

Balance of Power:
State, Society and the Narrow Corridor
to Liberty

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Liberty

- In his book *Republicanism: A Theory of Government and Freedom*, Philip Pettit argues that the fundamental tenet of a fulfilling, decent life is non-dominance — freedom from dominance and fear, insecurity and extreme uncertainty. It is unacceptable, according to Pettit, when one has to

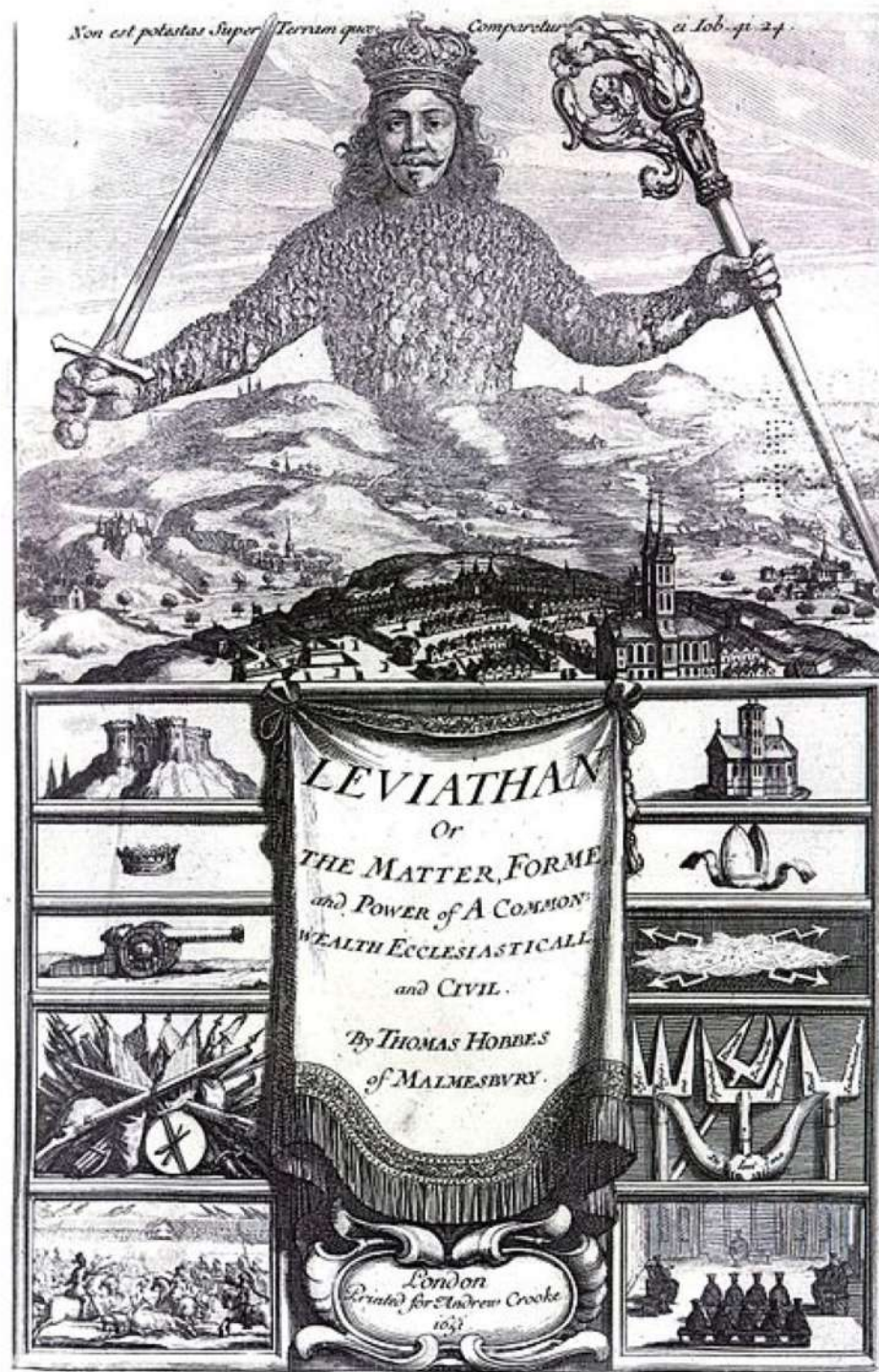
“live at the mercy of another, having to live in a manner that leaves you vulnerable to some ill that the other is in a position arbitrarily to impose.”

Dominance

- Being dominated amounts to being “subject to arbitrary sway; being subject to the potentially capricious will or the potentially idiosyncratic judgment of another.”
- Not being dominated, or what we will call “liberty”, on the other hand, means “emancipation from any such subordination, liberation from any such dependency. It requires the capacity to stand eye to eye with your fellow citizens, in a shared awareness that none of you has a power of arbitrary interference with another.”

Paths to Liberty

- Where does Liberty come from?
- A famous view due to Hobbes is that it is a state, a Leviathan, that creates freedom from Warre where there is
“continually feare, and danger of violent death; And the life of man, solitary, poore, nasty, brutish, and short.”
- Avoiding this is so good that people are willing to “submit their wills” to the Leviathan’s will.
- But states also can create illiberty and they can dominate you.



