Max Beloff

Introduction

The conference which met at Manchester to discuss the papers in this volume took place shortly after the American presidential election of 1972, with its overwhelming victory for President Richard Nixon over George McGovern. It also had to take into account the fact that the margin between the two presidential candidates was not reflected in the results of the concurrent elections for the Senate, the House of Representatives or the state governors. The apparent absence of a ‘coat-tails’ effect could be put down by disappointed Republicans to the very restricted and highly personalized nature of Mr Nixon’s own campaign. But the view of

1 A conference was held on 17-19 November 1972 in Manchester to discuss American political institutions in the light of the elections of November 1972. The conference was organized jointly by Government and Opposition and the Government Department of the University of Manchester, and was supported by a grant from the Nuffield Foundation. The participants were: Prof. G. Almond (Stanford, California); Prof. Raymond Aron (Sorbonne); Prof. M. Beloff (All Souls) chairman; Mr R. A. Burchell (Manchester); Dr Mary Ellison (Keele); Prof. S. Feingold (City University, New York); Prof. S. E. Finer (Manchester); Mr P. Fotheringham (Glasgow); Mr R. A. Garson (Keele); Prof. J. Gould (Nottingham); Dr J. E. S. Hayward (Keele); Prof. G. Ionescu (Manchester); Dr D. Kavanagh (Manchester); Prof. Robert E. Lane (Yale); Dr J. D. Lees (Keele); Dr I. de Madariaga (London); Mr P. J. Madgwick (University College of Aberystwyth); Mr R. A. Maidment (Manchester); Prof. P. D. Marshall (Manchester); Dr K. Medhurst (Manchester); Mr D. H. S. Morris (Manchester); Mr L. Minkin (Manchester); Mr G. Moyer (Manchester); Prof. H. G. Nicholas (New College); Prof. R. H. Pear (Nottingham); Dr G. Roberts (Manchester UMIST); Mr J. Schwarzmantl (Leeds); Mr M. Steed (Manchester); Mr V. Vale (Southampton) rapporteur; Dr W. Wallace (Manchester); Dr M. J. Walles (Leeds); Mr R. Williams (Manchester); Mr M. O’Donnell (Keele).

The present collection does not include the contributions ‘The U.S. Supreme Court: from Warren to Burger’ by R. H. Pear, ‘The American City – an Ungovernable Enterprise’ by P. J. Madgwick, and the discussion which took place, summarized and edited by V. Vale. These contributions will be included in the book based on the conference, American Political Institutions: Process and Performance, edited by Max Beloff and Vivian Vale, to be published by Macmillan.
someone less involved might be that though the circumstances of the presidential contest were remarkable, in that the Democratic standard-bearer had captured the party machine for a minority faction which narrowed his ultimate appeal, and though he himself suffered from being an increasingly implausible candidate for the burden of the most powerful elective office in the world, the recent elections showed that American party ties remained almost as binding on most voters as at any previous epoch. If there was some further move towards a 'two-party South' its speed was that of a glacier rather than of a torrent. The American electorate seemed as fixed in its ways as most electorates – less volatile perhaps than the British; and part of this stability translated itself into a high level of non-participation. But this also was traditional.

