to allow the organization to respond in time. The longer it takes to communicate this information, the less likely it is that its significance can be assessed and its usefulness exploited. The demand for completeness and accuracy of information has to be weighed against the need to obtain information quickly - a dilemma which no organization can afford to ignore.

'... The viewpoint of cybernetics suggests that all organizations are alike in certain fundamental characteristics, and that every organization is held together by communication.'[7] 'It is communication, that is the ability to transmit messages and react to them that makes organizations ....'[8] While communication of information does not define an organization, as the enthusiastic proponents of cybernetics seem to suggest, it is crucial. The destruction of its means of communication paralyses an organization by cutting the threads which bind its diverse elements together. With a complete disruption of the internal communication system of an organization, its constituent parts are isolated, and the capacity to act in concert disappears.

The size of an organization, the specialized nature of the tasks of its components, the difficulties in obtaining information, all place those in the upper echelons of the hierarchy, who are most responsible for the coordination of effort, in a difficult and contradictory position. Specialized knowledge and training make the activities of the experts of an organization increasingly difficult to penetrate and judge. Thus the potential for control over the activities of those who comprise the organization become limited. The upper echelons of the hierarchy must rely upon the lower not only for the transmission of

[7] Deutsch, Karl W., The Nerves of Government: Models of Political Communication and Control, (London: Collier-Macmillan, 1963), 77.

[8] *ibid.*

information, but for its interpretation and assessment as well. The relationship of superior to inferior, of command and obedience, is mitigated by the fact that the inferior can (and frequently will) edit reports, including only the information which he wants his superior to see, and interpret the significance of the information presented, suggesting to his superior the suitable alternative which should be selected. Quite accurately Weber speaks of the king fleeing to his cabinet in order to seek refuge from the expertise of his bureauracy.[9]

An organization as a whole, and constituent elements within an organization, thus have a vested interest in maintaining the quality and exclusiveness of their information if they wish to secure a position of advantage over any rivals, actual or potential.

> Every bureaucracy seeks to increase the superiority of the professionally informed by keeping their knowledge and intentions secret. Bureaucratic administration always tends to be an administration of "secret sessions": insofar as it can, it hides its knowledge and actions from criticism,

or from any discovery which will imperil its possession of exclusive expertise.[10] 'The concept of the "official secret" is the specific invention of the bureaucracy, and nothing is so fanatically defended by the bureaucracy as this attitude.'[11] Institutions, in contrast, have no body of information which is the basis of their superiority and which they must retain exclusive control over. Nor are those who

[9] Gerth, *ibid.*, 236-37. A similar point is made by an analyst of the American presidency. Nominally the president is a commander. In practice he is a persuader who is subject to the conflicting pressures of his subordinates, who control the information he receives and can claim to have better qualifications than he for assessing it. Cf. Neustadt, Richard E., Presidential Power, (New York: The New American Library, 1964).

[10] Gerth, *ibid* ., 233.

[11] *ibid.*

comprise an institution experts whose mastery of specific information alone gives them an advantage over the less well-informed. Their deliberations are open, not secretive, and their judgements public, not restricted.

If information and control over it are a means of coordinating action, and as thus one of the sources of the power or organizations, misinformation and deceit are a source of power as well. An organization which faces competition or opposition from another organization may well attempt to mislead its rivals as to its intentions, or to provide it with false information in the hope that it will act upon this misinformation and bring disastrous results upon itself. Care must be taken, however, to ensure that the organization does not begin to believe its own propaganda and fall victim to its own trap.[12] Institutions, however, have no interest in obscuring their activities or in misleading those about them, for it is only by openly acting in public that their authority may make itself felt.

In all these ways, organizations are designed to bring about change; to initiate action as efficiently and as effectively as possible. Institutions, in contrast to organizations, are not so concerned with initiating action as with providing a context and criteria for judging actions. The values and norms of institutions, the pattern of behaviour which they seek to maintain, are not in themselves actions but rather prescribe a mode of action. Institutions are suited for deliberation. The men who comprise them consider and evaluate the

12 It must be pointed out that this has been known to happen, most recently and on the grandest scale, perhaps, in Indo-China, where American policy-makers began to believe the misinformation which they were putting about in order to create the impression that all was going well. Cf. Arendt, Hannah, 'On Lying in Politics', The New York Review of Books, 18th November, 1971.

actions and proposals of others. The institutions of which they are a part are singularly unsuited for the initiation of action, which requires the rules and regulations, sense of goals and hierarchies of offices, collection and control of information, and cultivation of expertise, all of which are the characteristics of an organization.

Political institutions, like other institutions, are concerned with the maintenance of a characteristic pattern of activity and with providing the context and criteria for judging actions. They are, therefore, to be distinguished from political organizations. Like other institutions, they authorize actions in the sense that they validate them, putting a seal of approval on them, without themselves initiating any action. Whatever form they may take in a given society, political institutions discriminate between the various alternative courses of action suggested to them, sanctioning some and not others; authorizing change and at the same time preserving continuity. Weight is given to the judgements of those who comprise institutions because they speak as representatives of the institutions, and it is the institutional character of their pronouncements which is of significance in the maintenance of public order. They do not speak as individuals, but as embodiments of the institution, exercising its authority and not their own personal authority in maintaining the character of the public order.[13] What they are presumed to 'know' is not a body of knowledge but the character of the public order. What they are presumed to have mastered is not the specialized information of the expert, but the appropriate idiom.

Like anything else, political institutions can be abused and debased, with the result that they will no longer enjoy pre-eminence, and their attempts to maintain a way of life will neither be listened to

[13] Weber, *ibid.*, 331-32.

nor followed. As with other kinds of authority, the authority of political institutions will remain intact to the extent that it is exercised. Furthermore, like other kinds of authority, the authority of political institutions will be respected only as long as the men who comprise the institutions are felt to be upholding the public order and acting with sensitivity and discernment in giving their judgements. The judgements which such men render and the actions which they authorize must enable the public order to combat successfully the challenges to its continuity and stability. The manifest failure of the Ulster Parliament to maintain the continuity of the public order in the face of disagreement which eventually destroyed any pretence of communality amongst the citizens of Ulster resulted in the gradual withdrawal of confidence and the ultimate collapse of its authority. Its judgements were no longer listened to with respect, and the public began at first to attend more closely to debate outside the political institution, and finally to withdraw altogether from political life as coercion and the power of organizations eclipsed the authority of the institution.[14]

Like other institutions, political institutions in more sophisticated societies are likely to be highly formalized, their continuity in part ensured by a bureaucratic structure and explicit procedures which endure beyond the life of any one member and serve to socialize new initiates. The way that the bureaucracy and the procedures operate, the specific structure of the one and formulations of the other, may well be the subject of intense debate within the institution. But generally speaking they are the means by which political institutions help maintain their relevance to the present and make their weight felt in the constant exchange of views within political life. Parliament and

[14] Rose, Richard, Governing Without Consensus: An Irish Perspective, (London: Faber and Faber, Ltd., 1971), 100-12, 122, *inter alia*.

the authority which it exercises as a body is not contained within the Palace at Westminster, the House of Commons Library, or the Standing Orders of procedure. However, these do ensure that the death or retirement of members over time and the advent of new members do not leave Parliament in a state of uncertainty about how to go about its business or where and when to meet in order to continue its deliberations.

The distinction between political institutions and other kinds of institutions lies in the scope of their authority. The deliberations of a political institution may range far and wide over the entire structure of the public order. They are not confined to one area as, for example, the Royal Society is confined to the area of scientific enquiry, or religious institutions are confined to moral living. A political institution may focus on any aspect of the public order. Today it may be the price of goods in the market place, tomorrow the liberalization of laws governing abortion, and the day after the propriety of an alliance with a neighbouring nation-state. The character of the entire public order is its concern, and the maintenance of the whole society is its responsibility. There is no area of society which cannot be of interest to political institutions. Over the time some aspects of the society may not receive attention, but that does not preclude the possibility of a political institution taking an interest in it and deliberating about it. The culling of seal cubs, the conditions of coal miners, the proper conduct of state officials may suddenly find themselves topics of debate and deliberation after years of obscurity and inattention.

It is not only in their scope that political institutions may be distinguished from other institutions. In political activity they stand in a unique position, able to have the last word in the debate; to indicate which actions are acceptable and in keeping with the

character of the society and which are not. Political institutions enjoy almost a complete monopoly on authority in political life. The way in which diverse political institutions are related to each other, and the procedures which govern their operation will vary from one society to another, and within any given society over time. However, whatever the particular configuration of the institutions and procedures at hand, political institutions, as long as their pre-eminence is acknowledged, make the final determination. Debate may be lengthy and heated within the society as to whether or not they should go to war against their neighbours, for example. But once those who comprise the relevant institution have deliberated and decided what, in their judgement, will preserve the continuity of the public order, the issue has been resolved; the last word spoken. Only by rejecting their authority and overthrowing that institution can that judgement be disregarded and different action initiated. When that happens the continuity of the public order, preserved particularly by its political institutions, is threatened with revolt or civil war.

In contemporary Western societies, the political assembly, along the lines of a Chamber of Deputies or a House of Commons, while not the only political institution, is the one charged with the primary responsibility of authorizing changes and maintaining the character of the public order. Its concern is the preservation of a characteristic pattern of activity - the English way of life, for example - and it provides the context within which various proposals and alternatives are judged, and criteria are preserved. Debate elsewhere, as in the correspondence column of The Times or television discussions, while perhaps informative, is not likely to be decisive or perhaps even very significant. They will be of relatively minor importance as long as the deliberations of Parliament are recognized as pre-eminent, giving

its members collectively the final word in any debate.

The members of a political assembly are not there simply to perform efficiently, but to bring their experience and judgement to bear upon the problems and perspectives which are laid before them. It is primarily on the grounds of their experience and judgement, not merely their efficiency, that they are either praised or blamed. Efficiency is not unimportant, of course. Experience and judgement are useful only insofar as they are timely, and no amount of experience can compensate for letting the moment slip by. It is in fact the skill of judging when the moment is right, gained through experience, which is highly valued in a politician. Here it is the identity of a member more than his function which is of crucial importance and which will determine the credibility he enjoys amongst his colleagues, as well as the honour he brings upon the political institution. His sensitivity and discernment outweigh the value of his ability to follow orders. The member of an organization may be dismissed for refusing to obey his superiors, but an MP, as a member of a political assembly, can never be excluded from Parliament for refusing to obey his party leader. The dismissal of Enoch Powell from the Shadow Cabinet in 1968 did not alter his right to speak as an MP. While his refusal to to toe the party line may have injured the party organization, it did not necessarily bring disrepute upon the political assembly. His individual identity and the independence of his judgement were all the more firmly established by his refusal to repudiate his judgements and follow the party line. At most the member of a political assembly can be told by the presiding officer that he is 'out of order'; that is, that his remarks are not relevant at this time. But the member can never be totally silenced or directed what to say. He is bound by the procedures of the institution, but cannot be ordered to endorse one

proposal and condemn another. It is only as a member of a political organization, such as a political party, that he may be ordered to follow a three-line whip. As a member of such an organization, he may well find it advisable to obey such orders, particularly if he wishes to advance in the party hierarchy and turn its power to the advantage of his career. It is quite possible, however, that he may experience a conflict between his commitment to the institution and his allegiance to the organization; between being at once an MP and a member of a party.

Because a political assembly is an institution, which is perhaps assisted by but not to be equated with an organization, it is quite mistaken to criticize it on organizational grounds. To ask MPs whether they think '... the House of Commons does its work efficiently? adequately? inefficiently? ...' may not be very revealing if the primary concern of a political assembly is less to act efficiently than judiciously.[15] Similarly, a mistaken parallel is drawn by asserting that 'the declining effectiveness of the House has been paralleled ... by a rising efficiency of the Executive'.[16] The political assembly is not in competition with the state, and it cannot be said to be falling behind in this non-existent race. The political assembly exercises authority, while the state possesses power. The political assembly authorizes actions, while the state initiates actions. The two conduct themselves in distinct ways because they are different kinds of groups of men, both maintaining and modifying the public order in different manners.

15 The questionnaire forms part of the evidence for Crick's thesis of the decline of Parliament. Cf. Crick, Bernard, The Reform of Parliament, (London: Weidenfeld and Nicholson, 1964), 74.

16 *ibid.*, 11.

Within the political life of any given society there is likely to be any number of political organizations, such as political parties, pressure groups and interest lobbies. These are all political organizations to the extent that their goals may be expressed in terms of the kind of society which they would like to see developed or preserved; the character of the public order within which they would like to establish individual identities and to which they are therefore committed. Obviously some organizations, such as large corporations or trades unions in our contemporary political life, are likely to have political as well as specifically economic goals. They will in part be political organizations, but their primary goals may be expressed in terms of the interest of their members rather than in terms of the character of the entire society.

The various political organizations which do participate in politics will find themselves in competition with one another. Presenting diverse and often incompatible views on the character of the public order, it will not be possible for the view of all political organizations to be accommodated, or even listened to. Their relationship with each other will be one of rivalry, with patterns of allegiance which emerge and decay as goals coincide and reinforce one another and then diverge again. Each organization attempts to have its view adopted; the public order altered or maintained in accordance with its vision. To the extent that an organization is powerful, its chances of success will be increased. Like every other kind of organization, political organizations require a hierarchy of offices, rules and regulations, collection and control of information, and development of expertise if they are to achieve their goal. To be without any of these, or weak in any one area, is to invite defeat in the competition with other political organizations for the attention and support of

those who make the decisions that count in politics.

Those who make the decisions that count are primarily, as we have seen, those who comprise the political institutions of a society. What political organizations compete for, then, is not a lower price, as in the market place, but access to the time, attention, and eventually the support of those who deliberate within political institutions. They may set about this in several ways. They may, for example, mobilize the support of the mass of the members of the public, thus making a claim of popular support for their perspective. Or they may provide information and access to difficult and complicated knowledge, attempting to influence the basis on which the member of an institution will formulate his judgement. It is in this way that they will seek to impress their proposals upon the character of the society, thereby achieving the goals for which they were established.

The state, too, is a political organization as it has been characterized so far. Like a political party, a state has a hierarchy of offices, relationships of command and obedience, rules and regulations, and is very much concerned with the collection and dissemination of information. In both a state and a political party, it is legitimate to speak of the efficiency of the organization; of maximizing outputs and minimizing costs. Efficiency is not necessarily the same as effectiveness here, but the two are closely related. As with other large organizations, the state both benefits from and is plagued by specialization and expertise. And as with other organizations, where the hierarchy of command is threatened, rules abused or ignored, communication inhibited or disrupted, information inferior or lacking, its power is diminished and its capacity to act is in decline.

Unlike other political organizations, however, the state is not in competition with other political organizations within a society.

It is not, at least while it is effective as a state, thrown back on the necessity of entering into alliances and calculating the cost of rivalries with others in political life. It has been suggested that the distinctiveness of the state as a political organization lies in the fact that it enjoys a monopoly of legitimate coercive power within the society. Other organizations may legitimately mobilize opinion and seek to disseminate information, but the state alone may legitimately employ coercion. When this monopoly on legitimate coercion is broken, it is suggested, the power of the state is in decay.[17]

This is true enough as far as it goes. However, it is important to note that the legitimacy of the coercive power of the state is not determined by the state itself. The goals which the state has do not originate within the state itself but are imposed upon it by the political institutions of the society. It is not up to officials of the state to determine what actions may be initiated by the state, what coercion is allowed, and what changes must be undertaken. The actions initiated by the state are authorized by the political institutions, and if it can be shown that the state has exceeded its writ, then its actions will be held to be illegitimate. Therefore, the state is to be distinguished only partly from other political organizations by saying that it enjoys a monopoly on legitimate coercion. It is to be distinguished more fundamentally by the fact that unlike other political organizations, the state alone is authorized or commissioned by the political institutions to initiate action. In the United Kingdom, the authority of the police to make an arrest does not originate within the police force, but rests with the Crown. The police are commissioned to act on behalf of the Crown to arrest those who appear to be

17 Nieburg, H. L., Political Violence, (New York: St. Martin's Press, 1969), 99, as just one example of such a view of the state.

violating the law. It is in the name of the Queen that one is arrested, not in the name of the Commissioner of Police. The leader of a political party, in contrast, acts to fulfil the goals of the party and requires no authorization from political institutions to take action to achieve that purpose. It is not in the name of the Crown that expenditures are approved for political campaigns, but with the agreement of the party hierarchy.

Because political institutions enjoy the privilege of having the final word in debate, and because the state alone is authorized by political institutions to undertake changes and initiate action, the state is in a unique position vis-a-vis other political organizations. It is its relationship with political institutions which removes the state from the realm of competition with other political organizations, and the monopoly of legitimate coercive power is just one aspect of this. Other advantages with relationship to various political organizations are also enjoyed by the state. Its position is also maintained by an overwhelming superiority of information, enabling it to coordinate action on a mass scale. 'State secrets' are jealously guarded by the state not simply because of the dangers of exposing vital information to external enemies, but also because of the threat of potential internal rivals. No state can tolerate an alternative organization which knows as much as it does itself. The superiority of the information of the state allows it to initiate action, while other organizations are forced to wait and to react to what has already been undertaken. If this position of unchallenged supremacy in information is lost, the state is on the way to sacrificing its capacity to coordinate action on a mass scale and to control the structure of the public order; that is, to sacrificing its claim to be a state. The ability to collect taxes and deliver the

post were as effective in establishing the Provisional Revolutionary Government as the *de facto* government in much of South Vietnam as the coercive power it was able to bring to bear against its rival. Not simply the military achievements of the National Liberation Front, but its demonstration of superior organizational ability made clear the effectiveness of its challenge to the state of South Vietnam.[18]

The successful maintenance of the position of the state in relation to other political organizations stabilizes the public order over time, creating relative certainty as to the character of the future. Future consequences of present actions become calculable, and this calculability becomes crucial information for other organizations. '... Modern culture, and specifically ... its technical and economic basis, demands this very calculability of results.'[19] Without this climate of relative certainty, which is in part established by the state, the existence of any other organization would be difficult and its operation hazardous. It is within the public order, the character of which is debated in political life, determined by political institutions and enforced by the state, that our economic and social organizations are able to flourish. The state is thus not only above the competition of other political organizations, its position of superior power allows it to enforce an order within which other organizations, political and non-political, are able to survive.

However, although political institutions commission the state,

[18] Ahmad, Eqbad, 'Revolutionary Warfare', in Marvin E. Gettleman, ed., Vietnam: History, Documents and Opinions, (Greenwich, Conn.: Fawcett Publications, Inc., 1965), 353, 356-57. A similar point is made with regard to the Viet Minh in McAlister, John T. Jr., Vietnam: The Origins of Revolution, (London: Allen Lane, The Penguin Press, 1969), pp. 351-64.

[19] Gerth, ~~Ibid.~~ *op cit.*, 215.

they are vulnerable to it. Suited for deliberation rather than action, their authority can be forcibly overcome by the power of the state. To the extent that the state acts beyond the bounds of its commission, the authority of the political institutions is called into question and the viability of political life is threatened. Modern history is filled with examples of societies where the power of the state has been employed to crush political institutions. The two, state and political assembly, are interdependent. The state requires the authorization of the assembly, and the assembly requires the power of the state to implement its decisions. They are, however, distinct, and their interdependence is fraught with tensions arising from their different natures and the diverse ways in which they operate to maintain public order. They pull in opposite directions and yet together they function to preserve the character of the society through time.

Chapter 6

COERCION, VIOLENCE AND PUBLIC ORDER

In many cases, or in most cases, enforcing the conditions of membership in the public order, as these conditions have been defined by political institutions, will resolve itself into a matter of administration by the state. Laws which have been approved by the political assembly are likely to be readily complied with as long as the authority of the institution is intact and its judgements are in keeping with the collective identity of the people concerned. When this is the case, merely administration will generally be enough to see that these laws are enforced. It is for this reason that the state is popularly seen mainly as a source of red tape, innumerable forms and banks of files.