The Death of Zhang Fuhong

- On November 11, 1959 the secretary of the CCP in Guangshan County, Zhang Fuhong was attacked.
- Ma Longshan took the lead and started to kick him. Others set on him with fists and feet. He was beaten bloody and his hair ripped out in patches, his uniform was torn to threads and he was left barely able to walk.
- By November 15 after repeated further attacks he was dragged home he had lost control of his bodily functions and could no longer eat. He was attacked again, and when he asked for water, it was refused.
- On November 19, he died.

Yang Jishen's *Tombstone*

- Zhang's crime was “right deviationism” and being a “degenerate element,” because he was a “a negator of the Great Harvest” therefore had to be subjected to “struggle”.
- “Starvation was a prolonged agony. The grain was gone, the wild herbs had all been eaten, even the bark had been stripped from the trees, and bird droppings, rats, and cotton batting were all used to fill stomachs. In the kaolin clay fields, starving people chewed on the clay as they dug it. The corpses of the dead, famine victims seeking refuge from other villages, even one's own family members, became food for the desperate.”

The John Locke-James Madison Solution

- A common view is that the governance of the state is critical.
- Pettit, for example, emphasizes checks and balances.
- But is that enough?

The Gilgamesh Problem

- Sumerian tablets surviving from 4200 years ago tell the story of Gilgamesh, King of Uruk, who created a rich, secure and powerful city on the banks of the Euphrates.

“See how its ramparts gleam like copper in the sun. Climb the stone staircase ... approach the Eanna Temple, sacred to Ishtar, a temple that no king has equaled in size or beauty, walk on the wall of Uruk, follow its course round the city, inspect its mighty foundations, examine its brickwork, how masterfully it is built, observe the land it encloses, the glorious palaces and temples, the shops and marketplaces, the houses, the public squares.”
- But the hitch of “despotism”:

“Who is like Gilgamesh? What other king has inspired such awe? Who else can say, “I alone rule supreme among mankind”? ... The city in his possession, he struts through it, arrogant, his head raised high, **trampling its citizens like a wild bull**. He is king, **he does whatever he wants**, takes the son from his father and crushes him, takes the girl from her mothers and uses her ... **no one dares to oppose him**.”

Remains of the Eanna Temple, Uruk, Iraq



The World's first system of Checks and Balances

- So the citizens “cried out to heaven” to Anu, the god of the sky, to stop this despotism.
- Anu came up with a solution to contain Gilgamesh:
“create a double for Gilgamesh, his second self, a man who equals his strength and courage, a man who equals his stormy heart. Create a new hero, let them balance each other perfectly, so that Uruk has peace.”
- Doppelgänger as “checks and balances”. And indeed, Enkidu, Gilgamesh's double, beats him and checks him.

The Bull of Heaven

- But it doesn't last. Soon "They embraced and kissed. They held hands like brothers. They walked side by side. They became true friends."
- They combine to kill the monster Humbaba, created by the God Enlil, and they kill the Bull of Heaven sent to earth by Anu to punish Gilgamesh when he spurns the advances of the goddess Ishtar.

Gilgamesh and Enkidu slay the Bull of Heaven



The Role of Society

- The problem with the doppelgänger (and related) system of checks and balances is that it is not collusion proof.
- What was missing in Uruk, was society.
- The role of society is critical in the history of European state-building and the creation of (something approximating) Liberty.

Participation in the German Tribes

- Roman historian Tacitus noted this already in 98 A.D.,

“over matters of minor importance only the chiefs debate; on major affairs, the whole community ... The Assembly is competent also to hear criminal charges, especially those involving the risk of capital punishment ...

These same assemblies elect, among other officials, the magistrates who administer justice in the districts and villages.”

“At that time the custom was followed that no more than two general assemblies were to be held each year. All the important men, both clerics and laymen, attended this general assembly. .. and those of lower station were present in order to hear the decisions and occasionally also to deliberate concerning them, and to confirm them not out of coercion but by their own understanding and agreement.” Hincmar of Rheims.



Clovis,
King of the Franks





PREFACE TO THE SALIC LAWS:

...Therefore four men, chosen out of many among them, stood out: Their names were Wisogast, Arogast, Salegast and Widogast. They came from the *villae* of Bothem, Salehem and Widothem, beyond the Rhine.

Coming together in three legal assemblies, and discussing the origins and cases carefully, they made judgement on each case as follows...

Runnymede Meadow, England, where the Magna Carta (Great Charter) was signed in 1215



Governance in Wiltshire, England

- In the village of Swallowfield in Wiltshire, in December 1596 some villagers got together and wrote a constitution:
“the whole company promesethe to meete once in every monethe”.
“ffirst it is agre[e]d, That every man shal be h[e]ard at o[u]r metynge quyetly one after an other”
- These were not passed by village elites, but by the “**middling sort of person**”. None of them had enough income to be amongst the 11 taxpayers listed in the parliamentary lay subsidy tax return of 1594.
- These were the people who ran the local state even in the late 16th century and served in the local administrative positions as jurors, churchwardens, overseers of the poor.

Modern State Building

- Similar process in the 18th century. In the words of Charles Tilly:
 - “between 1758 and 1833 a new variety of claim-making had taken shape in Britain ... Mass popular politics had taken hold on a national scale”.
 - “the expansion of the state pushed popular struggles from local arenas and from significant reliance on patronage towards autonomous claim-making in national arenas”.