The impact of this evidence about the conservative and traditionalist behaviour of most sectors of the American electorate was enhanced by the fact that only a few years earlier it had been common form to regard the United States as passing through a crisis as formidable and as far-reaching as those brought about by the great depression or, earlier than that, by the slavery controversy that led to the civil war. In 1968 it could well be asked whether the institutions of the United States had the necessary flexibility to enable the country to cope with the problems of the last third of the 20th century. It is true that even in 1972, the element of violence was not altogether lacking; the removal of Governor Wallace from the list of candidates by the bullet of a would-be assassin may indeed have had an important effect on the outcome at least in statistical terms; but the national and international impact of this event could not be compared with the repercussions of the murders of Robert Kennedy and Martin Luther King. The ability of President Nixon to ride the Vietnam storm despite his failure to announce a settlement was very significant if we reflect on the way in which so powerful and striking a president as Lyndon Johnson was forced to renounce any intention of running again because he had failed to defuse this issue. We had talk of race war; but the cities did not go up in flames one after the other as some had prophesied; we had talk of the generation gap, but nothing happened at the Miami Democratic Convention to compare with the scenes at Chicago, four years before. We had talk of the crisis of the American economy, and ended up with a British government looking anxiously to see whether it could learn any lessons from the way in which the Nixon Administration had handled inflation.
It is also clear that the change in atmosphere which was so obviously reflected in the behaviour of American voters was not the result of any miracles worked by the Nixon Administration itself. There had been no 'new deal'. It is true that the hostility to the Vietnam war had been moderated by the change in the way in which it was being fought which meant that far fewer American lives were at risk, even though the sufferings of the Vietnamese were not thereby much diminished, and a cynic would be tempted to say that the antipathy that American youth showed towards the war and which was buttressed by such high moral language showed a curious diminution of intensity as soon as it became no longer a question of risking their own lives. But on the issues of internal policy other than inflation: race-relations; the state of the cities; the destruction of the environment; crime and violence - if they were alive in 1968, why are they alive no longer? Once again, the cynic might answer by saying that in an advanced industrial society, the state of the economy particularly as it reveals itself in inflation is so over-riding an issue that a government that can cope with that can rest easy on the others.

Or one could put it still more crudely and say that despite all the talk of alienation on the part of youth or other identifiable sections of society, the main core of American society whether 'middle-class' or 'working-class' is still integrated within a structure of action and belief that anchors it to the existing order; what is outside is for one reason or another too weak to affect the course of events and will ordinarily be too conscious of this weakness to try very seriously to do so by such legal means as are available to it or by extra-legal ones. It requires some issue that divides the majority into warring sections - such as Vietnam briefly provided - to give the situation the appearance of fluidity and as soon as the particular issue passes, conservatism reasserts itself.

No society has been so investigated and pondered about as the American; the gathering at Manchester was in the long line of European preoccupations with American society and its fate to which we owe some of the masterpieces of European political literature. The presence of our American guests reminded us that one does not need to be a foreigner in order to be interested in America. American political science has increasingly devoted itself to the domestic scene and its techniques have enabled one to explore with greater precision areas that were previously only the subject of hypothesis and speculation. Yet, of course, such a science is only
of limited validity since it has no predictive capacity; it can get from the data nothing but what it puts in. Seismography can tell us where earthquakes are more likely; it cannot predict particular earthquakes – at least not yet. Nothing was further from the confidence of President Kennedy’s inaugural address than the sullen and violent self-questioning of 1968; nothing was further removed from that apocalyptic interlude than the calm that prevailed at the time of President Nixon’s victory in 1972. Given the situation the political science fraternity will not be at a loss for explanations; but the way forward remains as obscure as ever.

It is perhaps a pity that whereas economic, political and sociological studies in the United States all claim increasing numbers of devotees, history as a discipline is out of fashion – particularly that history that deals in relatively long-term perspectives. It is perhaps only by going back to America’s beginnings, to the social philosophy of the Founding Fathers and to the nature of the governmental system they created that one can acquire some idea of what is at stake in the debates over particular American institutions whose most recent years are dealt with in the subsequent papers in this volume. Despite all the daunting effects of more than one technological revolution and of its accompanying economic changes, there is no domestic issue that at present divides Americans that was not in some form or another faced and considered in the generation of Thomas Jefferson.

Most political problems arise from the clash within single societies, and often within the minds and hearts of individuals, of general principles that are in contradiction with each other or with the brute facts of nature. In proclaiming the equality of men, the Founding Fathers pushed aside its relevance to the question of colour – a question which had been with Americans since the first settlements. Before Jefferson died the question had caught up with them and it has been with them ever since. Slavery; emancipation; separate but equal; integration; positive discrimination – these are in the main line; repatriation; recognition as a national group – these have been eccentric ideas for most people, most of the time. But the issue is not resolved; and to look only at so recent a phenomenon as the urban ‘ghetto’ is to make it doubtful that it can be. And is it not at least revealing that the last demonstration in the Washington of 1972 was one by the American Indians? (In a year which has also seen much activity by and on behalf of the Australian aborigines, something should be said about the ghosts of history.)
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The Founding Fathers assumed a society in which property would be widely diffused and in which prosperity or the reverse would largely reflect the individual’s own efforts. They had therefore no philosophy of poverty other than that which enjoined charity to victims of misfortune. To a very large extent this basic set of social attitudes is still alive; it is true that a much higher proportion of Americans than would then have been thought conceivable are dependent upon earnings rather than ownership; but claims on society’s total output, whether as wages or as part of a social security structure, produce an outlook not very far removed from that of the property-owners of an earlier date. What society cannot cope with except outside this framework, if at all, are what appear to be the permanently disadvantaged. What if the odds against success make personal effort unavailing?