However, there is a significant number of cases where compliance is not readily given, and consequently where enforcement of the law cannot be simply a matter of processing forms. Where men knowingly and deliberately violate the law, and thus threaten the relative continuity and stability of the public order, the state must be prepared to take action against them. It must use its coercive power in order to ensure that the conditions of membership in the society as defined in law are not wilfully disregarded.

The words 'coercion' and 'violence' are used repeatedly and often without reference to the significance of the context within which such actions occur or the differences between them. The assumption seems to be that the terms speak for themselves and that no clarification of them is necessary. Thus the police are able to speak of the violence of demonstrators, for example, and demonstrators, in turn, are able to complain about the violence of the police. Both sides employ the term

in a pejorative sense and both assume that the common element of violent physical action is enough to ensure that in both cases the word refers to the same thing. The coercive forces of law and order are praised by government officials, while criminal forces are condemned. In one case, coercion is admirable and in the other it is deplorable. Yet no distinction is made between the various uses of the word 'force' and none apparently is felt necessary. It is assumed that its meaning is clearly enough understood and that any ambiguity is easily avoided when talking about these terms with reference to politics and public order.

It is, however, far from clear that these terms refer to the same thing in every case, that no useful distinctions can be made, or that one may rely on a kind of intuitive understanding of the import of these words. The danger is that these terms have become so much a part of our political vocabulary and so firmly established in the cliches which pass for explanations of political life, that their significance has become obscured and their meaning ambiguous.[1]

The fact that on the whole these terms have not been clarified, however, does not mean that attention has not been devoted to explaining their appearance in human relationships. A great deal of recent literature has been preoccupied with the themes of violence and coercion, and these terms have been the subject of numerous essays. One attempt to account for what is violent in society explains it in terms of man's inherent characteristics. Such behaviour, we are told, is the result of natural aggressions or even killer instincts which can never be evaded. Political order, then, is necessarily at cross-purposes with these natu-

[1] Hannah Arendt's recent essay, On Violence, (London, Allen Lane, The Penguin Press, 1970), is perhaps an exception to this, being an attempt to analyse just what is meant by terms such as force and violence.

ral human tendencies.[2] Such psychological/anthropological explanations seem to stop at this point, however, and never attempt to explore the political implications of this view.

Closely related to the psychological theory of natural human aggression is the theory that violence is intrinsic to the social process. According to this understanding, coercion and violence are not the intrusion of alien elements into social interaction, but are the natural and perhaps unavoidable outcome of the social process. To attempt to treat coercion and violence as elements distinct '... from the processes that are characteristic of society is to ignore the continuum that exists between peaceable and disruptive behaviour ....'[3] According to this view, politics becomes the manipulation of 'tension-management devices',[4] seeking to balance the demands of 'active power groups'[5] which are in competition for the distribution of the economic goods of a society. If political procedures and conventions, which according to this view are really nothing more than a means of carrying on this bargaining, fail to operate like the safety valve of a steam engine to release excessive pressure on the machine,

[2] Variations on this theme are taken up by a number of writers. For example, Lorenz, Konrad, On Aggression, Marjorie K. Wilson, trans., (New York: Harcourt, Brace, Jovanovich, Inc., 1966); Ardrey, Robert, African Genesis, (New York: Atheneum Publishers, 1961); Bettelheim, Bruno, 'Violence: A Neglected Mode of Behaviour', in Shalom Endelman, ed., Violence in the Streets, Chicago: Quadrangle Books, 1968.

[3] Nieburg, H. L., Political Violence, (New York: St. Martin's Press, 1969), 5. Also, cf., Moore, Barrington, The Social Origins of Dictatorship and Democracy, (Boston: The Beacon Press, 1967), and 'Thoughts on Violence and Democracy', in Robert H. Connery, ed., Urban Riots: Violence and Social Change, (New York: Vintage Books, 1969); Drake, St. Clair, 'Urban Violence and Social Movements', Connery, ed., *ibid.*; Feldman, Arnold S., 'Violence and Volitility: The Likelihood of Revolution', in Harry Eckstein, ed., Internal War, (London: Collier-Macmillan, Ltd., 1964) where the same viewpoint is put forward.

[4] Feldman, *ibid.*, 117.

[5] Nieburg, *ibid.*, 126.

the entire social mechanism will explode in violence.

In an attempt to refine this mechanistic understanding of the social system, the concept of 'relative deprivation' has been put forward to explain why dangerous pressure may build up in the social machine. As individuals come to feel that they are deprived of those things which they deserve to have, they will be increasingly prone to violence in their attempts to obtain them. It is this gap between perceived conditions and the way it is felt things ought to be which causes the pressure on the machine to increase.[6] Political action becomes merely the means of redressing a distribution of 'social values' which is seen as inequitable. Thus, 'political opportunities refer to political actions as means rather than ends ....'[7]

Rather than relying upon a mechanistic view of society, some sociologists have preferred to draw on economic models. Violent actions are, according to this understanding, a manifestation of conflicting value patterns or a 'disequilibriated social system'. If the value patterns of various social groups are in conflict with one another, then the polity will be unstable.[8] Violence is likely to '... arise only in the dysfunctional social system, the one whose values do not synchronize with its division of labour'.[9]

For all their differences, these various attempts to deal with the phenomena of coercion and violence within a public order have a number of things in common. They are, first of all, based on peculiar notions of politics and political activity; notions which are not

6 Gurr, Ted, Why Men Rebel, (Princeton, New Jersey: The Princeton University Press, 1970), 25.

7 *ibid.*, 28.

8 Lipset, S. M., 'Democracy and the Social System', in Eckstein, ed., *ibid.*, 267 ff.

9 Johnson, Chalmers, Revolutionary Change, (Boston: Little, Brown and Co., 1966), 58.

uniquely political, but which are borrowed from other disciplines. (This statement should perhaps exclude the case of the psychological/anthropological explanations, which seem not to devote themselves specifically to politics at all.) This is particularly revealed by their continued reliance upon economic terms and models in their discussions of coercion and violence. According to these approaches, political activity is behaviour which can be explained in terms of economics because it is fundamentally concerned with economic affairs and the distribution of economic goods. There is nothing which distinguishes a political problem from the economic problem of the production and distribution of scarce resources or the rational division of labour. Violent behaviour is distinct from political activity only in that it is a different way of solving economic conflicts. The distinction between politics on the one hand and coercion and violence on the other is obscured as they come to be seen as different manifestations of the same economic problem of the production and distribution of goods and services.

Politics, however, is not simply the procedures by which the distribution of economic goods and services is determined. As we have seen, it is by acting in public that men establish and affirm their identity in the world. Through political activity men come together to discuss the character of their collective identity and the arrangement of their common lives. Participation in the determination of these affairs, over what is public amongst men, is what it means for men to be political; to be citizens in a civil society. The debate that is carried on within political life may be concerned with economic issues, but those who participate are not engaged in economic activity. They are not producing anything in any economic sense, nor can their actions be reduced to economics. Whether or not capital punishment is in keeping with the character of British society

cannot be resolved into a purely economic problem. To see coercion and violence as tactics in economic bargaining, on a par with political activity as another tactic in the same process, does not tell us very much about the relationship between coercion, violence and political life, and presents us instead with a simplistic view of what is going on within politics.

Secondly, the attempts to explain violence which have been briefly touched upon here seem to have defined the problem in a peculiar way. The assumption is that while some violent behaviour is to be expected or even accepted (as in the activities of a police force), other violent behaviour is alarming and should be rejected (as in the outbreaks of urban riots). The first is in no need, apparently, of any explanation, being somehow normal, while the second does require an explanation, being in some sense abnormal. Something must be wrong with a society when riots break out, we are told, and the implicit assumption is that there is nothing wrong with a society where the coercive power of the police is necessary. What we have, in fact, is a pathology (or attempted pathology) of violence, without any clarification of what makes one incident 'normal' and another 'pathological'. These examinations immediately concern themselves with various explanations which might be put forward for what has, in accordance with some unknown criteria, been designated as pathological and therefore in need of explanation. Whatever their other deficiencies, these attempts fail not simply because they misunderstand the nature of political activity, but also because they inadequately explore and clarify the significance of the behaviour they attempt to explain. They fail to distinguish between coercion and violence - the term 'violence' is seldom defined and is assumed to cover almost everything - and in doing so, they obscure the relationship between coercion, violence and public order.

Coercion is instrumental; it is a means to an end. Oriented toward

the achievement of a goal in the future, it has a strategy of how to achieve that goal. It requires both a programme and a plan. The programme may be specific (for example, the destruction of new machinery by Luddites in order to protect craftsmen and journeymen from the threat of industrialization), or it may be vague (for example, some of the millenial movements in the Middle Ages). But however specific or vague it is, it is a vision of the future which is capable of being articulated. New recruits may be persuaded by this vision and opponents may be alarmed by it, but it is capable of being discussed and debated. The plan by which this future state is to be achieved may be wise or foolish, effective or futile, but the use of coercion in its achievement is not chaotic or directionless. There is a purpose for which coercion is used, and there is always at least the potential for a leader to appear and assert his control by offering a superior plan in directing the use of coercion to the fulfilment of that purpose.

Once coercion is employed, discussion and deliberation are precluded. Coercion does not seek agreement or thoughtful consideration but obedience. The goal which coercion sets out to achieve is to be secured through the use of force, whether or not men agree. Were men in agreement as to the desirability of the goal, there would be no need to coerce them. In the absence of agreement or any means of arriving at agreement, coercion may be employed as an alternative. The changes it brings about are forced upon the world, and the result is that insofar as it is successful, men are faced with a *fait accompli*.

Public order is, at least in part, dependent upon the use of coercion, or the threat of it. However disruptive it may ultimately prove to be to the established order, coercion is not alien to public order. It is the state which is authorized by political institutions to employ coercion to achieve a specific goal. That goal is the ad-

herence by its subjects to the conditions of membership which have been determined within the relevant political institutions. The state alone enjoys this commission, and coercion is the ultimate sanction which it has at its disposal for ensuring compliance with the law. Once this has been achieved, once a criminal is apprehended and his violation of the law halted, the coercive power of the state becomes inoperative, and its administrative role comes to the fore. The state, therefore, is not always or entirely concerned with the employment of coercion to enforce obedience from the recalcitrant.

As long as the state commands the allegiance of its instruments of coercion (the police force, the army, etc.), it still has a claim to being a state. When its instruments of coercion waver or desert the state, however, it has lost its claim to sovereignty. It can no longer claim to be in a position to execute the commission given to it by the political institutions because it no longer enjoys a position of superiority relative to other political organizations. If it is to retain its claim to sovereignty, the state can allow no successful challenge to its capacity to carry out the enforcement of the decisions and actions which have been authorized by the political institutions of that society.

To say that coercion is the ultimate sanction upon which the state may rely in order to ensure conformity to the structure of the public order, is not to imply that it is the key factor or the only factor in the maintenance of public order. Men act in conformity to the conditions of membership in the public order for many reasons. Compliance with the law is not necessarily the result of their fear of the coercive powers of the state.

The use of coercion by the state, however, may be seen by those who are subject to it as radically disruptive to the established

character of the public order as it has come to be recognized over time. That is, the state may be authorized to bring about changes in the public order which will be resisted by the members of that order. Coercion on a wide scale may then be necessary. The opposition of the kulaks to Stalin's collectivization drive of the 1930s, for example, was an attempt to preserve the structure of economic and social relationships which had been encouraged by the earlier New Economic Policy. Coercion was employed by the state on a massive scale to bring about the changes which had been authorized by Stalin and which were very much resisted by those affected.[10]

The coercive powers of the state may be met by force from those who wish to use coercion in opposition to the state and the political institutions in order to bring about changes in the character of the public order. Such opposition comes from 'outside' the political system in the sense that the coercion employed is not authorized by political institutions. It is employed by those who reject the authority of those institutions as well as the conventions and procedures which govern the exercise of their authority. The changes which such coercion from outside the political system attempts to bring about may be more or less sweeping in their demands. Revolutionary coercion is concerned with the complete destruction of the present structure of the society. A revolution is only in part a political act. It seeks the reordering of all social relationships and will not be content with concessions or reforms which stop far short of the vision of a new society. To the revolutionary, coercion is only one part of his plan. It is an instrument whose use is to be guided by considerations of strategy and by the ultimate goal of the revolutionary party. Terrorism, assassination, insurgency are all means to the end of the establ-

[10] Raymond, Ellseworth, The Soviet State, (London: Collier-Macmillan, 1968), 100-01.

ishment of a new society in the future.

Although non-revolutionary coercion directed against the state is without this vision of a completely new order, it, too, employs coercive force to achieve a particular goal in the future.

> The classical mob did not merely riot as protest, but because it expected to achieve something by its riot. It assumed that the authorities would be sensitive to its movements, and probably also that they would make some sort of immediate concession; for the mob was not simply a collection of people united for some *ad hoc* purpose, but in a recognized sense a permanent unity, even though not permanently organized as such.[11]

As an instrument for the expression of dissatisfaction and the desire for change, the coercive force of the mob and of riots achieved a tacitly acknowledged and accepted status in the past.[12] Operating without the authority of the political institutions, this kind of coercion was bound to clash with the coercive forces of the state, attempting to bring changes where the state was commissioned to maintain order.

What is remarkable is the way in which the coercion employed by mobs to achieve particular and limited goals was so discriminating in its use. The French 'taxation populaire' lowered the price of bread, but did relatively little damage to the shops or to those who had been hoarding grain. The systematic destruction of the customs posts ringing Paris in 1789 is another example of limited coercion being employed against the state to achieve a specific goal. Where damage was extensive, particularly with regard to loss of life, it was more frequently the result of the coercive measures employed by the state.[13]

[11] Hobsbawm, E.J., Primitive Rebels: Studies in Archaic Forms of Social Movements in the 19th and 20th Centuries, (Manchester: The Manchester University Press, 1959), 111.

[12] *ibid.*, 111-116.

[13] Rudé, George, The Crowd in History: A Study of Popular Disturbances in France and England, 1730-1848, (London: John Wiley and Sons, 1964), 23-31, 99.

It is obvious that coercion is likely to be effective to the extent that it is organized. The state cannot hope to execute successfully the acts authorized by political institutions unless it is organized, binding men together in formalized organizations with all the attributes which have been discussed. A lack of organization diminishes its ability to employ coercion to achieve adherence to the law. Similarly, coercion which is employed by those who are 'outside' the political system and who do not enjoy the commission of the political institutions, must be highly organized if it hopes to overcome the superiority of the state in bringing about changes in the character of the public order. Random acts of terrorism and assassination are no substitute for carefully coordinated and controlled action, as the pointless and ineffective bomb-wielding anarchists demonstrated at the end of the 19th century. The ability to utilize coercion, either by the state or against the state, is a function of the extent and strength of organization.

Coercion, revolutionary or not, which is directed against the state and is political in its purpose (that is, addresses itself to problems of the public order rather than merely private concerns) is likely to be the response of those who have been denied the full rights of membership in the public order. It is likely to be resorted to by those who have been denied the possibility of asserting control over the arrangement of common affairs and turn instead to coercion to enforce their views upon the public order. It erupts when some do not enjoy the rights of citizenship and when meaningful action in politics is withheld from them. It is an attempt to take the public world into their own hands and to imprint their will upon it, creating the possibility of an identity which has previously been denied. This is the only instrument of those '... who, having no political rights, had no other means of redress

of grievances than resort to the traditional riot'.[14] Those who employ coercion against the state are not simply seeking a more equitable distribution of economic goods (although that may be one part of their demands), but are insisting that they be recognized and heard by those in power, and that the shape of the future bear the mark of their demands.[15] Arab terrorists who hijack commercial aircraft do not ask simply for money. They cannot be bought off through a different distribution of economic goods. They are attempting to draw the attention of the world to the plight of Palestinian refugees, and to demand that the wishes of these people be taken into consideration in the shaping of the structure of the Middle East.

Coercion gives the individual a new identity. He is initiating action, rather than merely reacting to the actions of others. The use of coercive force gives him a new liberty to act and thus gives a new significance to his life. He now has control when he had none before; his will is of importance now, when it was irrelevant before; his demands must be taken into account now, when they were ignored before. Even eventual failure does not rob him of this. Powerless before, he is now acting to impress his will upon the character of the future. Even the most futile of acts will impart some sense of power and new significance to him.

> And, yet, out of it all, over and above what had happened, impalpable but real, there remained to him a queer sense of power. He had done this. He had brought all this about. In all his life these two murders were the most meaningful things that had ever happened to him. He was living, truly and deeply, no matter what others might

[14] *ibid.*, 34.

[15] The same point is made in Critchley, T. A., The Conquest of Violence: Order and Liberty in Britain, (London: Constable and Co., Ltd., 1970).

think with their blind eyes.[16]

If he is a revolutionary, the actions of such a man will (in his own eyes at least) achieve an historical significance which was denied to him previously. The use of coercion to achieve a goal becomes part of the course of history. In a colonial situation, for example, it '... frees the native from his inferiority complex and from his despair and inaction; it makes him fearless and restores his self-respect'.[17] This sense of control over one's life, after a lifetime of helplessness, is potent, and the act which brings it about is seen as a turning point in the individual's own life, if not in history itself. The enthusiasm of revolutionary pamphlets in France in 1789 and 1848 is boundless, and the popular conviction that the act of revolution had initiated a completely new order where men could enjoy a new kind of identity was nearly universal.[18] Thus the storming of the Bastille, undertaken for strategic reasons, comes to assume a popular historical significance after the act.[19]

From coercion, and the necessity of proper organization if success is to follow, comes a feeling of unity and solidarity; a feeling of a common identity which is in the making. The solidarity of those who

16 Wright, Richard, Native Son, (New York: Harper and Row, 1966), 224-25. The same theme is pursued in Malcolm X, The Autobiography of Malcolm X, (New York: Grove Press, Inc., 1965); Cleaver, Eldridge, Soul on Ice, (New York: Dell Publishing Co., 1968); Leif, Harold L., 'Contemporary Forms of Violence', in Endelman, ~~ibid.~~ op. cit.

17 Fanon, Franz, The Wretched of the Earth, Constance Farrington, trans., (New York: Grove Press, Inc., 1968), 94.

18 de Tocqueville, Alexis, The Ancien Regime and the French Revolution, Stuart Gilbert, trans., (London: Fontana Library, 1966), 23. Also, Postgate, R. W., ed., Revolution from 1789 to 1905, (London: Grant Richards, Ltd., 1920), 148, 187, 211-12.

19 Miliband, Ralph, Popular Thought in the French Revolution, 1789-1794, (unpublished Ph.D. thesis presented to the University of London, 1956), 90.

were on the Long March in China in 1934-35, for example, stems less from shared adversity, although that has a unifying effect, than from an awareness of a new identity which is being forcefully created; from making one's mark upon the world.[20]

Criminal coercion is to be distinguished from political coercion. Criminal activity is unconcerned with the structure of the public order and the character of the society. It is not interested in bringing about reforms or a revolution, and does not address itself to the problem of creating a new identity or participating in political life. Criminals are less than reformers or revolutionaries - which is why it is a common tactic to attempt to denigrate revolutionary forces as mere outlaws or bandit hordes. Criminals are individuals concerned with private gain. The coercion which is employed by a criminal is utilized to acquire material possession, and it is motivated by a vision of personal affluence or prestige rather than by a vision of a reformed or restructured public order.