The British State Penetrated Society

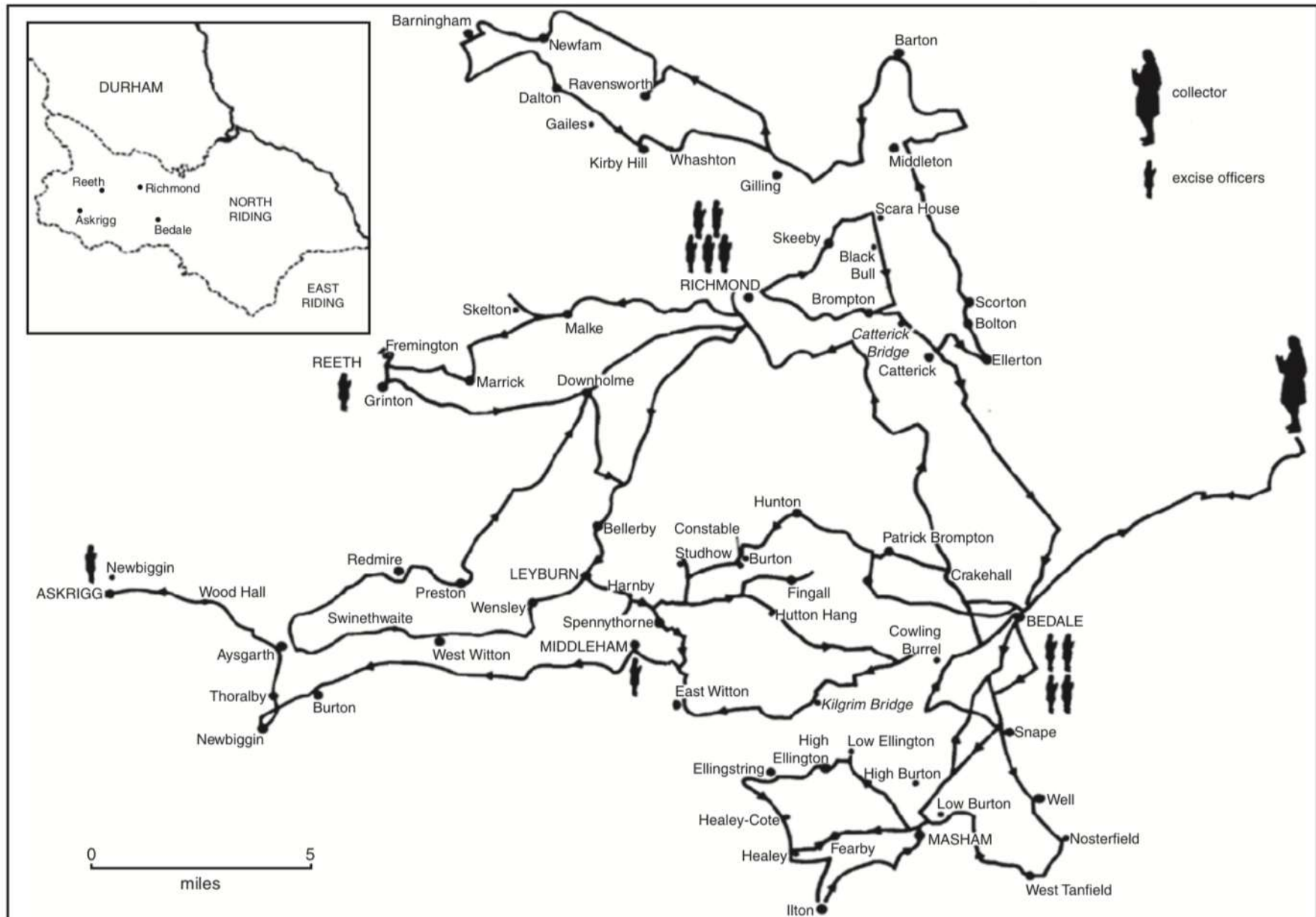
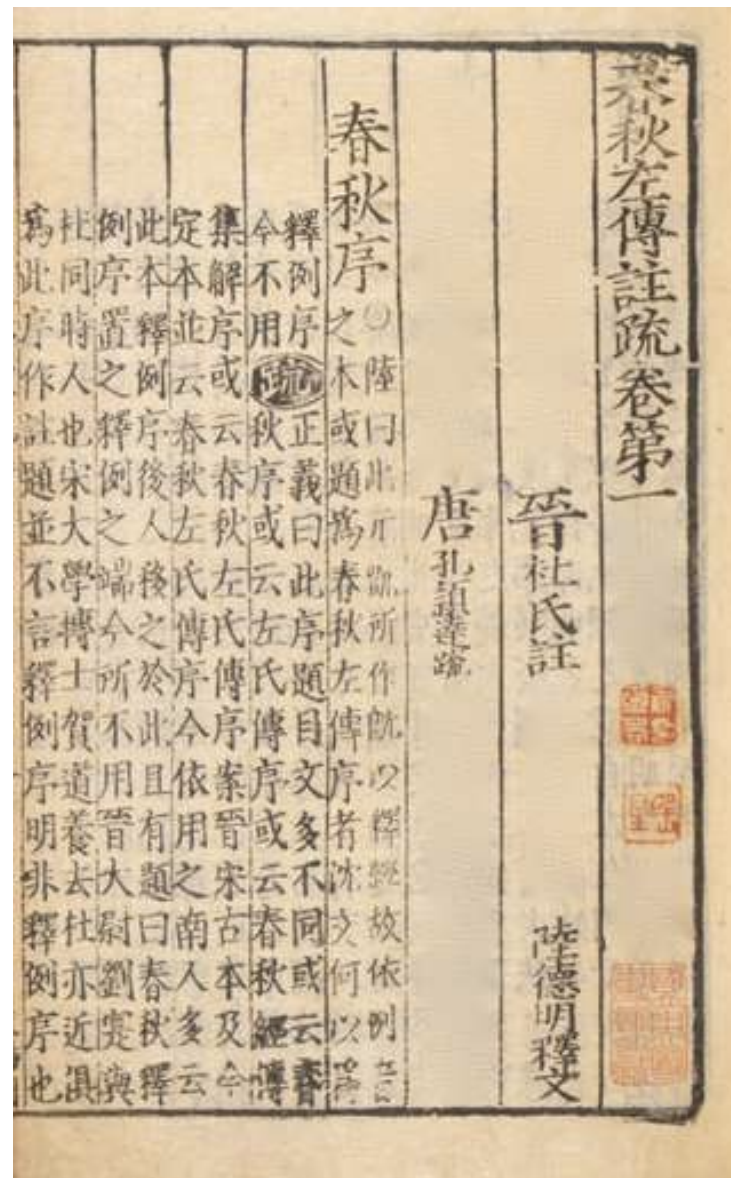