‘Pollution’, the newest and most fashionable ‘problem’, is also one of the oldest. Indifference to the destruction of the environment and a concentration upon short-term benefits to be extracted from nature’s bounty is characteristic of all expanding societies unless there is some system of rigid social control. The exhaustion of the soil through the continuous cropping of tobacco; loss of soil through deforestation or up and down ploughing; none of this differs substantially from the killing of the American lakes or the poisoning of the air of California or the fouling of Pacific beaches of which people have now come to take notice. All conservationist or anti-pollution policies involve expense—that is to say eating into the profits of the present generation for the sake of a wider community interest, or of posterity. Such restraint on current enjoyment is hard to fit in to an individualist creed.

The unsolved problem of the American campuses—how to preserve standards if access is to be total and classification rejected?—was not there when Jefferson produced his frankly elitist plans for the University of Virginia. But once one has admitted the claim of each individual to be given an education at the expense of society at large, the drawing of a line between primary and secondary, or between secondary and higher, becomes difficult to justify in principle—if everyone is to be literate why is everyone not to be a Ph.D.?

One feature of the last few years which might appear novel is the launching into the American arena of competitive ideas of single books which claim to present a general explanation of what is wrong, and some panacea for putting things right, or the emergence
of single prophets or of individuals treated as such. But is this not merely a transference to a secular plane of the religious ‘awakenings’ that punctuate the century of enlightenment? The *Greening of America* is in a good American tradition of Utopia by way of conversion.

Finally and most germane of all to the subjects dealt with in the papers that follow is the legacy of the original American antipathy to strong central government. It is true that both the great American crises of the past - civil war and New Deal - have resulted in an extension of the relative power of the federal government as compared with the states; though with the general growth of government intervention, the states are absolutely speaking more powerful than ever, spend more, employ more people. But the restraints of federalism have replaced those inherent in the separation of powers as the principle has been interpreted in respect of American government. It was the intention of most of the Founding Fathers to make government action difficult and complicated so as to prevent arbitrary action; in that respect their success has been undeniable.

No impression emerges more powerfully from the chapters in this volume, than the enormous difficulty in America of getting things done at municipal and state levels as well as the federal level, even when a policy has been framed by the appropriate authority. The suspicion of government inherent in the Jeffersonian philosophy has the result of making government more complex, not simpler, of multiplying separate institutions rather than eliminating them. Sometimes one feels that the odds against anything coming out of the legislative machine at all, or against a programme proving effective once it has emerged, are so considerable that it is a wonder that the whole system does not break down through sheer overloading in the way in which one speculates on a traffic jam in Manhattan of such dimensions that the flow of vehicles can never get started again.

In this context it is natural to look for where energizing principles may appear in the political system. The most obvious case in recent decades has been the initiatives that have come from the Supreme Court. It was the Court that gave the lead in the general field of civil liberties, and that has so far prevented the understandable concern with law and order and the growth of crime to allow a whittling down of the rights of the individual accused at the behest of the government. More than this, in the field of race relations it was the Court that set going the process of desegregation with important
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long-range effects in education, and more direct ones in the sphere of voting rights and consequent minority representation. But in both these fields it has been positive discrimination that has been over-ruled in the name of the constitution, not new rights which have been extended; and in both, the speed of progress has depended upon the willing collaboration of the other branches of government, both at the federal level and in the states. In terms of innovation, the Court’s intervention was most extraordinary in the question of apportionment; but here the Court intervened to protect what were after all majorities prevented by an entrenched system of privilege from exercising rights to which the accepted ideology fully entitled them.