Criminal coercion, unlike the coercion motivated by political concerns must be constantly recurring. Like food, the material acquisitions which result from crime are consumed and must be replaced. The criminal can never look forward to the time when it will be possible for him to satisfy his appetites without recourse to coercion or the threat of it, unless he is able to acquire enough to retire from his profession. Politics, in contrast, is not something which is consumed, and the character of a public order is not something which is used up. Those who employ coercion for political purposes can hope for a time when it will no longer be required. It is merely a temporary expediency or necessity of the moment, and looks forward to a future when it will not be necessary.

20 Snow, Edgar, Red Star Over China, (New York: Grove Press, Inc., 1961), 189-218. Also, Fanon emphasizes this same idea in The Wretched of the Earth.

Armed revolution may be the only way to transform the existing order, but once the new society is established, it will no longer be justified.

While it is not political in its intention, crime does have political implications. First of all, although he is antagonistic to the state's coercive powers, the criminal is at the same time dependent upon the order which the state is able to enforce. The only advantage in being a criminal lies in violating the conditions of membership without bringing the entire structure of order down in chaos. Where these conditions are universally violated, not only is there no advantage in being a criminal, it is debatable whether the notion of crime has any meaning. The bankrobber must be confident that the bank he is robbing is not counterfeiting money.

Secondly, those who perpetrate crime will be brought into conflict with the state, and the capacity of the state to deal effectively with such men will have political consequences. When the state is ineffective and disorder becomes common, the structure of the society is in decay and the future will appear increasingly uncertain. In such circumstances, who knows who is likely to be attacked if they go out after dark or walk through a deserted section of a city park? In a situation where the state is so ineffective as to hardly have any claim to being a sovereign organization, criminals may well assume a quasi-state role and establish an order which is advantageous to them, as the Mafia did in Sicily in the late 19th century.[21] In this case, criminal activity becomes not simply a challenge to the present structure of public order, but an effective alternative to it, thereby achieving a political significance beyond that of normal criminal activity.

Other forceful disruptions of public order may, like crime, be non-political in their intentions but of significance to political activity

[21] Hobsbawm, *ibid.*, 30-56.

nonetheless. A war between rival street gangs, for example, over domination of a territory utilizes coercion to settle the dispute. Each gang will have goals which can be articulated, leaders who guide the course of action, and strategies which will determine how effort should be organized. There is, however, no conscious effort to bring about a new society or to modify the existing structure of the public order. Access to politics is not an issue. Similarly, football enthusiasts, brawling with the supporters of an opposing team, may be genuinely surprised to find themselves being arrested for disturbing the peace. So unconcerned were they with the public order that they were not fully aware of violating its conditions of membership. The non-political intentions of such behaviour, however, does not mean that their employment of coercion does not threaten public order and become a concern of the state. Where the state is unable to enforce the conditions of membership, the character of the society has been modified, whatever the original intentions of the street gang or of the football fans.

Coercion, then is the use of violent actions to achieve a goal. It is instrumental, a means to the realization of some state in the future, and will have a strategy and, at least potentially, a leader. Depending on the scope and complexity of the goals and the strength of the opposition, it will demand organization rather than random and undirected actions. It may be employed by the state to ensure conformity to the conditions of acting in public. Or it may be used to resist the state and to reject the conditions of acting in public as they are defined by law. The distribution of economic goods may be part of the programme which coercion attempts to implement, but its relationship to politics cannot be resolved into economic arguments nor explained by use of economic analogies. The political nature of coercion lies in its effect, intentional or not, on the character of the society and conditions governing access to and participation in political life. Coercion which is

non-political in its intentions is not without political significance, affecting the nature and scope of the activities of the state and the character of the society despite the fact that the goals which are envisioned are not concerned with the structure of the public order.

Because it is not concerned with argument or reasoning, but with the performance of an action, coercion stands in contrast to politics, which involves the exchange of diverse perspectives on the character of the public order. The only force which may properly be admitted to politics is the persuasive force of reasoned argument, which seeks to convert rather than constrain. Coercion also stands in contrast to the operation of political conventions, which seek to arbitrate between men and build some platform of agreement so that coordinated action may be initiated. The political talk which constitutes political activity, the deliberations of political institutions, and the operation of political conventions and procedures are all alien to coercion. Yet they must depend upon the coercive powers of the state to enforce the conditions of membership in the public order and help ensure its continuity. Like the relationship between political institutions and political organizations, the relationship between political activity and coercion is an uneasy one. This is not to say that the two cannot survive together within the same society, but there is a tension between them. The possibility is always present that coercion may be employed to make political activity either impossible or irrelevant.

If the threat of coercion is used in politics to intimidate, political life is corrupted. If it is actually employed, then political life has collapsed entirely. The occupation of Parliament by the military forces of the state, even if only to keep order amongst its Members, signals the rapid disintegration of political life and the decline of the political institutions. Where political life has broken down entirely and there is no further point in talking, only action can bring about the

vision one has of the public order. This signals the suspension of political life as men give up trying to convince and persuade one another and turn to coercion to achieve their goals.

Paradoxically, the pervasive presence of coercion endangers the very structure of the state itself, making it impossible to organize itself to coordinate action effectively. One of the themes of Solzhenitsyn's The First Circle, for example, is the decay of order during the last years of Stalin's rule. No-one, least of all Stalin himself, was free from the threat of coercion. The coercive powers of the state, and the threat of force from quasi-state power groups, became capricious and the bureaucracy, paralysed by fear, stumbled from one uncertainty to another. Trust and confidence amongst men was destroyed, information became unreliable and the ability of men to act together, coordinating their actions, became more and more impossible. The ever-present threat of coercion brought about a state of affairs where the very instruments of coercion were uncertain and unreliable.[22]

Violence, as distinct from coercion, is not instrumental and is totally inimical to, rather than merely ambivalent with, political activity. It is neither concerned with any vision of the future, however vague, nor with the means of achieving any goal. It has neither programme nor plan, but is undertaken in and for itself. Because it has no goal or direction, violence has no need of strategies or leaders. The course of violence is completely unpredictable because those who participate in it are going anywhere and nowhere.

The significance of violence, its headiness, lies in its timelessness. The moment is the ever-present which becomes detached from the past and the future, surviving in isolation and blotting out everything

[22] Solzhenitsyn, Alexander, The First Circle, Michael Guybon, trans., (London: Fontana Books, 1968).

else. Locative references to class, occupation, education, dress or accent become irrelevant. Individual identity, derived from the past, and individual intention, orientated toward the future, are swallowed up in the drama of the all-consuming present. Unlike coercion, those who participate in violence have in common only their loss of identity and not the creation of any new identity. One member of a mob is indistinguishable from any other. Action becomes unreal because it has no consequences in the future. Consequences are irrelevant to the moment which does not live beyond the immediate present. This disregard for future consequences may strike the observer as madness.

> At the height of the Harlem riots of 1964, a young Negro could be heard to say, "If I don't get killed to-night, I'll come back tomorrow." There is evidence these outbreaks are suicidal, reflecting the ultimate self-negation, self-rejection, and hopelessness,

one commentator has remarked.[23] But suicide and hopelessness can only occur when men have some vision of the future; where what is to come is seen clearly, even if it is at the same time seen as dismal. Where there is no future, actions become dream-like. They become, in a very literal sense, fantastic.[24]

The objects of violence are symbolic rather than strategic. The orgies on the altars of Parisian churches during the French Revolution, the occupation of the Tuilleries in 1848, the ravaging of the Winter Palace in 1917 are all examples of the explosion of violence directed against objects which held little or no value in terms of tactics, strategies or goals. Sacrilegious acts in Paris in 1789 were not a part of any strategy for the achievement of a new order. Rather it was the symbolic potency of sacrilege itself, the violation of hitherto sacred precincts,

[23] Clark, Kenneth B., 'The Wonder is That There Have Been so Few Riots', in Endelman, ~~Loc. cit.~~, 288.

[24] For an account of similar reactions in warfare, cf. Gray, J. Glenn, The Warriors, (New York; Harper Torchbacks, 1959).

which gave fire to the occasion. There was no object beyond the immediacy of the moment; no goal beyond desecration itself.[25]

Violence attacks objects which are symbolic of a world which has always been alien; a world which has always excluded. Those who engage in violence do not destroy a world which is their home, but a world of which they have never been a part. The only time they enter that world and come into possession of it is to wreak havoc upon it and not to preserve it or change it into something better. They are not concerned with safeguarding the treasures of the society so that future generations may enjoy them, or with making those treasures accessible to all, but with smashing them. There is nothing they seek beyond that immediate destruction.[26]

The attack of violence on symbolic objects is the destruction of limits. It is the transgression of what has always been forbidden or taboo; or restrictions which have been imposed from outside or above, making the world a place of alien limits. The common people enter the private apartments of the king or the mysterious precincts of the priest. Once this symbolic barrier is broken, all barriers are broken and there is nothing which is disallowed. The stone which shatters the first pane of glass, shatters all restraint at the same time.[27] 'The screaming of

[25] Kerr, Wilfred B., The Reign of Terror 1793-94, (Toronto: The University of Toronto Press, 1927), 261.

[26] This leads to the speculation of whether it is simply the concentration of population that makes violence almost exclusively an urban phenomenon. The city places the individual in an environment which is both impersonal and alien; an environment where symbolic targets, such as palaces, cathedrals, ministries, gaols, are both more readily to hand and more prominent. A palace is not merely the residence of the king. It is also symbolic of the majesty of his estate. Destruction of the palace symbolizes the destruction of the oppressive regime; of the alien and remote order which has been imposed upon the people.

[27] This aspect of crowd psychology is discussed in Canetti, Elias, Crowds and Power, Carol Stewart, trans., (New York: The Viking Press, 1963), esp. 17 ff.

sirens, the sound of pistol shots, and the cracking of glass created in many a need for destruction. Rubbish, flower pots, or any object at hand was tossed from windows.'[28] The sense of mastery and control over the world which is an aspect of the use of coercion becomes in violence the sense of freedom resulting from the destruction of all barriers; an illusion of the ability to obliterate all order in the world. However, it is without the intention of creating a new order to take the place of the old. The sense of mastery goes no further than the headiness that comes of destruction. This illusion of control over the world can be so complete and so powerful that even those who are sent to reimpose order become engulfed in the chaos of the moment and lose all sense of limits.[29]

But this sense of complete domination is illusory because it cannot be sustained, and it is not going anywhere. Because there is no direction to violence, there is nothing to go on to; nothing to accomplish; no vision of an order to be created once the present order has been overturned. The moment consumes itself and vanishes. An imperfect world, where identities are derived from the past and consequences lie in the future, reasserts itself. When the last treasure has been smashed, the mob looks about itself in a daze, uncertain as to what to do with themselves next. A contemporary English traveller described Paris in 1848 '... awakening as from a dream ...' following three days of rioting and violence, and the transformation of the euphoria of destruction into depression, suspicion and alarm as men returned to a sense of the future and attempted to gauge the consequences of their actions.[30]

[28] The Report of Mayor LaGuardia's Commission on the Harlem Riot of March 19, 1935, (New York: The Arno Press and The New York Times, 1935), 12-13.

[29] There are reports, for example, of American police losing control during the 1967 Detroit riots and shooting indiscriminately at buildings, looters and each other. Hersey, John, The Algiers Motel Incident, (London: Hamish Hamilton, 1968), 68-75, 112-17, 159-61, 163-64.

[30] Simpson, J. Palgrave, Pictures from Revolutionary Paris, 2 vols., (London: William Blackwood and Sons, 1849), vol. 1, 104 ff.

The symbolic targets of violence and its timelessness make it dramatic. It is revealing that in Reflections on Violence, Sorel constantly refers to the 'drama' of the general strike where speech is inadequate and only action is appropriate. It is this dramatic quality which sets violence apart from everyday life, with its significance lying not in what it portends for the future, but in its complete isolation from both past and future and its separation from the everyday world. The complete submersion in the intensity of the present seems to be the basis for much of Sorel's enthusiasm for violence.

If the relationship between politics and coercion is an uneasy and ambivalent one, the relationship between politics and violence is antithetical. The use of coercion can destroy political life and public order, but it can also be used to preserve public order and maintain it over time. While it is a potentially dangerous ally of political life, it is an ally nonetheless. Violence, however, is not concerned with the preservation of public order or the continuity between past and present. Nor is it concerned with the realization of some plan in the future. It is concerned only with the obliteration of all limits and seeks the impossible state of complete immersion in the present. It is neither reasoning nor reasonable, and has as perhaps its only merit the fact that it is doomed to be impermanent.

31 Sorel, George, Reflections on Violence, T. E. Hulme and J. Roth, trans., (London: Collier-Macmillan, Ltd., 1970), 123, 134, 144, 148, 211, *inter alia*.

Chapter 7

POLITICAL TALK

The modifications of public order which are authorized by political institutions and enforced by the state are likely to be the result of prolonged debate. Seldom will there by any changes on which all members of a political assembly will unanimously agree, and the eventual judgement of the institution will be preceded by a great deal of talk, both inside and outside the assembly. Like other kinds of talk, this political talk is the expression of a view of the world. It is, however, distinct from other kinds of talk in that it is public talk. It is not a private conversation between two people, but is accessible to all citizens. It is open to the scrutiny of a public whose participation may extend no further than directing its attention to the speaker, but whose participation even to this limited extent is vital. To this public the speaker offers a perspective on the present. He attempts to highlight some aspect of the present character of the public order, suggesting in what way that aspect is significant, in the hope that those around him may be persuaded that a particular action is desirable. In political talk, then, a speaker offers a perspective and his public provides the occasion for the expression of his views.

A speaker must be sensitive to the occasion if he is to retain the attention of his audience. Any articulation of a perspective must, first of all, be within the commonly understood framework. At the most basic level this means nothing more than the speaker must speak the same language as his audience. More particularly, when dealing with political issues, he must act within the prevailing notions of public order. He may seek to alter these notions, but he cannot ignore the fact that it is never possible to begin any discussion from scratch. '... In any state and political party there are some statements which are generally accepted as being beyond ques-

tion, and of which no explanations are to be demanded.'[1] These principles ~~for~~ are the boundaries within which political talk takes place. If any remark is to receive attention, it must manifest an appreciation of the established context within which it is delivered. It is the audience, not the speaker, which provides this context and which determines what is meaningful and relevant on a given occasion.

> It is not an adverse criticism of an artist to say that he was too far ahead of his time to be appreciated by his contemporaries. Statesmen on the other hand are doomed to failure unless at least a considerable number of their contemporaries appreciate what they are trying to do. Prophets and visionaries may have great influence for good or bad, but the difference between them and statesmen needs no emphasis.[2]

This common framework of order is established and maintained over time and provides the general occasion for all political talk. In addition, when addressing a particular audience, a man who wishes to be heard will tailor his remarks to that specific occasion at one point in time. It is for this reason that the Chancellor of the Exchequer will defend the Government's economic policy at a meeting of the Confederation of British Industries while confining himself to platitudes and general statements of goodwill if he is called upon to open a charity bazaar. Judging the specific occasion - that is, deciding what is appropriate to the moment - is a skill no politician can be without. Poor judgement will make a man's remarks irrelevant and obtuse, no matter how profound they may be, and if he is insensitive to his mistake, public attention will be withdrawn. He will find himself a man without an audience, speaking in a vacuum.

The appropriate language is never static, however, and to speak appro-

[1] Weldon, T. D., 'Political Principles', in Peter Laslett, ed., Philosophy, Politics and Society, 1st series, (Oxford: Basil Blackwell, 1963), 30.

[2] Weldon, T. D., The Vocabulary of Politics, (London: Penguin Books, 1953), 169.

priately does not preclude the possibility of modification and innovation. In giving a speech, a politician may try to alter the prevailing notions of what is appropriate to the established framework of discourse. His purpose may be to educate his audience, to point to new elements which demand changes, or to suggest alternatives to what is currently accepted. And, of course, changes do occur as political activity is carried on over time. In Mein Kampf, for example, Hitler spoke of the need to alert the German nation to the dangers of an international Jewish conspiracy which had not previously been identified.[3] His success added a new dimension to German politics and altered the established framework of discourse. However, had he not at the same time spoken to the specific condition of a large number of men in Weimar Germany, his political talk, however true or false, would have been irrelevant. Like any number of radical fringe groups who have misjudged the occasion of their talk, his would have been an unheeded voice. In short, judging the occasion in political talk is a matter of judging one's audience and using a general framework of understanding established over time to speak to their specific condition in time.

What does it mean, then, to have a perspective on a particular occasion? The perspectives offered by political talk are largely concerned with the problem of common identity. They centre around the question 'What sort of people are we?' A man who offers a perspective in political issues attempts to establish the validity of his understanding of what sort of people 'we' are. He is preoccupied with the character of the public order within which we live. The recent debate over the methods of interrogation employed by the Army in Ulster centered precisely on this question. Few attempted to discuss how efficient the methods used may be. The issue of primary concern was whether or not these sorts of methods could be recon-

[3] Hitler, Adolf, Mein Kampf, (London: Hurst & Blackett, Ltd., 1942), 38 ff.

ciled with the identity we understand ourselves to have.[4] This question of identity is, I think, what Burke alluded to when he said 'The virtue, spirit, and essence of the House of Commons consists in its being the express image of the feelings of the nation.'[5]

In offering a perspective on our identity - on what sort of people we are and the character of our public order - political talk will look to the past and to the events which can be claimed to establish what sort of people we have been. A politician will cite times of great crisis, moments of collective triumph, the pronouncements of revered leaders or the actions of national heroes to justify his perspectives of what kind of people we are. The Dunkirk spirit will be invoked to show that we are the kind of people who persevere in times of difficulty. Or the Spirit of '76 will be recalled to remind us of our past and that then, as now, we were a freedom-loving people. Frequently the specific occasion of a national holiday, commemorating past events such as the 4th of July in the United States or the 7th of November in the Soviet Union, will be used to offer a perspective of what sort of people we are by recalling what sort of people we have been. It is, on such holidays, the relative continuity of the public order which is celebrated as valuable and praiseworthy.

The attempt to affirm an identity does not consist of the mere recitation of past events, however, but in the interpretation of their significance as well. We are not simply told that the Bastille fell on the 14th of July, 1789, or that the People's Republic of China was established

[4] The controversy is taken up by Lord Gardiner in his minority report in 'Report of the Committee of Privy Counsellors appointed to consider authorized procedures for the interrogation of persons suspected of terrorism', Cmnd. 4901, (London: HMSO, 1972), 19-22. Parliamentary debate also focused on this, Parliamentary Debates (Hansard), 5th series, vol: 826 (Session 1971-72), 215-26, 431-98.

[5] Burke, Edmund, 'Thoughts on the Present Discontent', Selected Works, 3 vols., E. J. Payne, ed., (Oxford: The Clarendon Press, 1922), vol. 1, 9.

on the 1st of October, 1949, but that these events destroyed a feudal order or demonstrated the indomitable power of the masses. What political talk offers is not a chronicle of the past, but an interpretation of the significance of the past for the present. Reference to such past events may be merely the opportunity for bombastic rhetoric, reassuring us that our past is as glorious and admirable as we have always thought it to be, or it may constitute a complete re-interpretation of the past, offering a new answer to the question of who we are. To Hitler, speaking to post-World War I Germany, we are not a defeated and humiliated nation, but a betrayed and unjustly vanquished one.[6] He felt himself under an obligation to reveal the truth and to redefine the German sense of identity.[7] This was not merely an academic exercise, but had practical implications. Only if Germany understood the true causes of its defeat in 1918 could the nation hope to regain its rightful place amongst the European powers.

Political talk, then, is practical, preoccupied with our present situation and future actions, however much it may refer to the past. It is not simply concerned with who we are, but also offers a perspective on the question of what sort of people we want to become. It is how the public order can and should be in the future which is the primary focus of political talk. Here the politician who is seeking support for a programme must find room for dissatisfaction. If there were no discrepancy between who we are now and who we wish to become, there would be no need for politicians or their programmes for action. It is the need to maintain what we value in the face of the threat of change, or the desire to achieve our aspirations - that is, to preserve or develop an identity - which brings political life into existence. This common identity is never

[6] Hitler, *ibid.*, 96 ff., *inter alia*.