Figure 1 Supervisor Cowperthwaite's excise round, June 12-July 5, 1710, Richmond, Yorkshire. Source: Brewer (1988).

The Shackled Leviathan

- European history suggests that liberty emerges from the interplay of and competition between state and society, a process we call the **Red Queen Effect**.
- We call the type of state that emerges a Shackled Leviathan – Leviathan like control of society but shackled by and accountable society.
- But this is hard to create. Why?
- Let's consider China.
- Not so different historically ...

“The ruler is a boat; commoners are the water. The water can carry the boat; the water can capsize the boat.” The *Xunzi*



But then a new model emerges...

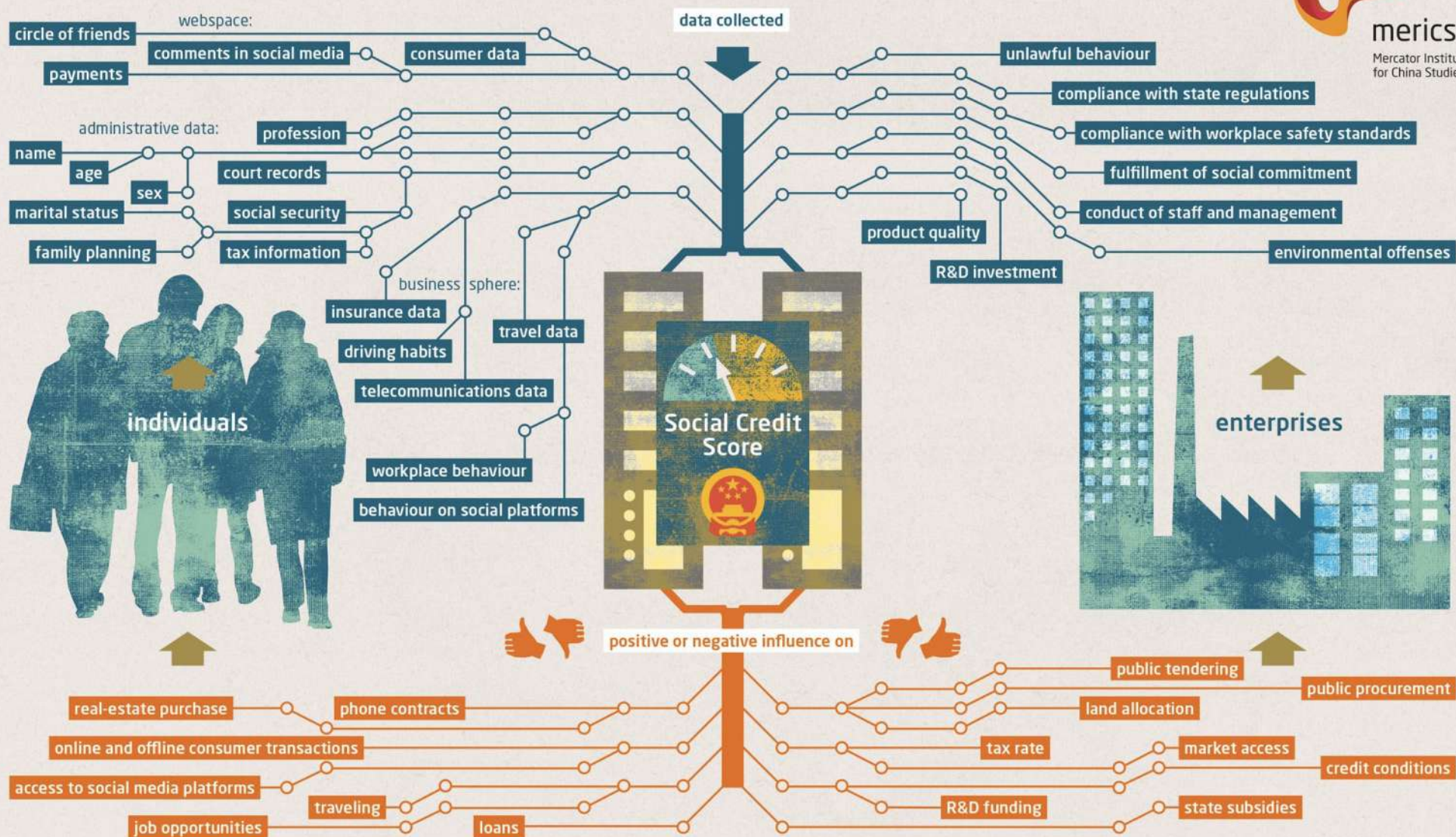
“when the people are weak, the state is strong; hence the state that possesses the Way strives to weaken the people.”