In the problems that now face the United States, there is no obviously similar role for an initiative from the Court; what needs to be done is for legislature and executive to decide. For this reason the fact that President Nixon’s nominations are intended to create a more ‘conservative’ Court may not be of great importance; a period of constitutional digestion may be in order; time may be needed to work out what the constitution means today after so many reversals of previously held positions. One would hazard the guess that the general outlook of the Court may only matter if there is a major attempt to encroach on personal liberties in the way in which they are now defined, particularly in respect of freedom of speech, publication and association. Even so this might only be marginally important either in respect of a tougher attitude towards ‘permissiveness’ or in respect of new measures to deal with crimes of violence. If Congress were to pass a genuine ‘gun-law’ it is hard to see the Court ruling it unconstitutional on the basis of the Second Amendment. In the same way one would not imagine that the pre-1937 doctrines of freedom of contract would be revived to impede anti-pollution legislation which cannot but affect property rights.

The only serious risk of the Court doing less than it might to uphold one set of American values would be if there were a real or imaginary revival of the totalitarian threat to them all. It has been noted that it was in relation to action taken under cover of protecting society against totalitarian inroads that the Warren Court was at its most cautious, and was most disinclined to go beyond procedural safeguards for the individual. What Americans have found least tolerable in the past is an apparent threat to the national consensus; and when that threat has appeared, they have shown the massive intolerance that Tocqueville feared would be characteristic.

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of all democracies. Both Congress and the state legislatures have shown themselves at different times very hot on the trail of sedition and the courts on the whole reluctant to deny, perhaps rightly, that the extent of the danger and the means to cope with it are matters for the elected representatives of the people, not for the courts.

Is such a period of internal tension likely to recur? The answer to this question depends on developments in two areas neither of which were directly the subject of articles in this collection, though both were alluded to in the subsequent discussion. What degree of homogeneity has the American people actually attained and what degree is thought sufficient for safety? What is likely to be the impact of external events upon America's domestic political life in the near future?

One must again remember the extent to which there is an American ideology inherited from the Founding Fathers and the fact that whereas some of it is explicit, some of it was simply taken for granted and nowhere appears in the constitution. Of the implicit assumptions, the most important is that the United States is a nation with all the elements in common that one usually associates with that idea. While it is not for instance anywhere laid down that the language of the United States shall be English or a derivative therefrom, much of the American pattern of education and other instruments of socialization must be taken as intended primarily to make certain that the implicit assumption about a single national language shall be fact, however polygot the immigrant intake.

It could be argued that the nation was thought of also as white and even as Protestant, in a very loose sense; that the coloured and the Catholic and the Jew were not quite Americans. On all this there has been a degree of flexibility, except on language. And to the evolution of a more flexible attitude the political parties, with their receptivity to new elements in the population, have contributed a great deal. It is natural therefore that quite apart from its effect on party fortunes, attention should be paid to the shift of 'ethnic' votes from the Democratic to the Republican column. If Americans of whatever ethnic origin vote according to socio-economic status or from motives of direct self-interest or ideological preference, then it is felt, the nation-building impetus is retained; when some groups, Blacks or Spanish-speaking elements, resist that tendency or bow to it only to a slight degree, then there is cause for alarm. We have in the world examples of unitary societies and plural societies – the United States is the principal example of a plural society with a
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unitary ideology – although one could not be quite certain that its great rival, the Soviet Union, will not one day reveal itself as another example of the same thing.

Whether these derogations from national unity are at any time important will however depend on external circumstances; the Japanese-Americans of the West Coast might have gone on living their useful and harmless lives without hindrance, had it not been for Pearl Harbour. One cannot, as George Washington rightly divined, have an America active in world affairs and not feel the effects at home.

By the exercise of self-discipline the participants in our conference managed to discuss most of these problems without direct reference to the fact that the institutions of the contemporary United States have to deal not merely with America’s domestic problems but also with all that results from the burdens she has assumed in the rest of the world as a result of the Hitler war and the ‘Cold War’. It was left to Raymond Aron to remind us in the concluding discussion that among the other apparently fixed elements in the constitutional system was the predominant role of the President in foreign affairs and the awe-inspiring responsibilities that this fact imposed upon a single individual. (A few weeks later the full import of this situation was to be brought home to everyone when President Nixon authorized the renewal of the mass bombing of North Vietnam after a breakdown in the Paris peace talks as to whose nature he was able to remain almost wholly uncommunicative.)