[7] *ibid.*, 38 ff.

fully or finally determined. Political talk is thus a continuous affair, as alternative perspectives on who we are and who we would like to become are offered and debated in public. In pointing to a discrepancy between who we are now and who we would like to become, political talk attempts to reveal an inadequacy or elucidate a predicament, and offers a plan to bring our present circumstances in line with our aspirations. Political pamphlets, offering various perspectives on the occasion of a national election, will speak of 'A Better Tomorrow', claiming that '... at best we have been marking time, at worst slipping back. It could and should be so much better'.[8] Or, that it is time '... to move forward towards a system of production which will abolish riches and poverty, exploitation and unemployment'.[9]

Drawing on the past, aware of the present, with an eye to the future, political talk is concerned with taking action in time. It draws on the past because it must be sensitive to the context in which it is delivered if it is to be heard. This means that there must be an appreciation of the appropriate idiom as it has come to be established through time, and an awareness of the character of the public order which has evolved from the past. It is aware of the present because the perspective that it offers draws our attention to the situation at hand, insisting that we confront this situation here and now. It has an eye to the future because it is concerned with bringing about changes in the world and establishing a more or less different kind of public order in the future. It is preoccupied with taking action in time because the plan of action it proposes must be timely, addressing itself to the immediate moment. There is no point in suggesting what might have been done yesterday had we but thought about it, or what may conceivably be done in the future were we

[8] 'A Better Tomorrow', Conservative and Unionist Party Manifesto, 1970, 6.

[9] 'The Two Classes', Labour Research Department, 1935, 21.

to consider it. Political talk is practical, and the proposals it makes are plans for action in the present. What might have been and what may yet be are of no consequence unless it can be shown that there is some practical implication to such speculations, affecting our intended actions in one way or another.

Engaging in political talk is not the same as exchanging information. A politician who sees political talk simply as informing the public would, in truth, like to put an end to political talk altogether. Such a man is not interested in engaging in debate over conflicting perspectives, but in establishing the facts of the matter. The facts of the matter, unlike the character of the public order or the desirability of certain changes within that order, are determinable. Any disagreement over matters of fact can (at least in theory) be settled once and for all. The man who sees political talk in this light considers it a waste of time, as Hitler did, to enter into a potentially limitless debate with others before a public. Rather, he prefers to spend his time educating the people, so that the issues of identity and plans for the future may be finally determined. In this view, communication is not between citizens, but flows in one direction from the leader to the people.[10] Hitler's view of public life precluded the kind of discussion and exchange of perspectives which has traditionally been held to be fundamental to politics.[11] The exchange of perspectives offered by political talk may be informative, but it is never simply informative and can make no claim to having settled issues

[10] Hitler, *ibid.*, 54, 57, 139, 194 ff., *inter alia*. The work is explicit in stating Hitler's conviction that he must inform the German people of their true predicament, rather than engage in debate with them as to the character of their society.

[11] Compare, for example, Mein Kampf with Aristotle's Politics, especially 12816b in Book III, or with Mill's essay On Liberty. Aristotle, Politics, Ernest Barker, trans., (Oxford: The Clarendon Press, 1968); Mill, John Stuart, Utilitarianism, Liberty, Representative Government, (London: Everyman Library, 1964).

once and for all. Time and the changes time brings can alone put an end to political talk on a specific problem by making it irrelevant to the present. It was not logic or superior information which put an end to the debate on whether or not it was appropriate that the monarch, Edward VIII, marry a divorcée, Mrs. Simpson. It was not a matter of fact which could be determined one way or the other. Instead, time simply made any further discussion wasteful, and the issue became a matter of historical curiosity but not one of practical importance.

If debates about how to achieve a particular kind of public order or how to maintain the nature of the common identity of a people are not just exchanges of information, neither are they simply disputes over conflicting interests. Political activity is not simply the means by which competing interests struggle for control of the power of the state in order to achieve their own ends. When we say that someone has an interest in something, we mean more than that his attention has been drawn to a particular state of affairs. We mean to indicate that he has expectations of enjoying some kind of benefit from the successful management of various activities; that he can look forward to a time in the future when, if events go his way, a certain goal will be achieved and he will receive some benefit. We would not be surprised to learn that the result of this state of affairs will benefit him because it will place him in an advantageous position vis-a-vis those about him. In any case, although some of the side effects may benefit others, it is his advantage, and not theirs, which is his concern. This is why the pursuit of his own interests may bring him into conflict with other seeking their interests; why competition between rival interests may result.

Debate about the common identity of a people can be distinguished from disputes over interests in all these ways. Identity is not something in which an individual may be said to have an interest, although it is likely to be something in which he is interested. An identity is not a

goal to be achieved in the future, but is a continuing endeavour, finished at no single point in time except death (in the case of the individual) or extinction (in the case of a society). We do not look forward to receiving some advantage from the completion of an identity in the future, but are always in the position of reformulating and modifying our identity as it has emerged from the past. This identity is manifested in all our actions as it evolves through all our actions. The continuing establishment of our identity does not preclude other men. Indeed, as we have seen, it is dependent upon being fashioned within the circle of our fellows. Unlike private advantage over others, my identity does not exclude yours, nor can I hold it apart from you and keep it to myself. Other men do not necessarily threaten our identity if they are members along with us in a particular public order, nor can we be said to be in competition for the same thing. Another man cannot compete for my identity any more than I can compete for his.

Political activity may in part revolve around the problem of competing interests and the struggle for power to secure those interests. However, it is not entirely a matter of such struggle and competition, nor can it be resolved into that pattern. Some issues are clearly outside the sphere of competing interests and are not a matter of a rivalry between distinct benefits for separate individuals. Laws concerning homosexual relations between consenting adults or pornography may excite the interest of the public, but they cannot be said to be issues in which men have an interest. They are rather a matter of the character of the public order and the collective identity of a particular society. Are we the kind of people who feel that certain sexual conduct is a private rather than a public affair? Do we feel that the unhindered sale of all printed matter is consistent with our understanding of the kind of identity we have? These are not questions of allocating resources or distributing goods and services. Although men may disagree as to what is proper

with regard to a given question, it is not simply a matter of struggling to appropriate the larger share to oneself. A collective identity, the character of the public order, is not something which can be appropriated so that the more I take for myself the less there is for you. It is something we have in common and only exists to the extent that it is shared.

Other, more blatantly interest-oriented disputes also resist explanation purely in terms of competing interests rather than in terms of the character of the public order. The limitations established by law on the claims for wages which can be demanded by trades unions and allowed by management, for example, are in part a matter of competing interests. The various parties concerned in the dispute have an interest in the outcome of the controversy and may look forward to some advantage if events go in their favour. They are also, however, disputes about the character of the public order. Is resistance to a policy which has become law a violation of the conditions of membership in the public order as we have come to understand them? Ought trades unions to be something more than merely spokesmen for the interests of their members, and should they, along with the government and management, assume some responsibility for the overall economic state of the country? Do the conditions of membership in a trades union violate the conditions of membership in a civil society? Should the demands of the workers take precedence over the demands of management? Whichever way a dispute over competing interests is settled in political life, more than that particular dispute is resolved. There is at the same time something which is established about the character of the public order and the collective identity of the people. The rights and duties which members enjoy in relation to each other are also affected. This is not finally resolved with the settlement of the particular dispute at hand, nor is it something which can be concluded once and for all. The identity of a people is modified and

informed by the clash of rival interests, but it is not defined by them nor is it reducible to them. It will be modified by the manner in which the dispute is settled and informed by the actions of those who lose as well as those who win any particular clash of interests. The member who takes his rights and duties seriously does not cease to attend the debate when his personal interests are not directly involved. He recognizes that however an issue is decided, the political talk which preceded that decision is of some importance to him. It will arouse his interest, whether or not it is an issue in which he has any interest.

Political talk thus both preserves and modifies public order. As long as there is political talk, there is the communality which binds men together and makes performance before a public possible. As long as people continue to listen, extending trust and credence to those who speak and investing significance in what occurs in politics, the continuity of the order is maintained. At the same time, political talk is specifically concerned with recommending change; with offering a perspective on who we would like to be, and the drawing of attention to the gap between the way we are now and the way we would like to be. The offering of such a perspective is, in effect, the call for a modification in the public order.

Obviously the larger the gap between who we are and who we would like to become, the more radical will be the recommendations of the speaker. A revolutionary may offer a view of the past as an unending history of misery and exploitation, his programme amounting to the rejection of the common identity which has been established and the promise of a new identity. 'The proletariat have nothing to lose but their chains. They have a world to win. Working men of all countries, unite.'[12]

[12] Marx, Karl and Friedrich Engles, The Manifesto of the Communist Party, (Peking: Foreign Languages Press, 1968), 76.

But if he is offering a perspective which he hopes will be adopted by his audience and recommendations which he hopes will be acted upon, a speaker cannot afford to reject completely all aspects of their identity. Despite the discrepancy between who we are now and who we would like to become, it is likely that great care will be taken to assert that, for example, 'Despite all the failure and frustration of recent years, Britain is still the best country in the world in which to live.'[13] Or, despite their identity as exploited masses, the proletariat nonetheless have vast potential. Heretofore their history has been a dismal one, but even to the most revolutionary perspective, the proletariat are not irretrievably lost, but merely as yet unredeemed.[14]

The drawing of public attention to a discrepancy between who we are now and who we would like to become is an imaginative exercise. It requires the ability to create a conceptual distance between our present situation and our vision of a possible future.

> In order to make room for one's own action, something that was there before must be removed or destroyed, and things as they were before are changed. Such change would be impossible if we could not mentally remove ourselves from where we are physically located and imagine that things might be different from what they are.[15]

In offering a perspective, political talk asks that we conceptually take a step back from the immediacy of present experience to view the past, taking stock, as it were, of our identity and our present situation in order to envision a future we would like to create.

Such an imaginative exercise considers actions and changes, but in itself it does not embark upon them. It takes time and occurs in a world

13 'A Better Tomorrow', op. cit., 6.

14 Mao Tse-Tung, Quotations from Chairman Mao Tse-Tung, (Peking: Foreign Languages Press, 1966), 118 ff., *inter alia*.

15 Arendt, Hannah, 'On Lying in Politics', The New York Review of Books, 18th November, 1971, 30.

where the relevant issues are assumed to be unchanging long enough to allow us to talk without immediately being compelled to act. To insist upon a discussion of an issue is to insist on the temporary suspension of action. In times of rapidly changing circumstances, political talk is thus a luxury which may well not be realistic if action is to be taken in time to control the course of events or to prevent a disastrous outcome. If change is too rapid, it will not be possible to create a distance between present experience and our view of the past, and our vision of the future. In such a situation all attempts to engage in political talk will be irrelevant as those who attempt to deliberate and discuss will simply be left behind by events.

It has been claimed that the language used in political talk is a corrupt language. Confronted by situations that '... can indeed be defended, but only by arguments that are too brutal for most people to face, and which do not square with the professed aims of political parties', politicians employ a language which '... has to consist largely of euphemism, question-begging and sheer cloudy vagueness'.[16] What is meant by such accusations is not that language has been perverted from the purity of its absolute meaning or essence. Rather what is suggested is that political talk can often be used to obscure the true perspective of a speaker or to deflect criticisms of his actions by offering palatable explanations for them. It certainly is not surprising that the meanings of words are altered by their use and by circumstances. As the established framework of discourse shifts over time, men participating in the debate are able to discern the changes and are not necessarily deceived. Caesar Augustus issued coins bearing the inscription '*Res publica restituta*', but the fact that peace, not the republic, had been

[16] Orwell, George, 'Politics and the English Language', Selected Essays, (London: Secker and Warburg, 1961), 363.

restored did not escape the notice of many.[17]

Changes in the use and meaning of words can be called corruptions only when the purpose is deliberately to mislead. Compelled to take a position on all relevant issues, a politician is likely to be vague or ambiguous if he is concerned with generating as much popular support as possible for a perspective which he fears is not generally accepted. This tactic may be successful for a limited time. The difficulty comes, however, when the disparity between what is said and what is actually happening becomes too great, and the gap between the two is ultimately revealed. An individual will be discredited when this happens, and will come to have a reputation of being unreliable, a liar or hypocrite.

A public order can generally tolerate some individuals of this kind. While we all may acknowledge that not all men tell the truth all the time, we are content to conduct our lives on the assumption that on the whole most men are reliable in what they say. A grave danger arises, however, when suspicion and disbelief begin to replace trust and credence; when all political talk comes to be widely held to be nothing more than a sham. The whole validity of political activity in the society, manifested primarily in political talk, is called into question when this happens. If all political talk is seen as irrelevant to the true character of the public order and the problems which it confronts, then attention is withdrawn. And when there is no longer any purpose in talking or listening, it can only be time to act. The infamous 'credibility gap' which developed during the Johnson administration in the United States, and which has under Nixon reached yawning proportions, demonstrates the crisis of confidence which can shake a political order when all political talk on the part of a leading office-holder is automatically treated with

[17] Syme, Ronald, The Roman Revolution, (Oxford: The Oxford University Press, 1966), 323 ff. Also, Earl, Donald, The Moral and Political Tradition of Rome, (London: Thames and Hudson, 1970), 62-65.

suspicion and cynicism.[18] Clichés and cloudy vagueness may be useful in papering-over disagreements which do not seem to offer any easy, immediate or commonly accepted solution. However, if political talk is to remain relevant to the occasion and to maintain the vitality of public order, it cannot constantly employ empty language. A total corruption of political language indicates a total corruption of the order which it manifests.

Although political talk offers a perspective on problems rather than initiating action to deal with them, another danger arises if the gap between political talk and what is actually going on in the world becomes too great. Where deceit and evasion are deliberately practised on a wide scale, political activity is likely not only to be the object of cynicism and contempt, but it is also likely to become so far removed from the demands of reality as to be incapable of acting effectively to direct and inform the public order, much less to preserve it. The deliberations within political institutions and the judgements of those in authority will be irrelevant if the debate which preceded any decision obscured rather than clarified the issues at stake. The systematic fabrication of misinformation in Vietnam and throughout South-east Asia during the course of the Second Indo-China War resulted in progressively more disastrous policies being undertaken by the United States. So bent on putting an acceptable public face on the unpalatable reality of the war, those responsible fell prey to their own false optimism. American policy makers found themselves adrift in a never-never land of rhetoric which bore no relation whatsoever to the situations they had to deal with. Their deceit came back to haunt them as they were unable to discover what was really going on, and to act effectively on the basis of that knowledge.

18 Arendt, Hannah, Crises of the Republic, (London: Penguin Books, 1972), 17 ff.

As the war progressed, debate within the political institutions and the state seemed more and more remote from the reality of the problem.[19]

The lesson here is that political talk alone is not enough to maintain public order. The decisions which are reached in politics must be relevant to the demands of the present and be successful in dealing with the exigencies which threaten the relative continuity and stability of the public order. Political talk may keep the vocabulary current, but it is not enough on its own to ensure that public order and political life do not collapse under the onslaught of unforeseen events. It is a way of clarifying the issues that confront us and weighing the alternatives open to us, but can be no substitute for careful deliberations and judicious decisions.

The significance of political talk lies in the fact that it manifests and reinforces public order at the same time that it advocates change within that order. It manifests public order in that political activity consists almost entirely of talk; almost entirely of the exchange of perspectives concerning our common identity. It reinforces public order in that the continued engagement in talk maintains the currency of the common framework of understanding, ensuring that both the occasion and a perspective remain possibilities. It advocates change within an order in that it specifically addresses itself to the achievement of a different kind of public order in the future. Yet as long as talk is possible, the continuity of the public order is never entirely lost, despite the modifications which it advocates.

The disintegration of a common framework of understanding removes the possibility of the occasion for talk because it eliminates the

19 This is the main point made in a number of commentaries devoted to the question of what the Americans thought they were doing in Vietnam. Halberstram, David, The Best and the Brightest, (New York: Random House, 1972). Also Ellsberg, Daniel, Papers on the War, (New York: Simon and Schuster, 1972), especially 'The Quagmire Myth and the Stalemate Machine'.

audience whose communality provides the occasion. Rapidly changing situations make impossible the time necessary for the creation of a conceptual distance between the immediacy of the present and the vision of the future offered by political talk. The corruption of language, through deceit and evasion, undermines both the occasion, by corroding the common framework of understanding, and the perspective, by cutting talk off from the realities with which the public order must come to grips. When any of these things happen, political talk becomes impossible to realize, which means that political activity is impossible to achieve. Events move too quickly or are simply not understood or recognized, and action, in the form of revolution or civil war, is then the only response to a situation where the public order has decayed and its idiom has become irrelevant.

Chapter 8

POLITICAL CONVENTIONS

Although political activity is largely a matter of political talk, offering a perspective of the character of the public order and ways in which changes may be brought about within the framework of that order, it cannot be confined simply to talk. Talk is not enough because at some point it becomes necessary to act, and the reason for this is time.

If time were irrelevant to human affairs, action would be unnecessary, and speech alone would constitute performance in public. With no reason to act now instead of later, participants would be free to debate endlessly the possibilities for action. The fund of information and diverse opinions concerning any particular issue could be forever expanded, for there would be no reason to reach any decision and all things would be relevant. As long as the public order was extant - as long as the participants shared a commonly accepted and recognized framework of language - the discussion need never lag.

There are some public orders which very nearly are of this character. In philosophy, for example, initiating action to bring about change in the world is not relevant, and there are no final decisions reached on any question. Although he may welcome agreement, no philosopher presses his colleagues to hurry up and resolve a philosophic dispute so that a programme may be undertaken as a result. Time, while a problem of philosophic interest, is a practical consideration only insofar as the philosopher must be timely in his remarks if he wishes to contribute to the debate on matters of contemporary interest. That debate, however, is never terminated because the time has come to act. New generations of philosophers can take up the exchange of views, issues can always be revived, and the dialogue is not compelled to resolve itself one way or another. It is

possible to pick up a journal of philosophy and find the discussion ranging over the same terrain that it did 2500 years ago. It is this timelessness of philosophical argument which makes it still relevant to take up a point raised in a Platonic dialogue. To the despair of new initiates in the discipline, philosophic speculation cannot be seen as progressing temporally toward greater and greater certitude, approaching the truth asymptotically so that actions may be based upon a true understanding of the world.

In politics, however, time is a much more crucial and ever-present concern. While in theory it is possible to maintain an endless debate about political issues and the various divergent perspectives offered by political talk, in practice it is never wise to do so. A public order is not a natural order. It requires maintenance and must be constantly repaired in the face of the changes that time brings about. The political world is overwhelmingly concerned with time. Acting in time, being timely, being a man of the hour - all point to the fact that in politics, time is of the essence. Action must be taken to preserve the relative continuity and stability of the public order, and it is important to decide precisely what should be done and whether it should be done now or later. Talk alone is not enough to accomplish the maintenance of the public order. Decisions must be reached. Philosophers, as long as they remain philosophers engaging in debate where resolving a dispute in order to act in time is irrelevant, can never be effective kings. A government which insists on ignoring the importance of time and the demands brought by the changing reality of the world will find that events have passed it by, and that it is no longer relevant to the present.

The necessity of acting in time entails the necessity of deciding between competing alternatives. At some point the conflicting claims and pronouncements of rival perspectives must be set aside and action

initiated. Acting on his own, in isolation from the public order and apart from the scrutiny and assistance of others, an individual may reach a decision relatively quickly. He may be able to initiate action after only the slightest hesitation. The time required to establish a conceptual distance from the present, necessary for the consideration of different alternatives, may be easily achieved.