Shang Yang



China's "Social Credit" System

The all-seeing state: China's plans for total data control



The Struggle Continues



The Despotic Leviathan

- In the Chinese case, instead of the balance between state and society, the state dominates society, and liberty is scarce.
- The potential for this type of dominance can explain why it is hard to create a Shackled Leviathan.
- It is difficult to create a Leviathan and control it.
- This fact can help explain a third situation which is neither shackled nor despotic.

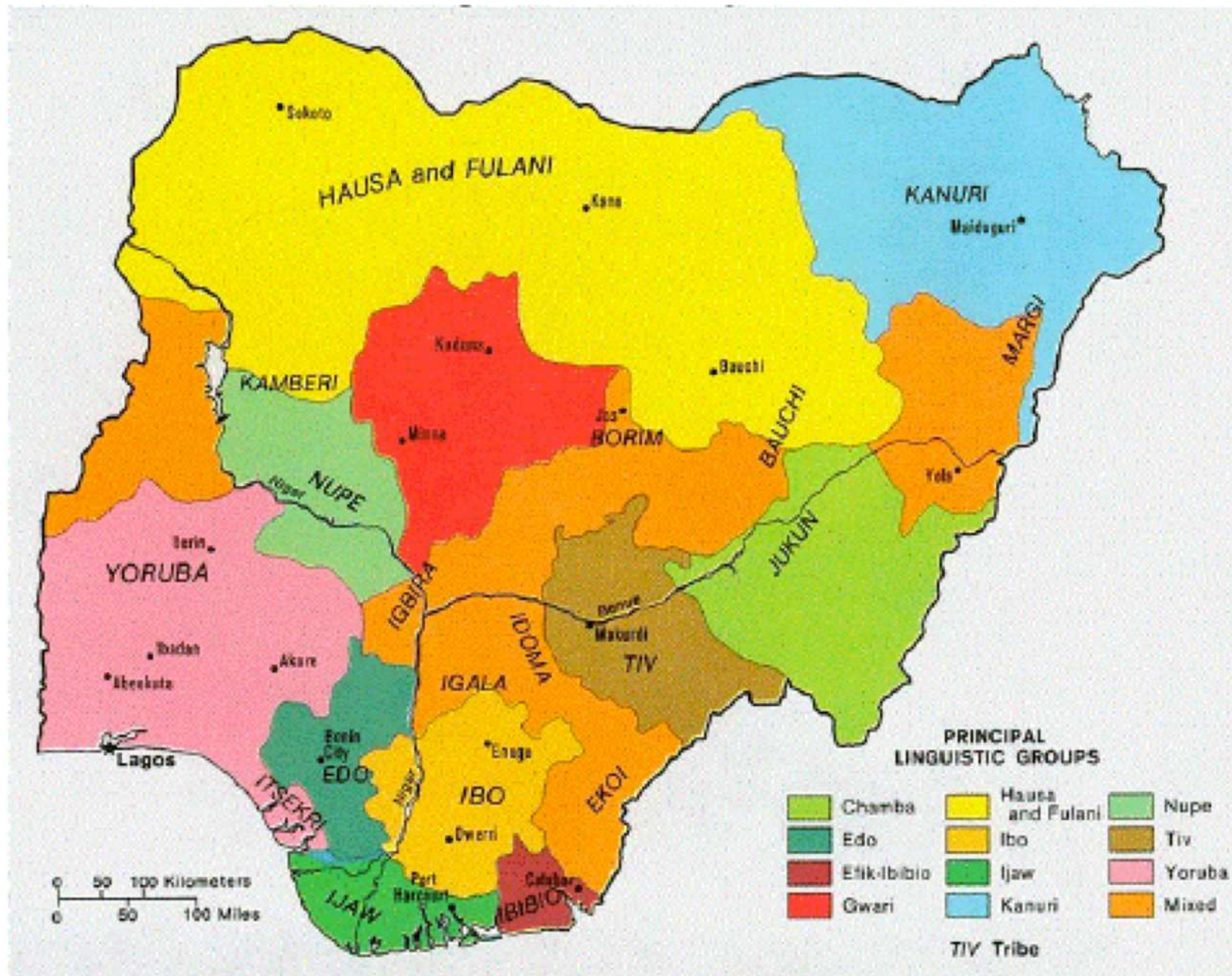
Troubles in Tivland

- During the summer of 1939 a cult called Nyambua emerged in Tivland, Nigeria.
- At a shrine a man called Kokwa who sold charms to provide protection from mbatsav or “witches”.
- Tsav means "power", particularly power over others. A person with tsav (it is a substance that grows on the heart of a person) can make others do what they want and kill them by using the power of fetishes and tsav can be increased by cannibalism.