But the uniqueness of the American position in relation to world affairs lies in the substance of the issues involved as much as in the peculiarities of the institutions involved in handling them. The presuppositions of the traditional attitude were that if America left the world alone, the world would leave America alone. The degree of self-sufficiency, as compared to the commercial nations of western Europe, attained by the American economy seemed to point towards the belief that America not only should but could ignore what happened anywhere else. ‘Fortress America’ would not need to go onto sieve rations.

None of this now looks the same. America has not been immune to the movement of ideas in the world – some of its minorities are exceptionally alive to anything that happens elsewhere that they can turn to their own use. American public figures assume the right to comment freely on the actions of other governments even in ways that amount to a blatant interference with internal affairs; the
American government has been for periods, and in some parts of the world still is, the principal reason why particular regimes remain in power. And material interests – not in any sinister sense only – are also involved in the outcome of conflicts in other continents. The changing pattern of energy consumption, the specialization on exports of sectors of the American economy – notably agriculture – mean an abiding concern with a great many different developments outside America’s borders. A country whose currency has become the major medium of international exchange cannot be indifferent to how other people manage their monetary affairs.

America today, like Palmerston’s Britain but on a vastly greater scale, feels entitled to interfere wherever in the world she feels she has an interest to defend; and again like Palmerston’s Britain but on an even vaster scale, her cultural penetration accompanies each assertion of her material and political influence.

The result has been that throughout the world America is better known than any other country or at least there is no other foreign country of which so many people are aware for so much of the time. In many quarters this knowledge or partial knowledge is tinged with gratitude or affection or at least hope. But it can also result in fear, hatred and incurable suspicion.

The dilemma of Vietnam has thrown all these facts into the fiercest possible glare of publicity. The dilemma has been the most agonizing that any civilized country could face; the Americans have had to admit to being unable to secure a political decision, which corresponds as closely as possible to the notions of self-determination to which they are committed, rather than annihilate a small country by the use of their unparalleled technical superiority. In the long run the element of defeat is likely to bulk large, with consequences of profound importance for themselves and their friends everywhere.

Whichever way the dilemma is resolved or whatever way may be found of avoiding it for the time being, one cannot help feeling that the outcome will profoundly strengthen the hands of all those who call for a return to the wisdom of the Founding Fathers. The Nixon presidency may well come to be seen as a watershed between the internationalist-minded United States of the later Roosevelt years and of the Truman-Eisenhower-Kennedy-Johnson era and a new period of concentration upon unfinished business at home with all foreign policy questions subordinated to the exigencies of the home front. In such an America, the mood would be a very different
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one from anything that has been seen for over forty years. More than this one cannot say.

The essays on particular topics in this volume suggest that a high degree of institutional conservatism need not of course preclude some innovations or new directions in policy, and that even during recent years, changes can be perceived.

On the constitutional side, as R. H. Pear shows in his essay on the Supreme Court, it is not certain that a definite choice of ‘conservative’ justices such as President Nixon has made will necessarily bring about a major change in the impact of the Court’s decisions, although the areas on which the Court will concentrate its attention may shift with changing personnel. The present Court was expected to give some assistance to the forces of law and order in cases where the police seemed unduly hampered in securing convictions; but not much has been done to cause any serious anxiety about the curtailment of the rights of the accused. The most notable decision of the Court, the ending of the death penalty might be regarded as more a continuation of the previous line, though it was of course put through against the votes of the Nixon appointees. What would seem to emerge from Pear’s essay is that the role of the Court as educator may be played in the immediate future in a rather low key.