Action in public, however, and particularly action which is intended to preserve and maintain the public order, requires public participation. In order that it may be effected, common recognition and acceptance of a decision must be achieved so that diverse efforts of various individuals may be coordinated. Debate between various perspectives must be terminated, political talk brought to a close, and action initiated which enjoys the support of those who comprise the public. It does not matter if a gathering of philosophers terminates with no acceptance of a common position amongst its members because an exchange of views and not the resolution of conflict was the purpose of their gathering. Complete agreement may in fact be regarded as the hallmark of an unsuccessful conference. The political assembly, on the other hand, which is unable to reach a decision is paralysed, and no action can be authorized by it. Unless acceptance of a decision occurs within the civil society (or, alternatively, unless the tyrant can impose his decision upon a society by means of coercion), the government will remain impotent. If political activity appears when there are conflicting views as to how to act to maintain the character of the public order, and political talk is the way in which such disagreement is debated within the civil society, political conventions are the way in which debate is terminated, disagreement resolved, and action initiated.

'Convention' is commonly used to refer to activities which are widespread in a society, and this usage carries with it the pejorative connotation of something which is dull, commonplace or pedestrian. Used in

this sense, a conventional practice is not distinguished from a customary or merely imitative one. Other uses of the word, however, suggest a different sense of convention. A convention may be, first of all, a coming together, a gathering, or an assembly which has been convened to accomplish some purpose. A constitutional convention, for example, is convened for the purpose of drafting the framework of rules for a new government. Secondly, a convention may be an agreement, in the sense of a treaty which establishes procedures, acceptable standards, or practices. The Geneva Convention on the Treatment of Prisoners of War is an example. Thirdly, a convention may be seen as a set of arbitrary rules or practices, based on consent, generally recognized as valid in a particular art, discipline or society. There is the convention that a poem must satisfy certain rules of length, metre, and rhyme if it is to be recognized as a sonnet, for example.[1]

In all these uses conventions are seen as rules which are agreed upon so that a common framework of order may be established and shared between individuals. The constitutional convention agrees upon the common framework of a new government which will allow interaction in a new civil society. The Geneva Convention establishes a common framework of standards so that the practices of different nations can be standardized and common expectations of behaviour can result. Poetic conventions establish a common framework of practice so that poetry may be recognized, scrutinized and judged within a common public order. These accepted conventions provide a means of overcoming the barrier of individual differences between men so that coordinated and commonly understood action may be initiated.

Conventions, therefore, are instrumental; they are means to an end. They are tools which allow for action by attempting to reconcile differ-

[1] These various meanings of the word 'convention' are drawn from The Oxford English Dictionary, J. A. Murray, *et al.*, (Oxford: The Oxford University Press, 1919).

ences between men and create the possibility of making a common decision and initiating coordinated action. Political conventions are rules which, in a sense, arbitrate between the competing perspectives offered in politics, offering the possibility of arriving at some common ground despite these differences. They are not what is decided in politics, but how it is decided. Convention is not arithmetic, for example, but numbers and symbols. It is not approval or rejection of a particular issue, but putting the matter to a vote. Thus convention facilitates coordinated action amongst men, contributing to the maintenance of the public order in the face of incessant change and the constant demands of living in a world where time is of the utmost significance. It is one aspect of a tradition, and is demanded because of the necessity of reaching agreement, accepting decisions, and initiating action in time.

To reconcile differences in political activity, however, is not to resolve them in any final sense. The rival perspectives offered by political talk are not extinguished by the operation of a convention. They are merely set aside. Political talk is not like a mathematical proof. It is not terminated by a conclusive display of logic which vindicates one perspective and annihilates its rivals. As long as the various conflicting perspectives are each in some way relevant to the question at hand, the decisions which are reached in politics and the actions which are initiated through the invocation of a convention are only provisional. They may be reviewed at a later date, modified in light of further considerations, or brought into the centre of political controversy on another occasion.

It is possible, for example, to debate and discuss the way in which the words of our language should be written. If we are ever to have a written language, however, we must come to some sort of agreement and make a decision. Whatever decision we reach, it cannot be claimed that we have resolved the issue for all time. It is always possible to return

to the question, reopen the discussion, and reconsider our former decision. Acceptance of the conventions of spelling makes it possible for us to move from constant discussion to public action.

Political conventions, then, temporarily suspend the conflicting perspectives of men in political life, enabling timely decisions to be made on endlessly debatable issues. As long as they are accepted, they help uphold the possibility of the survival of public order so that future proposals may be contemplated and action initiated within the public order. In Western societies we have come generally to accept the convention of voting as a means of dealing with competing plans and projects which are put forward for our consideration in political activity. Temporary termination of debate is the object of the practice so that political life can pass beyond the problems raised by this particular issue and can continue effectively to confront the demands of the present. The relative continuity of the public order is thus enhanced, and political life is prevented from disintegrating in endless debate, or in coercion which attempts to substitute force for agreement.

Truth and convention have little to do with one another. To assert that 'two plus two equals four' is to make a true statement. To write this statement using arabic numerals is to act in accordance with a particular convention. The statement is still true if I choose to operate within another convention and utilize Chinese characters, for example, to assert the same proposition. There is nothing either true or false about either convention. They are simply means by which men in different parts of the world have set aside the potentially endless debate about how numbers may be written, and have agreed that it shall be done one way or another so that they may get on with their practical affairs.

The conventions of spelling, grammar, syntax, numbers and the like are described and taught to the young. However, they cannot be explained except in historical terms, not being susceptible to the elucidation of

necessary relationships that characterize explanations of natural phenomenon. If the child were to ask why we write our words in this manner, the reply would be 'because this is the way we do it, and if you wish to understand us and to be understood by us, you must do it this way as well'. No defence of the truthfulness of the convention could meaningfully be demanded, and none could be given. In the same way, political conventions which regulate speech and action in politics may be either described or explained in historical terms, but cannot be attacked or defended because of any claim to truthfulness.

In the sense that conventions do not attempt to discover truth but are merely instruments for fostering agreement, they are arbitrary. They arbitrate between competing perspectives and views without indicating which is right and which wrong. Conventions are not true or false, reasonable or unreasonable. They are more or less practical. The conversion from one convention to another in the English monetary system was defended purely in terms of practicality: ease of computation; conformity to world convention; entry to the Common Market. The value of conventions lies in their success in allowing acceptance of a decision to be established, without their necessarily finally resolving the issues at stake. To attack conventions on the grounds that they are irrational, as Bentham does in his 'Book of Fallacies', is to misconceive the nature and function of conventions, and to apply an inappropriate standard of judgement to them.[2]

Being practical means that conventions must enable a clearly defined decision to be reached in political activity. Unless it is clear which perspective has, for the moment, received the approval of the relevant institutions, nothing can be said to have been decided and effective action

[2] Bentham, Jeremy, 'The Book of Fallacies', The Works of Jeremy Bentham, John Bowring, ed., (London: Simpkin, Marshall and Co., 1843), vol. II, 374-487, esp. 388-95, 457-61, 474.

cannot be undertaken. The convention of an election to decide which groups competing for power shall constitute the new government becomes valueless when a proliferation of parties results in a majority for no party and the clear acceptance of none of the alternative perspectives offered. The endless debate over the proper policies to be implemented to maintain or achieve a particular kind of public order has not been clearly terminated.

Conventions must also be capable of being invoked in time, allowing appropriate action to be initiated, if they are to be practical. If they cannot be brought into operation in time, they defeat the very purpose for which they are established, which is to enable the public order to act in time in the face of a changing world. It would be impractical, for example, for every member of a civil society embracing millions of citizens to vote on every issue. It would be in such a case impossible to reach a decision soon enough to coordinate action to meet the challenges to the continuity and stability of the society. Instead, in the United Kingdom, the convention of an election is invoked every few years to delegate authority to office-holders who deliberate and decide on behalf of their constituents.

However practical a convention may be in theory, without acceptance of the convention itself by the members of the public, it can never be efficacious in practice. Acceptance of the relevant conventions forms part of the conditions of membership in any given public. Conventions form part of the idiom appropriate to a society and those who refuse to recognize or abide by them are a threat to the public order which is in part both maintained and manifested by the operation of conventions. Their refusal to abide by the relevant conventions raises the spectre of the collapse of the public order into continual disagreement and coercion. Like other aspects of public order, a convention may be described to the outsider and explained in historical terms, but it must be accepted and

practised if it is to be relevant to any given society.

Not all conflicting perspectives presented in public are resolved by means of conventions, however. Although a court of law deals with divergent views, the decisions of a judge are not examples of the operation of a convention. The assistance of a court is required when a citizen of the state feels that certain conditions of membership have been violated. Its duty is to examine the evidence, listen to the arguments on both sides, and attempt to arrive at the truth of the matter, rendering a fair judgement insofar as that is possible. The court settles the conflict not by fostering agreement between the conflicting parties but by deciding in favour of one or the other.

The decisions of courts are governed by considerations of precedent. In referring to a precedent, a judge will suggest in what way the situation at hand is analogous to a similar case in the past. The precedent will indicate what decision should be reached. Imitation goes even further than precedent by identifying the present with the past rather than merely claiming that the present is analogous to the past. Imitation, too, will indicate what ought to be done in present circumstances. In this, both reference to precedent and imitation of the past are to be distinguished from the invocation of a convention. A political convention specifies how a decision may be reached in a particular debate, but does not determine what that decision shall be. It provides the means of terminating the debate, without indicating what the outcome should be. When convention is confused with either precedent or imitation - the how with the what - creativity and originality are stifled as the present is viewed almost exclusively in terms of the past. Much of later neoclassicism, for example, mistook the conventions of form for the totality of art, and adherence to form alone became the primary criterion of excellence. Imi-

tation became the order of the day.[3] The recognition and acceptance of the conditions of membership, however, does not imply that the present may be identified with the past, nor that the present is necessarily analogous with the past. Conformity to a convention is neither imitation nor the following of a precedent. It is not conventional in the sense of merely repetitive. The search for a precedent may occur when there is a dispute as to whether or not a particular convention should be invoked in this particular situation; that is, whether or not a particular convention is appropriate to the present situation. However, the convention will not determine what the outcome of the debate will be.

One way in which the practicality of any given convention is enhanced and its acceptance facilitated is the ease with which it can be made public and brought to the attention of those who comprise the public. Unlike other aspects of a tradition, with their subtleties of nuance and style, conventions are capable of being articulated. They may be expressed in rules, such as rules of spelling: 'i' before 'e' except after 'c', etc. They may be stated in laws: there must be a general election in the United Kingdom at least every five years. Or they may be tacitly understood: we know what we mean in a general sense by the term 'conventional warfare' - warfare carried on within certain rules which establish limits to the conflict - although these rules may not be discussed or formally articulated.

Whether or not conventions are explicit, they are always capable of being made so. The conventions of the forms of poetry can be explained to those who are unaware of them. Those who have not learned the conventions of computer programming and are unable to calculate in the binary number system can be taught how to go about it. Education, particularly at a primary level, is to an extent a matter of introducing

[3] Artz, Frederick B., From the Renaissance to Romanticism: Trends in Styles in Art, Literature and Music, 1300-1830, (London: The University of Chicago Press, 1962) 219-66.

the young to a series of conventions, and in contrast to other aspects of an idiom, these conventions can be mastered simply through memorization.

Because conventions are more explicit than other elements of an idiom, there can be little or no question about when a convention is invoked or which convention is being employed. Reference is always made, or always can be made, to a specific convention when it is introduced to resolve the conflict between differing perspectives. The teacher can refer the student to the dictionary if he asks why a word in his essay has been marked as mis-spelled. A vote in the House of Commons terminates debate on a bill and allows Members to decide whether or not the proposal will become law, freeing them to move on to other issues. This is done openly and in accordance with certain specific rules of procedure to which anyone may make reference if he is in doubt as to what is going on.

The fact that conventions are easily made public, easily articulated and capable of being held up for all to see, means that every member of the public is equally free to refer to the appropriate conventions which form part of the conditions of membership. We are not all equally free, however, to invoke or create a convention. Although we may all consult a dictionary to see what the agreed spelling of a word is (assuming that we are familiar with the conventions of the alphabet and alphabetical order), dictionaries are written by lexicographers, and not by the general public. Although every Member of Parliament is free to inspect the conventions governing activity in the House of Commons, only the Speaker may declare what is relevant in a debate and curtail discussion in order that a decision may be reached. Although we may all be familiar with the conventional practice of a general election, only the monarch may dissolve Parliament and order an election.

The ability to alter or invoke conventions varies according to the public order concerned. Language and spelling, for example, are more

flexible than other conventions, and are more open to changes originating amongst the general public. Lexicographers may write dictionaries, defining the conventional usage and spelling of words, but to a certain extent they follow public usage. The Academie Francaise seems powerless to prevent the inclusion in the French language of such expressions as 'le weekend', 'les gangsters', or 'le drugstore' which have achieved wide acceptance and common use.

Most conventions, and political conventions in particular, are not so open to popular invocation and innovation, however. Those who may pronounce what the convention is and who may invoke it are few. In politics, access to conventions is almost exclusively the preserve of those who comprise political institutions. If access to the manipulation of these conventions were not limited in this way, we would all pronounce what the convention is in accordance with our immediate desires or whims. The value of convention in fostering agreement would then be severely diminished. We would all be tempted to extend debate on an issue until we had spoken, and then terminate it as soon as we had finished. As members of the general public, however, we must bow before the authority of convention and of the men of reputation or office who invoke it. The editors of The Oxford English Dictionary, with their reputations, are able to decide what words mean and how they are spelled. The Football Association decides what the correct rules of the game are. We have officers who are invested with the authority to invoke conventions in order to obtain agreement which may be the basis for coordinated action. The presiding officer of an assembly is able to rule when the Standing Orders of the chamber should be brought to bear against a particular member.

As members of the wider public, we are at liberty to protest when a man of reputation has decided what the convention is, or a man in office invokes a particular convention. The defeated candidate may

claim that the election was rigged, and that the result is therefore not binding, no matter what the Returning Officer may have said. Or MP's may object to the decision to limit debate of a particular matter before Parliament. Such protests, however, are generally directed against a particular manifestation of the convention, and unless there has been some obvious abuse, little is likely to result from such protests. The defeated candidate will simply look like a poor loser, and dissatisfied MP's will have made their point, but debate will be limited all the same.

Abuse of conventions is, of course, always possible. Elections can be rigged, and a government can disallow all debate on an issue. If this occurs, and particularly if it occurs in more than isolated instances, the convention becomes debased. A continually abused convention is undermined as an effective instrument for fostering agreement in public. Continued abuse will make it ineffective on the occasions when it is correctly invoked, and it will not enjoy the confidence and acceptance which are crucial to it. The reputation of the man and the authority of the office will similarly be debased, and the possibility of agreement will be reduced. Where a convention is felt to be completely devalued, consent to its legitimacy founders, and the communality of the public order is in danger of disintegration. In 1956, for example, the governments of South Vietnam and the United States, fearful of being seen to flout openly the convention of a popular election, evaded the difficulty by simply refusing to allow the election to take place.[4] By the time an attempt was made in 1971 to resurrect this convention, the idea of a 'free election' had become so discredited that the exercise was a futile attempt to reconstitute a decayed convention and employ it in a disintegrating order. In the absence

[4] Gettleman, Marvin E., ed., Vietnam: History, Documents and Opinions, (Greenwich, Conn.: Fawcett Publications, 1966), 160-65.

of a viable convention, coercion has been employed.[5] Again, the announcement that France would have a new constitution as the new foundation of political activity in the Fifth Republic was of less importance to the French than the fact that Charles de Gaulle was in power. The convention of a constitution had, from the time of the French Revolution in 1789, become so debased that it could not be restored to its former position by the mere act of formulating yet another constitution.[6]

Where political conventions have completely broken down or been rejected by a segment of a society, the state must intervene to maintain the public order, if it is capable of doing so. With conventions no longer effective, mere persuasion is unlikely to be enough to hold the public order together and to initiate the necessary action to maintain its structure through time. When in 1860 the thirteen southern states of the United States rejected the results of the presidential election, Lincoln embarked on a policy of coercion in order to preserve the public order and to maintain the relevance of the American Constitution. Despite the popular myth of Lincoln the Great Emancipator, the American Civil War, in Lincoln's view, was more a war to preserve a particular set of conventions than to abolish slavery.[7]

When the state is forced to intervene in the face of a breakdown of the acceptance of conventions, it may be compelled to assume the contradictory position of (hopefully temporarily) curtailing the rights of the citizens in order to protect the conventions of the civil society. British

[5] Dion, Philip, 'Back to Square One', Far Eastern Economic Review, vol. LXXIII, no. 33, 19-20; Derby, Dan, 'House Divided', *ibid.*, vol. LXXIII, no. 36, 7-8; 'The No-No World of Thieu', *ibid.*, vol. LXXIII, no. 39, 5-7; Starner, Frances, 'Bunker's Boy', *ibid.*, vol. LXXIII, no. 40, 8-11; Starner, 'Winner Takes All', *ibid.*, vol. LXXIII, no. 41, 7-8; Rockstroh, Dennis, 'Phantoms' Victory', *ibid.*, vol. LXXIII, no. 42, 8.

[6] Werth, Alexander, The De Gaulle Revolution, (London: Robert Hale, Ltd., 1960), 270, 310-333; and Pickles, Dorothy, The Fifth French Republic: Institutions and Politics, (London: Methuen & Co., Ltd., 1962), 3, 7, 12-15.

[7] Hofstadter, Richard, The American Political Tradition, (New York: Vintage Books, 1948), 118-26.

soldiers in Ulster, for example, have been compelled to violate what in calmer times have been regarded as inviolable civil liberties in order to locate and apprehend those who have rejected the convention of parliamentary rule and have resorted to terrorism.[8] In such a situation, political institutions are likely to authorize the state, through Special Powers Acts or Emergency Powers Acts, to take action which normally would not be in keeping with the character of the civil society, to restore order so that conventions may once again be effective in setting aside the differences amongst men in political life.

Political conventions are but one element of public order; of the conditions governing membership in civil society which have come to be established over time. They are manifestations of a relatively coherent structure of public order, and as such, if they are to enjoy widespread acceptance and thus be effective, they cannot be in conflict with other elements of that order. The attempt to import alien conventions and impose them upon an existing order, where the other elements do not support and reinforce the conventions, is doomed to failure. The relevant idiom must be relatively harmonious in its diverse manifestations if the public order is to be sustained. Sun Yat-Sen's effort to hold democratic elections in China was an attempt to make a Western convention relevant to a society where no political practice existed to support the convention and to make it effective in fostering agreement. His vision was always an alien one, and it is not surprising that he was not successful in his efforts to impose it upon a people whose values, although under stress from the impact of the Western world, still had a strong and deep hold on their lives.[9] The introduction of new conventions, or modification of

[8] Rose, Richard, Governing Without Consensus: An Irish Perspective, (London: Faber and Faber, Ltd., 1971), 128 ff.

[9] Han Suyin, The Crippled Tree, (London: Panther Books, Ltd., 1972), 254-61; Woo, T. C., The Kuomintang and the Future of the Chinese Revolution, (London: George Allen and Unwin, Ltd., 1928), 46-57, 58-68; Schiffrin, Harold Z., Sun Yat-Sen and the Origins of the Chinese Revolution, (Los Angeles: The University of California Press, 1968), 1-9.

the old ones, must occur within the framework of the public order and be consistent with the political practice of those concerned. The new cannot be completely discontinuous with the old if the object is the achievement of agreement which may serve as a basis for united action.