“A diet of human flesh makes the tsav, and of course the power, grow large. Therefore the most powerful men, no matter how much they are respected or liked, are never fully trusted. They are men of tsav - and who knows?” (Paul Bohannan, 1958)

- The people with tsav belong to an organization - the mbatsav.

Ethnic Groups of Nigeria



The Mbatsav

- Mbatsav has two meanings:
 - - Powerful people (it is the plural of tsav)
 - - A group of witches organized for nefarious purposes (robbing graves to eat the corpses)
- People initiated into the Nyambua cult were given a leather covered wand and a fly whisk. The whisk allowed one to smell out “counterfeit” tsav - created by cannibalism. In 1939 the whisks were pointed towards the ‘chiefs’ created by British indirect rule (the Tiv had no chiefs prior to the colonial period).
- But historical evidence shows this was much deeper
“When the land has become spoilt owing to so much senseless murder [by tsav] the Tiv have taken strong measures to overcome the mbatsav. These big movements have taken place over a period extending from the days of the ancestors into modern times” (Akiga, 1939).

A Tiv Diviner



Paul Bohannan and Gary Seaman (2000) *The Tiv: An African People 1949 to 1953*, p. 158

Examining the Tsav on the heart of a dead person



Whittling the Powerful Down

- In essence these religious cults were a way of stopping anybody becoming too powerful
- “Men who had acquired too much power ... were whittled down by means of witchcraft accusations.. Nyambua was one of a regular series of movements to which Tiv political action, with its distrust of power, gives rise to so that the greater political institutions - the one based on the lineage system and a principle of egalitarianism - can be preserved” (Bohannan, 1958)
- But to have a state someone has to become powerful, start giving orders to others who accept their authority.

The Slippery Slope

- The Tiv never developed a state because they couldn't figure out how to control it.
- They feared the “slippery slope”.
- But that doesn't mean, contra Hobbes, that every society without a Leviathan lived in a state of Warre.
- This is because often societies arranged themselves in ways that avoided Warre.

The Cage of Norms

- To avoid Warre you develop social norms.
- The anthropologist Elizabeth Colson experienced this in Zambia in 1972 working amongst the Tonga.
- She noted many acts of generosity but discovered that this was not due to intrinsic “pro-sociality” it was due to the threat of witchcraft.
- She saw how a young man’s “ambition of the previous year – which had led him to work early and late in the large field he had planted – was now bringing him only a harvest of hate.”

The Threat of Sorcery

- “one evening, lights had been seen about his granary and his wives and brother had later found evidence that ghosts had urinated over the grain, an act which Tonga believe ghosts carry out only if sent by a sorcerer.”
- One of Colson’s interlocuters noted
- “It is not safe to deny them. You saw me give grain to that woman who came the other day. How could I refuse when she asked me for grain? Perhaps she would do nothing, but I could not tell. The only thing to do is to give.”

Fragmenting Society

- A society trapped in the cage of norms doesn't experience much liberty and there is a great deal of dominance according to Pettit's definition.
- Norms don't just avoid the slippery slope or avoid Warre, they do many other things to, such as oppress women and divide society into proliferating groups that make it very hard to act collectively.
- Here's an example from Lebanon or a failed attempt to get the state to provide public goods – picking up the trash.



#YouStink (in Lebanon)