The question of the executive branch of government is approached in rather different ways by H. G. Nicholas in dealing with the presidency, and by V. Vale in his account of the continued expansion and increasing complexity of the federal bureaucracy. Nicholas is concerned with the presidency as it has existed since President Eisenhower’s time when the modern fragmentation of the two parties began to mean in his view that each presidential candidate had to construct his own. The logic of this was carried to its conclusion in the Miami Convention of the Democratic Party when McGovern created a party that almost deliberately excluded from its ranks important sectors of the historic Democratic coalition. One result of the enfeeblement of party to which Nicholas believes recent presidents have all contributed when in office by their neglect of the party in the country, is the increase in the personalization of presidential government and of the methods by which presidents conduct the country’s business. The importance of the White House staff as against the departments is not just a measure of the extraordinary ascendancy seemingly acquired by Dr Kissinger in the field of foreign affairs but inherent in the way American government is now conducted. This

\footnote{Cf. American Political Institutions: Process and Performance, Macmillan, forthcoming.}
spells the failure of Eisenhower's attempt to make something of the cabinet and means a very considerable measure of autonomous action except in fields where legislation is required. Congress's control of finance seems a poor weapon against a determined president.

Vale shows that even on the legislative side the mass of what is proposed comes from within the governmental machine, and that even here the White House staff has an important role to play in sifting such proposals and in assigning priorities. The other main subject treated in Vale's paper is the administrative side of the new relationship between the federal government and the states, and to a lesser but growing extent between the federal government and the localities. The examination of the difficulties that have emerged in the use of federal funds for programmes that can only be effectively devised and controlled locally helps to explain, quite apart from any ideological prejudice against increased federal spending for local purposes, the greater scepticism that now prevails about the capacities of American government to deal with some of the major social and political problems of the country.

The argument is carried forward in P. Madgwick's essay on the American city, which for many British students of American government is likely to be the one that breaks most new ground. His argument that while British government has been a force, if not always an effective one, for the equalization of resources and opportunities between areas, the American system tends to defend or even create inequalities and provides a manner of looking at federalism quite a long way from the classical mode. The politicization of the competing agencies of municipal government and the active role of their employee organizations also helps to explain fragmentation, while the difficulties that confront reforming mayors (not altogether dissimilar from those that confront reforming presidents) are set out with some precision. Finally and in a way which differentiates the present from earlier eras of social reform in the cities, there is the greater element of doubt as to whether the actual diagnosis of the reasons why expectations outrun performance is the correct one. Is money the solvent that it was once thought to be or are the problems of poverty more recalcitrant than has been thought?

What is brought out at all levels of government is the importance of party; the views as to the current weaknesses of the parties as ways of focusing policy brought out by both Nicholas and Madgwick from their different angles of approach are supported by the analysis

\[\text{See American Political Institutions: Process and Performance, Macmillan, forthcoming.}\]
of the parties themselves in P. Fotheringham’s paper. The decentralization that remains their most distinctive feature has not been eroded by some decline in the importance of sectional issues and some increase in the weight of socio-economic factors in determining party allegiance. The weight of the parties has been a negative rather than a positive factor in promoting consistent policies directed towards influencing social development in any clearly thought out way. The bargaining element in the making of policy remains more important than any ideological drive.

In his essay on Congress, J. D. Lees shows how difficult American observers have found it to agree on the extent to which Congress has successfully reorganized itself for the more positive role that the central institutions of the country have come to play. Much ingenuity has gone into reorganizing procedures and in endowing Congress and Congressmen with greater resources for the collection and collation of relevant information. But this surface activity may have less long-term political importance than the gradual erosion of conservative controls over committee chairmanships combined with the effects of redistricting in the House. It is likely that if the country becomes more liberal so too will Congress but, as can be seen from Lees’s treatment of Congress’s role and claims in the sphere of foreign policy, all these things taken together still cannot ensure for Congress an initiatory role from which the separation of powers continues to debar it.

Although written independently the articles themselves together with the subsequent discussion show a fairly considerable measure of agreement as to the relative weight of the different parts of the system and the extent to which each part responds to change. From the material here presented, the reader may be able to form his own views of how in the history of American institutions the present phase is likely to figure – as a period of consolidation, or as the starting-point for an era of innovation? He will certainly find no lack of material upon which to form a judgement either upon this basic issue or upon what we set out to look at originally, the viability or credibility of the American system as a whole.