An appropriate political convention, then, is one which is widely accepted within the society, practical, and consistent with the character of the society. If the Queen were to toss a coin to decide whether the next government would be a Tory or Labour one, she would certainly be invoking a convention which is widely accepted throughout this society as a means of resolving disagreement and getting on with practical affairs. It would be, in one sense, practical. It could render a clear-cut decision and could do so in time. It would be expedient in saving the expense of a general election, and would allow Parliament to get on with its business without the time-consuming disruption of a political campaign. However, it would be understood by the nation as the invocation of an inappropriate convention; one which was perhaps in keeping with a football match but not with the formation of a new government. It would be in conflict with the established political practice which allows a role for the monarch in the resolution of this sort of conflict, but which does not give her the only place nor allow her to resolve the conflict in such a manner.

Within a framework of public order, new conventions can be established where old conventions are felt to be inadequate or where a new problem has arisen with which it is felt that the old conventions cannot effectively cope. Some political figures have suggested, for example, that Britain's accession to the Treaty of Rome should have been subjected to a national referendum rather than merely determined by a Parliamentary debate and division in the House of Commons.[10] Or, it may be suggested that a consti-

[10] 'Labour's Programme for Britain', Annual Conference, 1973, (London: The Labour Party, 1973), 41.

tutional congress meet to found a new constitution; that is, a new framework for political activity within which political conventions will be invoked to foster agreement. In this way old conventions can be altered. In non-revolutionary situations, however, they are altered according to other conventions. The results of the deliberations of a constitutional convention may be submitted to a national referendum or it may require the ratification of the groups affected by it. A vote was taken, for example, in the United Nations to determine whether the approval of two-thirds of the General Assembly or only a simple majority would be required for the admission of China to the body. One convention, voting, was used to determine the conditions under which it would be invoked in other circumstances.

While in theory it is always possible to reopen issues which have been settled by convention, since no difference is ever completely resolved or finally laid to rest on theoretical grounds, it is often either very difficult to do so or irrelevant to do so. The reason for this is the same reason that makes political conventions necessary in the first place: time. Issues which have been resolved in the past, and actions which have been taken, inform the public order, modifying its character and influencing the idiom appropriate to it. What was once a matter of disagreement and a reason for the presentation of alternative perspectives, has now become a part of the structure of the society. It is no longer the issue of debate but has become part of the public order, providing the occasion for debate on other issues. Time has made what was once controversial acceptable. Time also makes what was once a pressing concern of the present a curiosity of the past. The extension of the franchise to non-propertied classes is not now the subject of debate in this country. Time has made universal manhood suffrage a characteristic of the public order, and it now forms part of the character of political life within which debate about other issues takes place. Time has made further debate

about the repeal of the Corn Laws irrelevant to the present problems which confront this society, although it may be of historical or academic interest to investigate the wisdom of such decisions. These issues, once resolved by conventions within political life, are still debatable, but time and the demands of the present make it unlikely that the attention of men in political life will long be devoted to them.

In summation, then, conventions are agreements about how individuals interacting with one another in public can reconcile differences, come to accept a decision and initiate common action. Change as well as continuity can result from the invocation of convention. The decisions which are reached by invoking a convention are as likely to initiate modifications in the public order as they are to confirm its continuity with the past. However, by enabling men to act to overcome the challenges of time in the maintenance of their common world, conventions help to sustain public order. In politics they take on particular importance where the need to act in time makes the invocation of political conventions an integral part of political activity. As rules, capable of being articulated, resting on common consent and acceptance, they are a matter of practical concern and are open to common inspection and public debate. Over time they may be abused and debased, altered or abolished according to a public process consciously employed. As one element of the conditions of participation in political life, political conventions form part of the roughly coherent pattern of political activity in a society, their effectiveness being crucial in the maintenance of a relatively continuous and stable public order.

Chapter 9

TRADITION

Like public order, a tradition is manifested in action. It is demonstrated in the way men go about doing things; in the manner in which they confront practical problems and attempt to inform the world with their purposes. It is, however, not coping with practical problems in just any way at all, but in a way which is felt to be appropriate. That is to say, a tradition has prescriptive force. It indicates what is the proper way of doing something, directing efforts one way rather than another. The man who acts within a tradition is, of course, not unconcerned with expediency. He would like to accomplish the task he has set himself, but at the same time he is conscious of adhering to a certain way of succeeding in his endeavour, and will not be content with merely accomplishing his task by going about it in just any way. Part of the achievement for him is the manner in which he has set about his job. It is not only the result of his endeavour, but how that result was achieved that will be a source of his satisfaction or disappointment.

Traditional activity is therefore purposive activity. It is not random but is ordered according to some understanding of what is the 'right' way of dealing with a particular problem. The 'right' way of going about things, however, cannot be formulated in a logical manner, building on first premises in the way that a system of proofs may be said to build a mathematical order, for example. Neither is it necessarily a coherent order. It cannot be examined for consistency in the way that a philosophic argument can be. Tradition is practical rather than theoretical. In the diversity of practical life, where effectiveness is likely to be of greater importance than logic or consistency, illogicality and incoherence are easily tolerated and are more likely to be the rule than the exception.

If logical consistency and coherence do not provide a standard for evaluating activity within a tradition, what is the source of the normative force of tradition? How is it that the man engaged in traditional activity judges one action to be inappropriate to his endeavour while another is acceptable? He does so on the basis of his awareness of the character of the public order within which he is acting. Bound up in his activity is a consciousness of not acting as an isolated individual confronting a particular practical problem, but of acting as a member of a particular public whose task is to deal with this problem in the appropriate manner. His command of the idiom and his understanding of what it means to be a member of this public will direct his actions. What is the 'right' way of going about his task is determined by reference to the standards which have come to be established in the relevant public. To the extent that his actions are governed by a notion of the 'right' way of doing things, he affirms his commitment to a particular public order and identifies himself as a man acting within a tradition.

A tradition, therefore, is not individual, like a habit, but is shared. It locates and directs the activities not of one man alone but of a group of men; of all who would claim membership in that public order. It is a common heritage which is enjoyed amongst men, and not an individual possession. It cannot be hoarded away, out of the sight of others, nor can it be monopolised by a few. Some, with greater skill and sensitivity, may establish themselves as master craftsmen within the tradition, their endeavours commonly regarded as classic expressions of the tradition. But the tradition is not theirs alone. It exists to the extent that it is common to all members and the exclusive privilege of none. Traditional activity thus invites the judgement of others, placing itself within the public realm and thereby contributing to the life and maintenance of the public order.

The common understanding of what is appropriate extends amongst

members in time and across generations through time. There could be no tradition where a public order had not been established for a considerable time. Tradition is historical and provides the continuity which links one generation to another, spanning not merely clock time but the more significant human time which is marked by the rhythm of human mortality. The young are introduced into membership through a process of apprenticeship or socialization. The more their actions are located within and directed by the traditions of their elders, the more the two come to occupy a common social world with shared understandings of what is appropriate activity. If tradition is severely disrupted, as, for example, under the impact of colonialism, this link is weakened. In such circumstances, the common world shared not simply amongst men but between generations threatens to disappear.[1]

A tradition not only indicates what has come to be understood over time as the appropriate way of going about a practical activity, it also defines the limits of that activity, marking it off from other endeavours and distinguishing it from other practical undertakings. Barristers not only have a self-conscious way of going about their profession, they are also aware of the distinctions between their activities and those of solicitors. Butchers know how to butcher cattle, but do not sell vegetables. Selling vegetables is a different practical activity, with its own traditions and hence its own understandings of what is appropriate to its endeavours.

A society will have a multitude of traditions as it has a multitude of practical activities, with men attempting to engage in them in a charac-

[1] The ~~time~~ theme of the bright young son who goes to the city to learn alien ways and returns to discover that he no longer fits in back in the village is an old one. It appears frequently in the literature of underdeveloped countries (for example, Achebe, Chinua, No Longer At Ease, (New York: Fawcett World Library, 1970)) and is also prevalent in contemporary Western literature (Wolfe, Thomas, You Can't Go Home Again, (New York: The Dell Publishing Co., 1960), for example).

teristic way. A tradition of one kind of activity does not encompass all aspects of a society, but only directs action in a particular area. Men may be fellow-citizens, then, without understanding all the diverse traditions within which the activities of their neighbours take place. As members of the civil society they enjoy the same rights and duties, and are assumed to have a roughly equal command of the appropriate idiom. In political life they must act within the same tradition and adhere to the same understanding of what is the 'right' way of going about political activity. As citizens, both the barrister and the butchers are members who must respect each other's rights and act in accordance with the conditions of membership as those conditions have been established. In other areas of their lives, however, they act in light of distinct traditions. As members of their respective professions, the traditions within which each one acts is likely to be obscure and irrelevant to the other. It is only when their practical activities impinge on one another - when the barrister wants a cut of meat and the butcher needs a lawyer - that they will be forced to develop some kind of rudimentary appreciation of the traditional activities of barristers and butchers.

The significance of any specific activity is revealed by placing it in the context of a tradition. Taken in isolation, apart from the tradition, its meaning tends to be lost. It is deprived of location in a continuing pattern of activity which has been established over time and which provides a standard for judging its excellence. It is illuminated with meaning only when seen in the context of a shared heritage which in part establishes a common world amongst men in time and through time.[2] The exchange of gifts between friends takes on a whole new dimension when seen as an act within the tradition of Western European celebrations of Christmas.

[2] This theme is explored in Polanyi, Michael, Personal Knowledge, (London: Routledge and Kegan Paul, 1958), and Oakeshott, Michael, 'Rationalism in Politics', Rationalism in Politics, (London: Methuen and Co., Ltd., 1967).

The significance of the gift and whether or not what is given is appropriate can only be determined by understanding the 'right' way of doing things which has emerged over time.

The value of a tradition lies, therefore, in its ability to orientate our actions in what would otherwise be a world confined to the present. The relative continuity of a tradition, helping to maintain a framework of public order through time, allows us to create an identity which endures and does not slip irrevocably into the past, buried beneath the constant newness of the present. If not history, tradition helps make historicity possible; the awareness of a past which shapes and has practical significance for the present.

> ...Without tradition - which selects and names, which hands down and preserves, which indicates where the treasures are and what their worth is - there seems to be no willed continuity in time and hence, humanly speaking, neither past nor future, only sempiternal change of the world and the biological cycle of living creatures in it.[3]

To paraphrase Aristotle, the man who lives outside all tradition is either a beast or a god. In either case such a man is deprived of the continuity of a public order which gives his actions significance and himself an identity. To live only in the present, where nothing is preserved beyond the immediacy of the moment, is to live in a world where all moment are equally valuable, and thus equally valueless. It is to be condemned to a world where the significance of all action is lost for there is no tradition helping to sustain the link between the past and the present. There is nothing against which any action or identity may be measured, its individuality and worth assessed and its value appreciated.

In turn, it is human activity which gives life to a tradition and maintains it through time. If there was no activity, there could be no tradition, and a tradition dies when the practical activity which sustains

[3] Arendt, Hannah, Between Past and Future, (New York: Meridian Books, The World Publishing Co., 1968), 5.

it ceases. When the advent of the automobile resulted in the gradual replacement of horse-drawn carts and wagons, for example, the traditions of the wheelwright slowly died out.[4] Once the practical activity of wheelwrights ceased, that tradition could no longer continue. No amount of scholarly investigation or learned analysis or exposition can maintain a tradition if the practical activity, the way of life of the people concerned, has been transformed and the old practices have been abandoned. Groups promoting the resurrection of dead traditions cannot hope to meet with success because the world has changed and practical activities are now guided by new traditions. At best such endeavours will create museums, and may be in the tradition of museum work, but an exhibition of this type can never be more than an artificial relic of the past.

Because it is maintained by human activity, a tradition is contingent. There is nothing necessary about it in the way that the natural order may be said to be the manifestation of certain necessary relationships. The practical activities of human existence which establish a tradition over time can assume any number of shapes and forms, and are far from unchanging. A tradition is mutable, subject to the vicissitudes of time and the contingencies of history, and it eludes any attempt to restrict it to a series of formulae or prescriptions. The continuity of a tradition is maintained through practical activity and is marked by the constant confrontation with the demands of the present. It can only be maintained as long as it successfully meets and overcomes each confrontation. In the process, the way in which various activities are carried on will be modified. A description can only hope to be a more or less accurate abridgement of a tradition; a one-dimensional abstraction which merely characterizes but does not encompass. For the man who acts within a tradition, there is no book of rules to consult, nor set of explanations which point

[4] The death of this tradition is traced in Sturt, George, The Wheelwright Shop, (Cambridge: The Cambridge University Press, 1963).

out why his efforts achieve the results he seeks or what physical principles underlie his endeavours. That it works and is suitable to his task is enough for him, and its appropriateness cannot be demonstrated to him by reference to any manual or handbook.

> The nature of this knowledge should be noted. It was set out in no book. It was not scientific. I never met a man who professed any other than an empirical acquaintance with the waggon-builder's lore. ... This sort of thing I know, and in vast detail in course of time; but I seldom know why. And that is how most other men knew. The lore was a tangled network of country prejudices ....[5]

It has been common (particularly amongst sociologists) to identify tradition with static societies.[6] The implication is that that which is static and resistant to modernity (however one cares to define that term) is to be deplored. Tradition has thus come to be seen as something negative; as a conservative force holding back the wheels of progress; holding societies in ignorance and oppression. It is, of course, true that tradition is conservative. It implies standards for judging actions and a pattern of activity which are derived from the past, and it places a premium on continuity with the past. But tradition is not the same as traditionalism, the slavish adherence to past practices simply because they are past practices. A tradition links the present with the past, providing a continuity through time, but it does not irrevocably bind the present to the past.

It would be a mistake to equate tradition with stasis or with imitation, therefore. In itself imitation cannot constitute a claim to authenticity; to being within a tradition. It may be a way of instilling a tradition in the young before they are free to practise it as adults (that is, until they are competent to be creative and innovative within

[5] Sturt, *ibid.*, 73-74.

[6] One classic example of many similar approaches is Lerner, Daniel, The Passing of Traditional Society, (London: Collier-Macmillan, Ltd., 1958).

it). But imitation amongst all those engaged in a particular kind of activity deadens and eventually kills the tradition. There is nothing traditional about the recreation of medieval banquets which presently take place in some English castles. The demands of practical life in successive centuries since what we now designate as the Middle Ages have brought forth a different kind of order and a different tradition of dining. Scrupulous imitation of medieval banqueting practices cannot resurrect this medieval tradition of eating, nor can it authenticate these present-day banquets. What can perhaps be said is that these attempts are authentic manifestations of a tradition of recreation and amusement which, like 'The Good Old Days', plastic armour on the walls of pubs and family crests which can be purchased at Woolworth's, evince a nostalgia for an imagined past.

Change is endemic to tradition, not foreign to it. Tradition is an on-going pattern of activity, always emerging and never fully formed. It is always in the process of becoming and only in the retrospective view of the historian can it be said to have become. Only to his backward glance does it appear at any moment in time to be a finished, complete and coherent entity. To those for whom it was not the past but the present, it could have had no such semblance of completion. It could not have appeared akin to a work of art which stands as a finished creation, requiring no further action.

A tradition, therefore, seldom dies completely. It does not survive completely unmodified from one generation to the next, but neither does it come to a complete and abrupt end. Even colonized people manage to retain vestiges of their original culture. Only complete annihilation can totally obliterate a tradition by eliminating those who practise it. Discontinuities, like continuities, are always relative. Traditions always change, but never all at once. Modifications are piecemeal and

never total and all-embracing.

> No tradition begins *ab ovo*. Every tradition grows out of another tradition .... No intellectual tradition, if it survives long enough to preside over the production of significant works, ever dies completely. Even where its content is not explicitly referred to and identified as such, it goes on living through incorporation in the life of what comes after it.[7]

If it is incorrect to view tradition as static, or to see it as a way of going about things which can be encapsulated in a description, it is also mistaken to see tradition as something which is either true or false, efficient or inefficient, favourable or antithetical to the use of reason. A way of going about a practical activity cannot be said to be true or false. It simply is, and although certain beliefs which comprise a tradition may be said to entail false understanding about the world, the pattern of activity itself cannot be characterized in this way. It may be quite accurate to say that the Inca could not have been the son of the sun and the moon, as he claimed. The falsity of that claim, however, does not establish the falsity of the political tradition within which it was made and from which it derived its significance. Similarly, it cannot be said that tradition is necessarily inefficient and a hindrance to progress.[8] Nor can it be claimed that tradition is antithetical to critical reasoning and the use of evidence. Some traditions may be inimical to our understanding of what constitutes evidence for and against an explanation of a particular phenomen. However, this is not the same thing as asserting that tradition *per se* is antithetical to science or critical reasoning. Scientific enquiry is

[7] Shils, Edward A., 'Intellectuals, Tradition and the Tradition of Intellectuals: Some Preliminary Considerations', Daedalus, vol. 101, no. 2, (Spring, 1972), 29.

[8] This is counter to Acton's argument, amongst others, that tradition is somehow inimical to the use of reason and that it can be shown to be false. See Acton, H. B., 'Tradition and Some Other Forms of Order', Proceedings of the Aristotelian Society, 1952-53, N. S. vol. LIII.

itself merely one tradition which has developed in Western culture and is not something which necessarily supersedes all other traditions, or something which stands outside tradition altogether.[9] The advent of rationality (however that elusive concept is to be defined) does not herald the decline of tradition.[10]

A political tradition is a part of the culture in which it is embedded. It is one tradition, governing one practical activity, amongst many. Political activity is the public determination of a collective identity; of the kind of people 'we' are and the character of the public order within which we interact with one another. It is a practical activity which concerns itself with the problem of maintaining a common public world in the face of incessant change. A political tradition is the manner in which men set about dealing with this practical problem; the way in which they publicly determine the character of the public order within which they fashion their individual identities. It is a characteristic way of engaging in political activity; the pattern of confronting and dealing with political problems which is shared both amongst men in time and across generations through time. In politics, as in every other traditional activity, there is an appropriate way of going about things; a right and wrong way of settling practical problems.

Like other traditions, political traditions are conservative. They insist that those who participate in political life do so with a sense of and regard for the past, as well as an appreciation of present problems and dilemmas. They are concerned with continuity with the past and

[9] A similar view with regard to the history of science is put forward by Kuhn, although there is much else contained in his argument as well. Kuhn, Thomas, The Structure of Scientific Revolutions, 2nd ed., (Chicago: The University of Chicago Press, 1970).

[10] A similar view is put forward in Coleman, Samuel, 'Is There Reason in Tradition?' in Preston King and B. C. Parekh, eds., Politics and Experience, (Cambridge: The Cambridge University Press, 1968) esp. 239-52.

and the preservation of an established manner of conducting politics. Political activity, by conforming to the established way of doing things, thus confirms and upholds a tradition. It operates from within, so to speak, and maintains the traditional manner of acting and the traditional standards of judging.

At the same time, like any other activity within a tradition, political activity is instrumental in modifying the tradition. While it sustains a tradition and preserves the established way of doing things, it alters the pattern and changes the way of doing things in its confrontation with the unique demands of the present. Political activity is overwhelmingly concerned with the present. Yesterday's crisis is significant only insofar as it is relevant to today's, and today's crisis is too pressing to worry about what tomorrow's may be. In addressing itself to the demands of the present, political activity is guided by the past but not bound by it. Improvisation is both more common and more effective than dogmatism, and the established way of doing things is modified accordingly.

Political activity within a political tradition, of course, is not the only way in which a tradition is changed. Indeed, it may on occasion not be the most significant way. Invasion by an alien power, colonization or natural disaster may well bring about profound and far-reaching changes in the traditions of a people. Such changes can be seen, however, as relative disruptions in the tradition, bringing about unforeseen and unanticipated changes which in a sense invade the tradition from without. Political activity, on the other hand, initiates change from within. It modifies tradition but does not abandon it. In the very act of change it testifies to the continuity of the tradition and is proof of the vitality of it.