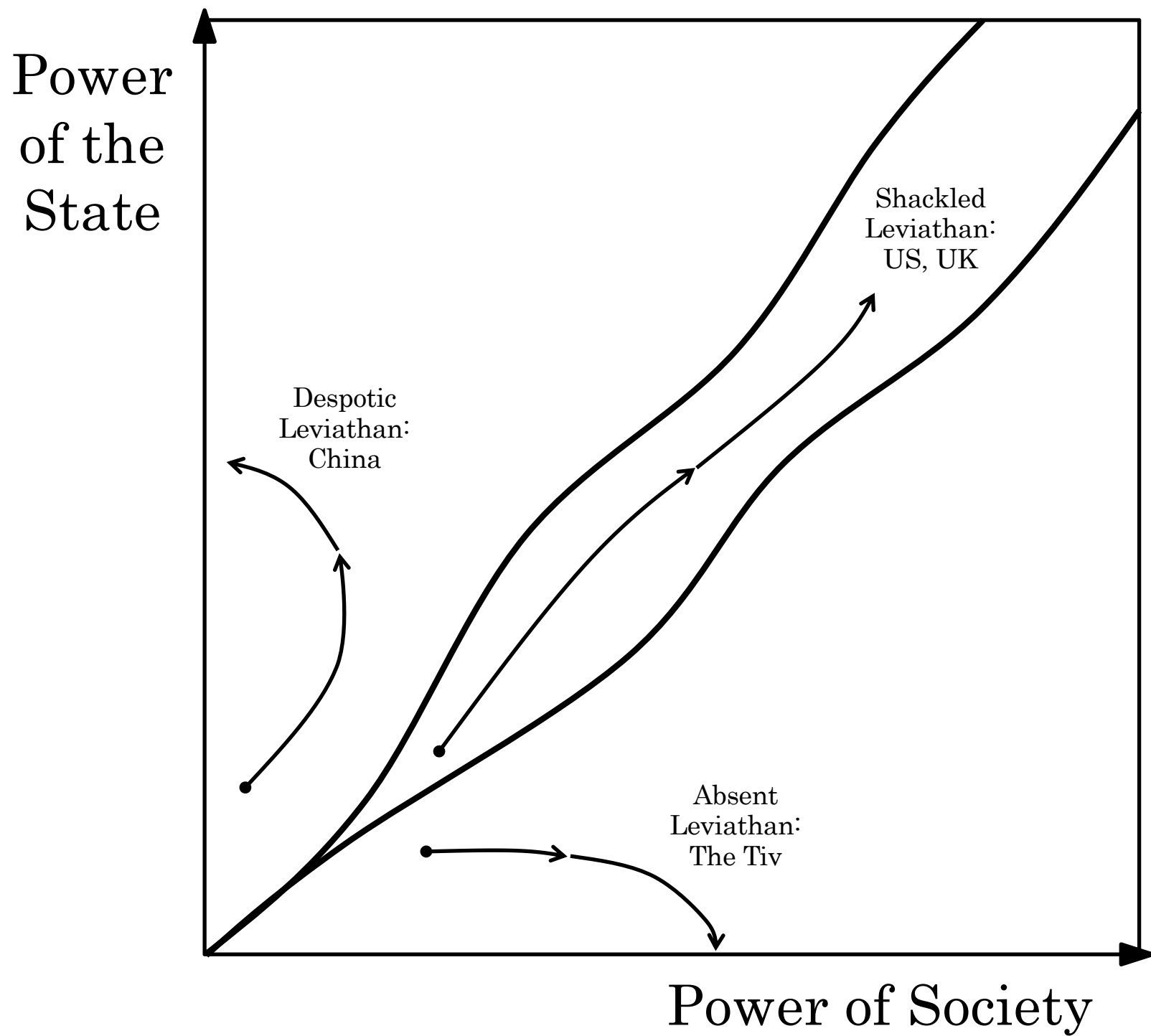
- “Our movement, since its outset, has been accused of being a partisan of Al-Mustaqbal (Future Movement) and working against the rights of the Christians (on the Tayyar website). We were then accused of being partisans of the 8th of March bloc and working against the Al-Mustaqbal (according to both El-Machnouk Ministers and the Government). As for the movement’s members themselves, they have been accused of being bribed, partisans of Walid Jumblat, foreign embassies, the Amal Movement, Hezbollah... No one has remained safe from these accusations which main purpose was and is to distort and refute the idea of having an independent non-sectarian alternative.”

The Caged Economy

- Tiv society was heavily influenced by the anxiety to control power.
- Even the economy was separated into different ‘spheres’
 1. Prestige goods
 2. ‘commodities’
- Prices were fixed and only commodities could be exchanged for means of exchange (cowries in the pre-colonial period).
- Some trying to ‘convert’ from commodities to prestige goods risked being accused of being a man of Tsav.