To speak of a particular political tradition is to speak of the established way of conducting political activity within a society. It

is to speak of the relative continuity established through time of the relationship between such things as political talk, political conventions, political institutions and organizations, and law. The authority which a political institution enjoys, for example, the conventions it employs, the kinds of decisions it can reach and judgements it can make - all are sustained within a tradition. The continuity of the interrelationship of these elements of political activity is of greater importance than their internal continuity. The continuity of the ritual of the coronation of the English monarch, for example, is less relevant than the relationship of the monarchy to Parliament and the gradual acceptance over time of the convention of popular elections with universal adult suffrage to determine who shall govern the country. The changing relationships of these offices and institutions, conventions and procedures, mark the development of the changing British political tradition.

It is in this sense that a political tradition is not any one of the things which have been discussed up to now, nor is it merely the sum of all of them. Rather, a political tradition is the way in which things like political conventions and institutions, political organizations and law are related to each other, determining the character of political activity; the way in which the collective identity of a people and the character of a public order are consciously fashioned. The political tradition of republican Rome, for example, lay in the relationship between the Senate, which had *auctoritas*, and the people, who had *potestas*, interacting with one another to determine the character of the public order.[11] As this relationship changed over time under the new and unprecedented strains of empire, the established way of carrying on political activity and resolving political questions changed. The tradition

[11] F. E. Adcock, Roman Political Ideas and Practice, (Ann Arbor: The University of Michigan Press, 1966), 19-53.

was modified and the nature of the public order was altered.[12]

Like other traditions, the established way of carrying on political activity and resolving political disputes requires that the tradition be shared amongst men in time and through time. As the unprecedented demands of the present will result in modifications in the tradition, so also radical changes in those who comprise the public will change the established way of doing things. The influx of large numbers of aliens will disrupt the traditions precisely because the communality of the public will be destroyed and the tradition will not be capable of being maintained. The political activity which sustains a tradition, making it a living thing rather than the dead abstraction of the historian, will not be possible where there are large numbers of men who do not share the same sense of the past and cannot therefore be appreciative of the same tradition. What must follow is a rather profound change in what is understood to be native as the newcomers settle amongst the older inhabitants and change the character of the public order.

Where men do not share a common understanding of the right way of going about political activity, where they do not act within the same political tradition, it is unlikely that any public order can be sustained through time without the use of coercion. With no common sense of what is and what is not appropriate to politics, the possibility of resolving differences through political activity will be diminished. Men will not invest authority in the same institutions, abide by the same conventions, understand the same political talk in the same way, and will be at a loss to know how to deal with the practical problem of holding a public order together. It is for this reason that 'nation building' in the underdeveloped world so often disintegrates into violence. Political traditions, like the public order of which they are a part and which they

[12] *ibid.*, 54-71.

help to sustain, cannot be created overnight. They can only emerge through time as men come to share a common understanding of what is the right way of going about politics.

Chapter 10

FREEDOM AND ORDER

The concept of freedom which is most common in contemporary understanding emphasizes the unfettered exercise of individual will. In this view a man is free insofar as he is able to act in whatever manner he wills. To the extent that this exercise of his will is limited, his natural freedom is diminished. Political theorists such as Bodin, Hobbes, Locke and Rousseau have begun their considerations with the individual in isolation and focused upon the exercise of his will in their discussion of freedom. More recently various influential contemporary writers have similarly seized upon the exercise of will as fundamental to freedom.[1]

This emphasis has been developed by the suggestion that will is often restrained by forces which may not at first appear to limit individual freedom but which must be recognized as important restrictions on an individual's freedom as physical restraint and coercion. Economic deprivation, it has been argued for example, makes the free exercise of will impossible and therefore the production and distribution of economic goods must receive attention in any examination of freedom. Thus, Laski argues that 'There is in truth no real shadow of doubt that it is upon the issue of property that the whole problem of liberty hinges today, as it has always done in the past.'[2]

[1] Cf. for example, Neitzsche, Friedrich, Thus Spoke Zarathustra, R. J. Hollingdale, trans., (London: Penguin Books, 1971); Camus, Albert, The Outsider, Stuart Gilbert, trans., (London: Penguin Books, 1971); and Kirillov's explanation of his suicide in Dostoyevsky, Fyodor, The Devils, David Magarshack, trans., (London: Penguin Books, 1969), esp. 122-27.

[2] Laski, Harold, Liberty in the Modern State, (London: George Allen and Unwin, Ltd., 1948), 27. Laski seems to use the words 'liberty' and 'freedom' interchangeably, as does Berlin in his famous essay, 'Two Concepts of Liberty'. However, it will be argued below that there is a distinction to be made between these two terms.

It is certainly true that in order to exercise his will a man must be alive. Without the conditions to sustain life, the entire question of being either free or unfree becomes irrelevant. No one, however, is completely free from biological necessity. Recognition that biological demands always impinge upon the will of men reduces the concept of 'freedom from want' to a matter of relative freedom, with the distinction between freedom and the lack of it largely a matter of individual judgement. It is confusing, therefore, to speak of even relative freedom from such biological necessities as if it were comparable, or equatable with freedom in a political sense. There is certainly a relationship between freedom in a political sense and the freedom from want. The two are not totally distinct, but neither are they equivalent. Being alive to exercise will is a precondition for but not a definition of political freedom.

Even when the biological demands which must be satisfied if life is to be sustained have been taken into consideration, however, the emphasis on mere will is not enough to define freedom. The exercise of will implies choice. It implies that a man is able to conceive of alternative courses of action which are open to him and choose one course over the others. Animals acting instinctively behave in a particular manner without reflecting that there may be other ways of acting. They are not free insofar as the possibility of choosing does not present itself to them. Reason and judgement - the ability to conceive of alternatives as well as to act without hindrance - are thus closely linked with freedom.[3] Economic deprivation may make the exercise of will impossible, physical restraint may curtail it by making it too painful to be attempted, and limited reason and judgement may restrict it by narrowing the alternatives which are envisioned. All are important in the achieve-

[3] Berlin, Sir I., Two Concepts of Liberty, (Oxford: The Clarendon Press, 1958), 16-19.

ment of freedom. It has been claimed, for example, that men in twentieth century capitalist society are not free because, although they may enjoy an economic surplus and be free from physical restraint, they are unable to conceive of more than a limited range of choices. To the extent that their view of the alternatives open to them is restricted, their freedom is diminished.[4]

If freedom is the exercise of will in choosing a course of action, liberation may be understood as the emancipation of men from a limited number of choices and the presentation of new and hitherto unrecognized alternatives. A revolution, for example, does not simply overthrow an oppressive regime but attempts to open unexplored courses of action; to initiate an awareness of new alternatives. It is this hope of a change of consciousness, or a change of self consciousness (or a liberation from 'false-consciousness' in Marxist terms) which impels the revolutionary leader to inaugurate a new calendar with a new era dating from the liberation. Not simply a new regime, but a new order has been initiated and, it is implied, new choices are possible. This understanding of liberation is, I think, consistent with a history of usage which dates at least from the French Revolution of 1789, and is exemplified in the present movements for liberation from the 'Four Olds' in the Great Proletarian Cultural Revolution in China to Women's Liberation in the West. All emphasize a new awareness of the possibilities presented to the individual and a new exploration of the hitherto unrecognized or rejected alternatives.

Liberation may then be seen as a precondition of the realization of freedom but it cannot be equated with freedom. Before I can be free I must be capable of recognizing that there are alternatives which are

[4] This is one of the major themes in the argument of Marcuse. Marcuse, Herbert, One-Dimensional Man, (London: Sphere Books, Ltd., 1970); and An Essay on Liberation, (London: The Penguin Press, 1969).

open to me. The more liberated I am - that is, the more alternatives which I see - the greater my capacity to act freely. Freedom as it is understood by Laski (that is, freedom from want and economic deprivation) may then also be seen as a question of liberation; of liberation from the forces which restrict the alternatives which are open to the individual. I cannot be free to choose to do X or not to do X until I am liberated from the deprivation and economic inequalities which compel me to do X if I am to survive. That is, I cannot be free to choose until I am presented with genuine alternatives.

Liberation must always be a matter of degree. I can never enjoy absolute liberation for there is never a time when all restraints are absent and all alternatives are genuinely available to me. Some restrictions may be removed, thereby liberating me from the relatively narrow range of choices which I faced previously. There are, however, some restrictions which no one person or group of men can ever remove. Government action, in the form of social security benefits, may liberate me from my poverty, but it can never liberate me from the restrictions of time, for example. There is no way in which I am free to choose the age in which I live or society into which I am born, and to the extent that these irremedial facts of my existence restrict the alternatives which are open to me, I fall short of complete liberation.

'Freedom from', then, is liberation. It is relative liberation from the forces which restrict the number of alternatives which are open to the individual or his capacity to realize just what those alternatives are. However, its effect is not to make the individual free, but to make him capable of being free. Liberation is no guarantee of freedom, ensuring that the relative absence of restraint and the opportunity to exercise freedom, will be acted upon. A man may be, to a certain extent, liberated against his will. The restrictions which formerly limited his relative range of choices may be lifted and vast new possibilities may

be opened to him. Others may have accomplished this on his behalf, acting in his interest to liberate him from a repressive regime, for example. The individual, however, cannot be made free against his will, nor can others exercise his freedom on his behalf. Freedom is not a thing, a possession, which can either be given to or withheld from men like a gift. A man is not given freedom, nor can he be made to be free. Freedom, unlike liberation, is only manifested in action. A man is free when he acts freely, and only his actions, not his relative range of possible alternatives, enable us to say that he is free.[5]

Liberation is the concern of the state. It is the state which acts to provide full employment in the economy or to provide welfare for the needy. It is the state which acts against those who interfere arbitrarily with the free movement of its subjects, prosecuting the thief, kidnapper or murderer. Of course, the state itself is circumscribed by procedures which attempt to guard against the possibility of its acting capriciously. One branch of the state can take action against another. The police can be investigated and prosecuted, Ministers of the Crown and civil servants can be brought before the courts, writs of *habeas corpus* can be demanded. The actions initiated by the state do not ensure that the individual will in fact exercise his capacity to be free within the public order. They merely liberate the individual from the restraints which would otherwise make it impossible for him to act freely.

[5] This immediately leads to a number of problems. How can we tell whether or not a man is 'truly' free? Perhaps he is in the grip of some psychic or emotional force which makes the exercise of will informed by reason impossible. The insane, for example, are not regarded as free. Freedom is not felt to be meaningful when we are considering infants who are not considered to be mature enough to show good judgement. The difficulty seems to centre on how legitimate it is to infer states of mind from actions; whether we can infer that a man acts freely if he seems to do so. This, however, is not central to our considerations here, and must be put to one side as an interesting but tangential problem.

Once liberated, however, it is immediately obvious that men, as opposed to an abstract individual man, cannot exist together in a state of absolute freedom. If any sort of orderly relationship between men is to be sustained, absolute or 'natural freedom', understood only as the unhindered exercise of will, must be restrained in some way. It is for this reason that a number of political philosophers, focusing simply on the exercise of will, have contrasted the absolute freedom of man in a state of nature with the limited and restricted freedom of men in a political society.[6] The problem of political theory then seems to become one of reconciling as far as possible absolute freedom with the demands of public order. How much of his absolute and natural freedom may a man legitimately give up in order to achieve and sustain a public order? Which aspects of his freedom must he divest himself of if any kind of public order is to exist at all? Freedom is posed at one end of the continuum and public order at the other. Political philosophers then attempt to discover rational and defensible criteria for selecting one point on the continuum rather than another as the best possible and most rational reconciliation of two antithetical values. Underlying such arguments is the notion that freedom and order are inherently contradictory; that more freedom means less order, just as more order means less freedom. It is in these terms that the majority of the debate over freedom and order has taken place within the Western tradition of political philosophy.

What is suggested here is that the issue is not quite so simple that we can see freedom as contradictory to public order. The mistake, I think, is the assumption that freedom is fundamentally nothing more or less than

[6] Bodin, Jean, Six Books of the Commonwealth, M. J. Tooley, ed. and trans., (Oxford: Basil Blackwell, 1967); Hobbes, Thomas, Leviathan, Michael Oakeshott, ed., (New York: Collier Books, 1962); Locke, John, Two Treatises on Government, Peter Laslett, ed., (London: The New English Library, 1963) are all examples of this kind of viewpoint.

the unfettered exercise of will informed by reason and judgement. To such a view freedom is simply freedom, the same in a hypothetical state of nature as in a society, albeit perhaps necessarily limited in society. In contrast, it is suggested here that freedom in a public order is completely distinct from this abstract notion of freedom as the unfettered exercise of will. The contention is that far from being in conflict with public order, freedom is dependent upon public order as a precondition for its appearance.[7]

Liberal theorists who see freedom as inimical to public order are concerned with creating an area of autonomy within which men will be free to act without hindrance from others. For example,

> Mill believes in liberty, that is, the rigid limitation of the right to coerce, because he is sure that men cannot develop and flourish and become fully human unless they are left free from interference by other men within a certain minimum area of their lives ....[8]

Freedom within this minimum area makes me my own man, a self-determined individual who is not subject to the will of another. My actions are my own, and I am free to be myself. That is, within this area of autonomy, I preserve an individual identity.

Mill was unsuccessful in his attempt to delineate this minimum area of autonomy in terms of self-regarding and other-regarding actions. (What activity, for example, is primarily and unequivocally self-regarding?) His failure is not his alone, however, but is shared with him by all theorists (and not just the liberals) who see identity as an individual possession which only flourishes in an area of autonomy and isolation where I can 'be myself'. Mill fails in his attempt to guard the sanctity of individual identity against the world because, as we have

[7] A similar point is made in Winch, Peter, 'Authority', in Anthony Quinton, ed., Political Philosophy, (Oxford: The Oxford University Press, 1967), 102.

[8] Berlin, Sir I., Four Essays on Liberty, (Oxford: The Oxford University Press, 1969), 190.

seen, identity is not an individual possession to be secreted away from the world or defended against the world, but is created in the world, amongst our fellow-men. We live in a common social world and it is this world which gives significance to our actions. The freedom we have to establish our individual identity is a freedom to act within this common world. It is a freedom which cannot, therefore, be manifested by just any action but only by action which is comprehensible and comprehended. It can show itself only in action which is understood within the context of public order; action which manifests an appreciation of the appropriate idiom. Such action, as we have seen, may modify a public order but it does not constitute a rejection of public order.

Far from being some natural right or capacity which we hold apart from one another, freedom, like individual identity, depends on the sharing of a common framework of order; on the appreciation of a common idiom. Will informed by reason and judgement is not enough to achieve this freedom. Robinson Crusoe on his desert island, for example, builds himself a shelter and gathers a plentiful supply of food. He satisfies the conditions necessary for life and is relatively free from economic deprivation. He can be said to be at liberty and is thus in a position to exercise freedom. Subject to no man, and neither madman nor child, he enjoys complete 'natural freedom'. But as long as he remains in isolation, he has no identity and cannot be said to enjoy freedom which has any significance. The freedom which he enjoys in this state of nature establishes nothing and leaves behind no trace of its ever having been. It is completely momentary and ephemeral, constantly slipping into the past with no instant more significant than any other. Freedom within a public order, in contrast, is not a limited or constrained form of this natural or absolute freedom; not something of a milder version toned down to suit men living in society. The difference

between these two understandings of freedom is a difference of kind and not a difference of degree. Incorporating will and judgement, this second notion of freedom goes beyond these to the recognition of the public order within which it appears. The exercise of freedom within a public order saves action from obliteration by the present. Only within a public order does action achieve distinction and remembrance. It is preserved beyond the moment of its appearance by being performed within a circle of members who are in a position to appreciate its significance. Only then does the exercise of freedom serve to affirm the identity of the individual.[9]

To speak of freedom simply in terms of individual autonomy is to speak of an intellectual abstraction which reveals little to us, and to pose an intellectual problem which has little relevance to us. No one is ever born in a state of natural freedom, and even if we could reconcile natural freedom with public order it would not guarantee that the enjoyment of it would be significant to us. If we begin with a notion of abstract absolute freedom, we both overlook the vital public element of freedom, which gives meaning and significance to our actions, and we are led down a false path of attempting to reconcile this abstraction with public order. In contrast to abstract 'natural freedom', the American 'Founding Fathers'

> ... used the term freedom with a new, hitherto almost unknown emphasis on public freedom, an indication that they understood by freedom something very different from the free will or free thought that philosophers had known and discussed since Augustine. This public freedom was not an inner

[9] It is the lack of identity which is striking about existential characters of modern literature; men who never quite lose their air of strangeness and appear to us as individuals who are at home nowhere. Camus' protagonist in The Outsider, or Sartre's in Nausea are examples. Their burden seems not to be freedom which they cannot decide how to exercise, but isolation which makes their freedom insignificant and renders all their actions equally valuable, and thus equally valueless. Camus, *ibid.*; Sartre, Jean-Paul, Nausea, Robert Baldick, trans., (London: Penguin Books, 1965).

> realm into which men might escape from the pressures of the world, nor was it the *liberum arbitrium* which makes the will choose between alternatives. Freedom for them could only exist in public; it was a tangible worldly gift or capacity; it was the man-made public space or market place which antiquity had known as the area where freedom appears and becomes visible to all.[10]

An individual can be liberated in isolation. Apart from others he can reflect upon the possibilities his situation presents to him, and using reason and judgement, he can explore the implications of new and previously unseen alternatives. But he can only be free within a public order.

This freedom is manifested by the reinterpretation and creative re-arrangement of elements which constitute a public order. In this sense, the exercise of freedom is a variation on the theme of order. Not rigidly confined to the monotonous repetition of prescribed actions, it is the play of will, reason and judgement within the established framework of public order. Freedom '... lives in a context of order; and order, beneficial to liberty [or freedom, as the term is being used here], is maintained by traditions of many sorts, some of them quite illiberal in their content'.[11] Traditions maintain their vitality to the extent that men are free to employ them creatively, always acting within the tradition but never merely imitating the past. Conversely, it is within the order maintained by the vitality of tradition that individual freedom flourishes.

The outcome of free actions amongst men is not predictable, for who knows how one man will exercise his freedom, but neither is it incomprehensible. It is this exercise of freedom within a framework of order

[10] Arendt, Hannah, On Revolution, (London: Faber and Faber, 1963), 120.

[11] Shils, Edward A., 'Tradition and Liberty: Antimony and Independence', Ethics, vol. LXVIII, no. 3, (April, 1958), 164. The same point is also made in Cassirer, Ernst, The Logic of the Humanities, (London: The Yale University Press, 1967), 200.

which makes an action uniquely mine and at the same time makes it comprehensible to those about me. It makes an act mine in the way that each sentence I speak is my creation, establishing something about me, but is at the same time public and understood by those around me because it is within the framework of the accepted language.

> Creativity is forever in conflict with tradition. But here ... it is wrong to paint the conflict in black and white - as if one side had a complete monopoly on values and the other side a total absence of values. Tendencies toward preservation are no less significant and just as indispensable as those which seek renewal; for renewal can only come to flower through being preserved, and preservation is possible only through self-renewal.[12]

The tension that exists between freedom and order is inevitable, but it is not pernicious. The two are dependent on one another if men are both to act together and to establish their individual identities in the world.[13]

As freedom and order are not contradictory but rather are interdependent, so also it is with freedom and authority. It is the strength of authority, arising out of and reinforcing public order, which makes political freedom possible. This is not to say that any particular action taken by an authority may not curtail the scope of freedom, but that there is no inherent contradiction between them. 'Authority implies obedience where men retain their freedom ....'[14] Do away with authority entirely and political life can only be held together by persuasion or public order maintained by coercion, and both are always liable to disintegrate in violence.

[12] Cassirer, *ibid.*, 197.