The Narrow Corridor to Liberty

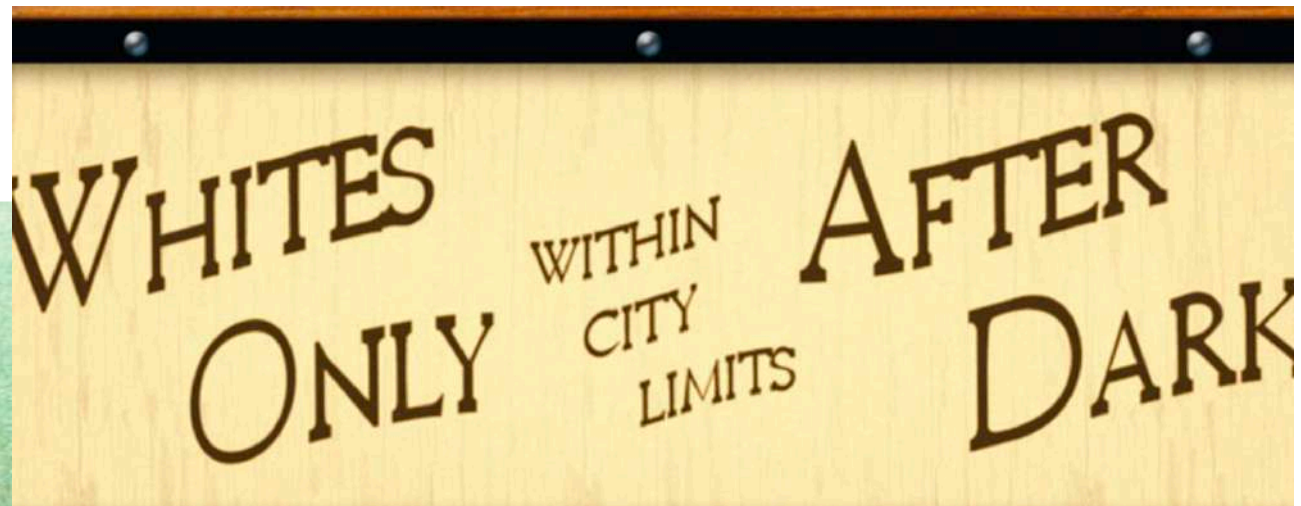
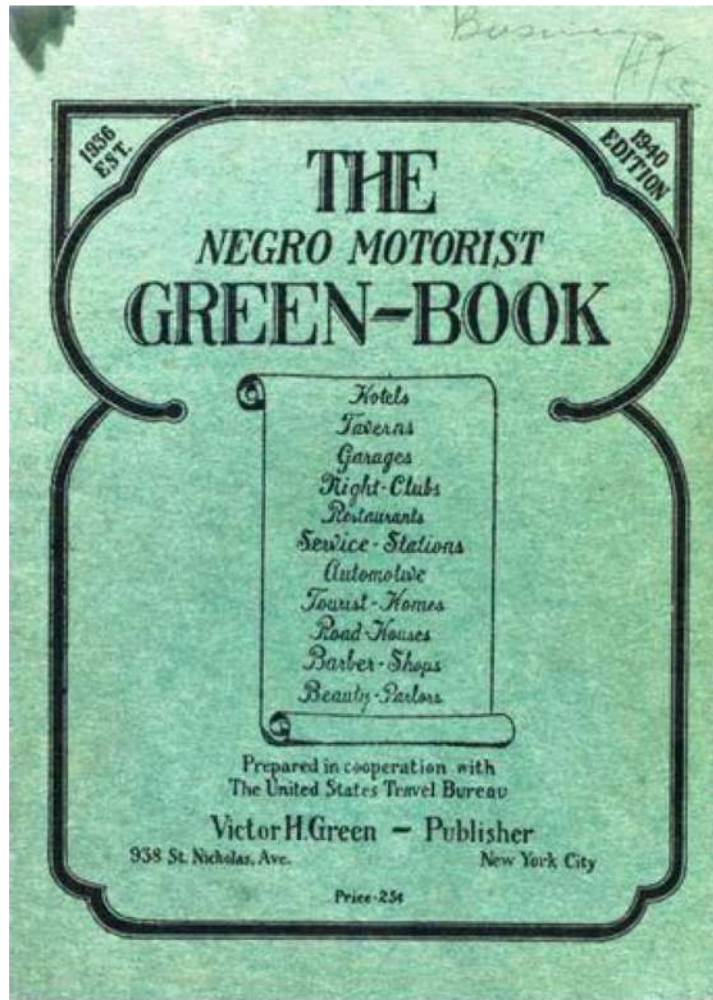
- Now we see why liberty is hard to create.
- If the state dominates society then a Despotic Leviathan emerges.
- If society dominates (as amongst the Tiv, Tonga or Lebanese) the leviathan is absent.
- In the middle where there is a **balance of power** there is a **narrow corridor** where the Red Queen effect starts to work.



Some Implications

1. Lord Shang was wrong: the most powerful states also have powerful societies.
2. No natural process of convergence in institutions (“modernization” will not automatically create democracy in China).
3. Attaining a Shackled Leviathan is not just about constitutional checks and balances, or even solving the slippery slope problem, society is critical.
4. To achieve this society must escape the cage of norms that fragments it and stops it acting collectively.
5. Many doors into the corridor and a variety of societies and even dirty deals done to get in there. (Who “got their kicks” on Route 66?)
6. Nothing uniquely ‘Western’ about liberty (the Tiv were very worried about dominance) just some fortuitous historical initial conditions.

Sundown Towns on Route 66



EDMOND
"A GOOD PLACE TO LIVE"

6,000 Live Citizens	300 Blocks of Paving
No Negroes	Santa Fe Railroad
Home of	Hourly Interurban Service
CENTRAL STATE	40 Bus and Truck Lines
TEACHERS COLLEGE	Municipal Light and
Rated as One of the	100% Pure Water
Nation's Best.	Rodkey Flour Mills
Public School System	Van's Baking Co., - Gins
Surpassed by None	Ice Plant
Eight Active Churches	Grain Companies
Seven Attractive Parks	Dairying
Beautiful Homes with	Agricultural Center
Ideal Living Conditions	The Edmond Oil Field,
	Three Miles West is one of
	the Best in Southwest.

Negative and Positive Liberty

- Philosophers since Kant have distinguished between two sorts of liberty.
 1. **Negative liberty** is the absence of obstacles, barriers or constraints.
 2. **Positive liberty** is the possibility of acting — or the fact of acting — in such a way as to take control of one's life and realize one's fundamental purposes.
- In our theories these are not incompatible principles, you actually can't have one without the other.

Conclusion

- Liberty emerges from a balance between state and society which sets off a race.
- The state becomes stronger as it tries to control society.
- And society becomes stronger as it tries to organize to control the state.
- In doing so this interaction changes society, breaking down the cage of norms.