[13] The same point is made by Whitehead in his discussion of what he calls spontaneity in Whitehead, A. N., 'Aspects of Freedom', in Ruth Nanda Anshen, ed., Freedom: Its Meaning, (London: George Allen & Unwin Ltd., 1942), 42-67.

[14] Arendt, Hannah, Between Past and Future, (New York: Meridian Books, The World Publishing Co., 1968), 106.

> If we look at the conflicting statements of conservatives [that authority is eroded] and liberals [that freedom is receding] with impartial eyes, we can easily see that the truth is equally distributed between them, and that we are in fact confronted with a simultaneous recession of both freedom and authority in the modern world.[15]

Violence, far from being the full realization of freedom, is a threat to it. It is a threat not because it violates the natural rights of any one individual or even because it is the manifestation of an abdication of reason; an emotional orgy where the less exalted elements of a man's nature take command of his actions, although it may well be this. Violence, as we have seen, is the destruction of all limits. It is this very destructiveness which threatens freedom because it threatens the public order within which freedom makes its appearance. Violence destroys the very limits which create the public order and bind men together, and is thus inimical to the exercise of freedom. Violence may liberate men but it cannot make them free. This is why it is to be resisted by any who wish to preserve the potential for freedom.

Freedom is also inimical to the immutable cycle of routine tasks which allows for no room for variation and thus no exercise of freedom.[16] A factory worker on an essembly line performing the same task countless times is no more than an extension of his machine. Confined to this repetitive job and classified in terms of his functional contribution to production he has, as Marx appreciated, no human identity.[17]

[15] Arendt, Hannah, 'Authority in the Twentieth Century', Review of Politics, 18: 403-17, (October, 1956), 414.

[16] This contrast between political life and productive activity is one of the major themes of Hannah Arendt's work, The Human Condition, (Chicago: The University of Chicago Press, 1958), esp. 22-78.

[17] Marx, Karl, Early Writings, T. B. Bottomore, trans, and ed., (London: McGraw-Hill Book Co., 1964), 69-70.

The formalized safeguards which are designed in a given society to protect the capacity of the individual to exercise his freedom may be understood as protecting the possibility of creative activity within the framework of the public order rather than any natural rights held prior to society. Freedom of speech, of assembly, of the press, of religious persuasion may all be guaranteed. But these are freedoms which operate within the framework of public order. What is not guaranteed is the right of overthrowing the entire public order. The guarantees of the rights of the individual do not extend to the complete dissolution of the public order itself, which perhaps would be liberating, but which would, at least for a time, destroy the very preconditions of freedom.

The exercise of freedom in the determination of the character of the public order, and thus the kind of identity which will be possible in a society, is the realm of political life. It is in political activity that men exercise their freedom as citizens to put forward various perspectives as to what should be preserved and what should be altered. Here they will exercise their rights in an attempt to inform the public order with their views. They will engage in political talk, support political organizations, stand for office, and exercise their judgement within political institutions as to what is in keeping with the traditions of their society. What is required in political life is the creative exercise of will, judgement and reason in deciding how the demands of the present shall be met and the character of the society preserved through time.

There is nothing inevitable or necessary about the exercise of freedom in political activity. Where men choose not to exercise their freedom, by withdrawing their attention from politics or ceasing to value their rights as citizens, political life declines and the possibility, as well as the significance of political freedom is diminished. Order may

be preserved in such a case, but it becomes more and more an imposition and less and less the creation of free men.

If freedom must be exercised within a public order to be of significance and to establish an individual identity, the character of freedom will depend upon the charcter of the public order in any given society. What it means to be free in this particular society, and the possibilities for creative re-arrangement and re-interpretation of the public order which are open to any given individual will be determined by the conditions of membership as they have come to be established through time. There are, therefore, no inherent universal freedoms which exist as *a priori* rights, outside of the specific order within which the individual becomes himself and establishes who he is. When we move from a discussion of the abstract notion of freedom to an attempt to list specific freedoms, we must also move from the abstract notion of public order to a specific order within which specific freedoms are exercised. There is no reason to suppose that the possibilities of being free will be the same in their specific content in all public orders, or even that they should be the same. Nor is it a rejection of the value of freedom to say that its specific manifestation in one society may be quite different from its specific manifestation in another, and that there is no one manifestation which ought to be common to all.

So far we have seen that freedom cannot be understood merely as the exercise of will informed by reason and judgement. It must be exercised within a public order and becomes the means by which an identity is expressed through the creative interpretation and re-arrangement of the elements of that order, making it 'mine', and not something which has been imposed upon me from outside, at the same time that it is public and shared amongst my fellows. There is, however, a further implication of the recognition that freedom, as opposed to liberation, is exercised within a public order.

In Montesquieu's The Persian Letters we are presented with a Persian Sultan who is supposedly writing of his impressions of eighteenth century Paris.[18] If any man can be expected to enjoy the fullest possible extent of liberation, surely it is one such as he. He is free from economic deprivation, and enjoys a lavish scale of living which apparently leaves him with no want or desire unsatisfied. As absolute lord and master over his subjects, he is able to exercise his will freely. There are (relatively speaking) no hindrances which limit him. In his ability to command the complete obedience of his subjects, his will is extended beyond the confines of his own person. He has slaves who are nothing more than an extension of himself, instruments of his will. Not only does he operate within a public order, he is the personification of that order. It derives its structure and character from him and he alone is in a position to alter it.

It is obvious that if his slaves are to be free, they must be liberated from the domination of the Sultan. Clearly their freedom can only become possible in a public order where none dominate and all are free. They will be capable of realizing their freedom only when they are liberated from their subjugation to their former master and are equal with him. That is, they will be capable of being free when all are equally liberated from the will of any other who might aribtrarily restrict the alternatives available to them, and when all are equally at liberty to create an identity in public. The ascendancy of any one man over the others disrupts this equality, allowing him to supplant their own will with his own, and to diminish their identity in doing so. Freedom amongst men, therefore, implies an equality amongst them; the equal enjoyment of the rights and duties of membership. It is not surprising to conclude that the despotism

[18] Montesquieu, Charles De, The Persian Letters, C. J. Betts, trans., (London: the Penguin Press, 1973).

of the Sultan must be overthrown if his slaves are to be liberated and to enjoy the possibility of being free.

Montesquieu goes further than this, however, and tells us that despite his being liberated, the Sultan himself is not a free man.[19] Despite the unfettered exercise of his will, not only within a public order but in the creation and formation of public order, he comes to feel a deficiency in his life. Significantly he comes to recognize this deficiency most clearly when he is faced with a rebellion in his palace; that is, within the very order which he has created. His despotical power is overthrown. We should expect this to reduce his ability to act freely. It is, however, the very success of this rebellion which makes him a truly free man, correcting the deficiency of his former state of relative liberation.

The defiency is one of being liberated but living in a world of things rather than being free and living in a world with other men. The Sultan enjoys the furthest possible extent of liberation but is still not free because there is no public order composed of equals before whom he may perform; no circle of fellow-men who will attend to his action and be appreciative of his efforts. Surrounded by slaves who are little more than an extension of his will, he is deprived of the society of equals which gives significance to his actions and meaning to his freedom. Freedom is not the possession of one man to be exercised over others. This is domination and may result in liberation, but it does not lead to freedom. Freedom is exercised amongst men, not objects, and the freedom of any one man depends on the freedom of other men, and therefore on their equality. As Montesquieu recognized, the freedom of the master depends upon the liberation of the slave. Not only is a slave a mere thing con-

[19] This interpretation of Montesquieu's work was first suggested by the treatment given Montesquieu in Berman, Marshall, The Politics of Authenticity, (London: George Allen and Unwin, Ltd., 1970), 3-56.

fined to a function, but so also is a master. Neither enjoy the equality which is necessary to the public order and the exercise of freedom within a circle of fellows. Master and slave remain things to each other; outside forces but not men with individual identities.[20]

Membership in a civil society, then, affords men the opportunity of being men, not things, amongst equals in a public order which they have helped to create. Their adherence to the conditions of membership maintains the order in which their identity is fashioned and their freedom attained. The laws of a society, the authority of its institutions and power of its organizations, create the breathing space within which freedom in political activity can be exercised. In this way the public order is sustained long enough in the face of change so that men may come together to debate, deliberate and decide how best to act in the face of the present situation. The maintenance over time of a relatively continuous public order is to be valued because only then it is possible for men to be free.

20 Hegel, arguing from different premises and for a different purpose, makes the same point in his Phenomenology of Mind in his chapter on 'Lordship and Bondage'. Hegel, G. W. F., The Phenomenology of Mind, J. B. Baillie, trans., (New York: Harper and Row, 1967), 228-40. The same argument is taken up in the Philosophy of History, especially in the 'Introduction'. Hegel, G. W. F., The Philosophy of History, J. Sibree, trans., (New York: Dover Publications, Inc., 1956), 18-19, 50, 70-71, 104-05.

CONCLUSION

Because we live in a world of time, limits are imposed upon the extent of all our activities. Any contribution to public debate or conversation must eventually come to a close. But in philosophy finding a place to stop a discussion is as difficult as finding a place to begin because to the philosopher all aspects of experience are of potential interest. Although his exploration of experience must strive to be complete, therefore, it is difficult to regard any philosophical enquiry as ever complete. Wherever the philosopher begins he must assume and wherever he stops he must omit, in spite of the fact that assumption and omission are failings in a philosophic work. Stopping places, then, like starting places, are in a certain sense arbitrary in any given philosophic analysis. There is always more that could be said; more distinctions that could be made, relationships which could be traced, and conclusions which could be drawn.

It is possible, for example, that having explored the relationship between political activity and public order, this discussion could continue to elaborate the ways in which politics may be distinguished from religious vocations or economic enterprises. These are two distinct human activities with which political life has been or is frequently identified. Much fruitful discussion may result from an attempt to show how such understandings of politics may be said to distort or misrepresent the character of political life as it has emerged in modern Western liberal democratic socities. Issue could be taken with such views, the conclusions of other works disputed, and the distinctions between political life and other kinds of activity further explored.

However, the aim of this essay has been to characterize the way in which political activity has come to be carried on in a particular kind

of society. To the extent that the character of this political life has been illuminated, its purpose has been indicated rather than accomplished. More could always be said. Nevertheless, it is hoped that this analysis has revealed distinctive features of political life in civil society and helped to discern the ways in which distinct aspects of political activity, taken together, serve at once to maintain and to modify this public order.

What has been attempted here is an illumination of the way in which public order is fundamental in the establishment of human identity in a world of time and change. To the extent that this order endures through time the likelihood that the significance of individual political actions will be appreciated is enhanced, and the possibility of creating a new order is increased. Such an order, however, cannot be said to be perfect. It is not established once and for all but is a temporal order which must continually be adapted to the needs of the present if it is to survive. Such adaptation does not constitute complete and total change. In a public order things do change but they do not change all at once. Political changes are developmental and political modifications gradual. There is always some link with the way things used to be; some continuity with the past.

The successful outcome of political activity is the preservation of this continuity. That is to say that the successful outcome of political activity is the possibility of further political activity. Unlike a philosophic work, politics does not simply fail to exhaust its subject matter. It does not seek to conclude. Its subject matter is not a given experience. Rather it is experience in the making; an experience both public and incomplete. One cannot imagine, for example, any public figure retiring from political life on the grounds that all that needed to be done has now been accomplished and there is no further need to concern

ourselves with political questions. The goal of political activity is not a utopia. It is the maintenance and modification of public order.

Within this public order, largely maintained through political activity, other activity flourishes. Only in a public order can men have some reasonable assurance of where they stand with one another. Without such confidence, it would be impossible for men to coordinate their activities in imposing their plans and projects upon the world and bending events to their purpose.

Such an order cannot be sustained by any single element of political life which has been discussed in this essay. Laws create obligations amongst men, but no system of law can meet every future contingency or deal adequately with all the complexities and intricacies of human life. Inevitably significant areas of the lives of men will elude the obligations imposed by a system of law, and the order which is sustained through time cannot be traced to law alone. Political organizations may recruit men for the purpose of achieving a political programme and establishing a public order of a particular character. The state may be commissioned to enforce the obligations which have been stipulated in law and to protect the rights guaranteed by law. However, although men may admire the power of a political party and fear the coercive power of a police force, power and coercion alone are not sufficient to maintain public order through time. Some societies may employ coercion more than others, but none can rely with any certainty on coercion alone to create and maintain the common world within which men interact. Political talk may make men conscious of the character of the society within which they fashion their identities, but political talk, because it is talk, is not enough to sustain public order. It may reinforce the public order by maintaining the currency of its terms and by reminding men of the problems which they must confront if their

society is to survive. However, the perspectives offered in political talk are not enough to ensure that decisions will be reached and acted upon to meet the challenges of change.

Taken on their own, law, political organizations and political talk are incapable of maintaining public order. These aspects of political life would be ineffectual without the exercise of authority. Authority is crucial in making the voice of political figures heard, political conventions followed, and legal obligations complied with. Men in office have the last word in political talk. They are able to resolve the debate in favour of one perspective or another only where men recognize the legitimacy of their pre-eminence and defer to their judgement. The political conventions which they invoke to bring an end to political talk and to authorize action will be efficacious only where they are acknowledged by men. The rights and duties of membership in civil society which are specified in law will meet with compliance only where men acknowledge as authoritative the procedures by which ~~they~~ they were formulated and the institutions by which they were approved. It is the exercise of authority in making and executing final decisions on behalf of all members of a society which makes political activity of such great interest to those concerned with the character of the public order. It is for this reason that access to positions of political authority is the primary aim of competing political organizations.

If political activity is concerned with the maintenance of public order, and if the exercise of authority is crucial to political activity, both are, in turn, dependent upon public order. Were there no public order, political activity amongst men would be impossible. Only where men share a common understanding of the rights and duties incumbent upon them as members of a public order and a common appreciation of the significance of membership are they in a position to engage in debate as to

what modifications would be appropriate. Any form of political organization is possible only where men already enjoy the communality of a society within which they are able to communicate with one another and to subordinate their activities to the achievement of a goal. The perspectives offered in political talk are possible only where there is already a public order providing the occasion for it. The acknowledgement of the authority of political institutions, political conventions and the obligations imposed by law does not arise *ex nihilo* but is possible only within an existing public order. Authority is carried forward into the present from the past - a past which is significant because it is a common past. Authority cannot, therefore, exist apart from the public order within which it appears, and it must always remain dependent on that order.

What has been examined in this essay, then, is the way in which authority, public order and political activity are interrelated and interdependent. Although they are distinct from one another, none can exist apart from the others. Public order could not exist through time without politics both maintaining and modifying the character of the society through the exercise of authority. Were authority to evaporate and public order to disintegrate, on the other hand, politics would be an impossible achievement. At the same time authority can only appear where men know themselves to be members of a public order and agree to accept the political conventions and political procedures according to which men come to occupy political office.

From these observations a paradox seems to emerge. Rather than clarifying the relationship between public order and political activity, our analysis seems to present us with a puzzle. Political activity and the exercise of authority, which are crucial in the maintenance of public order, presuppose the public order which they sustain. Although they are concerned with preserving the continuity of public order over time,

neither political activity nor the exercise of authority would be possible apart from an on-going public order. Order, we are led to conclude, is the basis for the preservation of order.

The recognition that order is the basis for the preservation of order is one reason why deception is so crucial to Machiavelli's Prince. The Prince must always appear to be in command of events and successful in maintaining his power. Only by seeming to be the master of events can he persuade his potential subjects that order exists before it does in fact exist. Convincing his subjects that order does exist is necessary if he is to be in a position to establish order. In the same way Hobbes's social contract must presuppose some kind of order so that the sovereign may be instituted and public order established. Although his notion of a contract securing the transition from a state of nature to civil society has often been attacked as self-contradictory, it is a legal fiction which implicitly acknowledges the fact that it is only out of order and not out of chaos that order can be created. Similarly the 19th century historical school of jurisprudence saw Western European civil society as the culmination of a long process of evolution. To this view the present order was a state of social and political development which could only have been reached through the gradual modification of previous orders and not one which could have been instituted at one moment in time.

Another paradox appears when we consider any given aspect of political activity. Although we may speak of an order in abstract terms, it is only in concrete actions amongst men that we have evidence for it; only in specific instances, such as the invocation of a convention or the enforcement of a law, that we can say it has been manifested. When we look around us seeking evidence for the existence of a public order we can only point to various actions of men. Yet at the same time these

specific actions achieve their significance by being placed in the context of a public order. Only by locating it within an established common world are we able to identify it as the invocation of a convention of the enforcement of a law. On the one hand, order is only manifested in distinct actions. On the other hand, such action can only be seen to be significant and meaningful in the context of order.

These paradoxes, however, are ones which arise only in the course of discussion. That is to say, they emerge from philosophic analysis and not from practical activity. They are paradoxes which disappear when we remind ourselves that unlike philosophic analysis, a public order does not begin with one point and proceed in a logical or reasonable manner to the next. The chicken-or-the-egg dilemma does not present itself here because, unlike either chickens or eggs, a public order does not begin, giving rise to political talk, political conventions, etc., nor is it produced by them. On the contrary, it is a continuing practice which is under no compulsion to begin anywhere. Only explanations and analyses have to begin at one point and move on to the next. Because our attention is directed first to one point and then to another, analysis dissects a public order, distinguishing and separating its various aspects from each other. Political institutions can be distinguished from political organizations, for example, and can be said to operate in a different manner. However, the elucidation of these philosophic distinctions does not mean that a public order is held together by discrete and isolated components, like individual building blocks which, when arranged in a particular way, go to make up a house. A public order is a unity; a roughly coherent society which is lived in as a whole. It exists to the extent that it is manifested in the activities of men. It is a practice, therefore, in which distinctions can be discerned between various aspects, but which cannot be broken down like a chemical compound into separate

elements. It is not necessary to ponder whether the chicken of public order came before the egg of political activity, or whether political life precedes authority. In practice, public order is inseparable from all aspects of political activity. Neither political activity nor public order could appear isolated from the other. Nor can it be claimed that any one aspect of politics is prior to any other. All are dependent on each other for the preservation of the society within which they each make their appearance. No one aspect can be said to be the foundation on which all others rest. Distinct from one another, it is only through the interaction of the various aspects that a public order is sustained through political activity, and political activity by public order.

As a practice which does not begin at one moment in time and which cannot be said to be held together by any one key element, a public order has a kind of internal momentum that carries it through time. Men are brought into a social order through a process of apprenticeship. This process is not one of critical examination of the order but of attempts to attain mastery of the idiom. It is not a self-conscious endeavour but is largely an unconscious achievement where imitation and uncritical emulation play a primary role. For most men the social world which they come to inhabit is one which is largely accepted as inevitable. It is a world which they accept unquestioningly as a gift from the past and within which they adjust, trying to make themselves at home as best they can. Change, of course, is inevitable. But equally inevitable is the fact that men will view the demands of the present in terms of the order which they have received from the past. Since we have no choice but to begin from where we are now, political activity concerns itself with the preservation and modification of the character of the public order within which we find ourselves.

While political activity is not the only way in which this order may both be maintained and modified, it is a primary way. Those factors which are crucial in the preservation of public order are also crucial in the authorization of changes that enable the public order to meet the demands of the present. The diverse and interrelated aspects which make up political activity perform the dual role of sustaining the currency of a public order while modifications are brought about within it. In doing so, political activity sustains through time the public order within which we fashion for ourselves a human identity, acknowledging the identity of others at the same time that we receive their acknowledgement in return. In the Western European tradition citizens are at one and the same time both together and apart. Collectively they are subject to law; individually they are free to act within the order imposed by law. Perhaps the most significant manifestation of their freedom is the freedom to modify the order to which they are subject - a freedom inconceivable were they to reject the discipline it has imposed.

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