

that the supreme duty of the State was to make it possible for man to lead the good life. It is the State that is or should be the guardian of justice. If I were the head of State, I would have one guiding principle, and that would be to make no law that would deprive any man, woman, or child, of those human rights which I enumerated above.

My State would safeguard jealously the rule of law. The rule of law means that the State is not the arbiter when a man is deemed to be deserving of punishment. The rule of law means that a person—such as one of your own students—cannot be punished because he holds certain ideas, only because he breaks certain laws. And it is to me a grievous thing that so many people today accept it as right and proper that a man should be punished—and drastically punished—because he holds certain ideas and cherishes certain principles. And it is to me even more grievous when University authorities adopt this view also, and attribute their troubles to outside agitators whose identity is never revealed.

My State would not only administer justice, it would be merciful also. I read to you famous lines that were not written by a starry-eyed idealist but by the greatest of all comprehenders of the human condition.

The quality of mercy is not strain'd,
It droppeth as the gentle rain from heaven,
Upon the place beneath; it is twice blessed.
It blesseth him that gives and him that takes:

'Tis mightiest in the mightiest; it becomes
The throned monarch better than his crown;

His sceptre shows the form of temporal power,

The attribute to awe and majesty,
Wherein doth sit the dread and fear of Kings;

But mercy is above this sceptred sway,
It is enthroned in the hearts of Kings,
It is attribute to God himself
And earthly power doth then show likest God's

When mercy seasons justice.

I wish that such mercy were shown more often in our country, and I think particularly of some who have been banished, and now want nothing more than to return to their homes and their people and die in peace.

Task of Authority

Must I still declare which I put first, Authority or Freedom? What I will say is that I believe

that the task of authority is to guarantee our freedoms. Authority is a means, and freedom an end, and they are therefore hardly to be compared. When Authority becomes an end, as it did in Hitler's Germany and Stalin's Russia, then freedom dies. One of Authority's weapons in preserving freedom is law-and-order. But when law-and-order becomes the end, then Freedom dies. Freedom is best preserved by distributing and balancing authority, but when Authority becomes monolithic, then freedom dies.

You at this University have a duty to remind us that man was not made to obey, he was made to be free, and he must learn that he cannot be free if he cannot also learn to obey. Authority is not God, it is the instrument made by man whereby he creates that law and order which will enable him to be free.

And the noblest kind of man is he who can both obey and be free.

And the noblest kind of country is the country that enables its people both to obey and to be free.

May our country be that kind of country, and may we, by our work, our devotion, our criticism, our pursuit of truth, help it to be that kind of country.

I salute you all, and wish for you that your lives may be purposeful, for it is when we have purpose that we are free.

A FRANCHISE SYSTEM FOR DIVIDED COMMUNITIES

by **KEN HILL**

(A suggestion in reply to the article by Prof. G. D. L. Schreiner in our last issue.)

The following system was devised primarily for South Africa with its present (1967) intense racial divisions and antagonisms. It is designed to achieve, as far as possible, the following not entirely compatible aims:—

- (a) Adult suffrage with absolutely equal voting powers for all voters, hence majority rule.
- (b) The maximum chances for party political divisions to develop over principles of government rather than over other group interests, hence no classification of voters by race, religion, status, wealth, etc.

- (c) Maximum chances of excluding "demagogues" and extremists of any group from Parliament.
- (d) Some degree of proportional representation, combined with the advantages of constituency representation and reasonable stability.

The mechanism

- (1) Constituencies to be very large so that, as far as possible, each is fairly representative of all the sizeable population groups.
- (2) Each constituency to elect four Parliamentary representatives, voting as a whole with each voter possessing four votes.
- (3) Constituents wishing their representatives to make special pleas for them with the Government to have the right to approach any or all of their four representatives and the latter to be obliged to act if so approached.
- (4) A voter to be permitted, if he so desires, to make **one** of his four votes a negative vote against **one** candidate, and to distribute his (three or four) positive votes as he pleases. E.g. he may give one vote each to three or four candidates, or all his votes to one candidate.
- (5) A candidate who receives negative votes totalling 20% or more of his positive votes to be automatically disqualified.
- (6) The four candidates, if such there be, not disqualified under 5 who receive the four highest totals of positive votes (negative votes not being taken into account) to be declared elected.
- (7) In the event that less than four candidates so qualify, elections for the constituency to begin ab initio, and such re-election to be completed within three months. Should again less than four qualify, all who qualify at the re-election to be declared elected and their number made up to four by nomination by the Supreme Court, after due consideration of representations publicly called for from constituents.

How it would work

- (1) A majority group even as high as 80% of the constituency is unlikely to be able to elect **four** "demagogues" of its group. Imagine (for easy calculation) that there are 100 voters in the constituency. Then the twenty voters from the minority groups can threaten to use 20 negative votes against one agreed "demagogue" A, and put up their own candidate B. The majority group must then give 101 positive votes to A to

ensure his election. In that event they can **average** only

$$\frac{320 - 101}{3} = \frac{219}{3} = 73 \text{ votes each}$$

for their other three "demagogues". If now at the last minute the minority groups give 74 or more positive votes to B (and in fact 6 or less negative votes to A) then B will be one of the successful candidates. The majority group could counter these tactics by using negative votes against B. 15 such negative votes will disqualify him at 74 or 75 positive votes, but since he could get 80 positive votes they must now use 20 negative votes. But the minority group could in fact now disqualify one of the demagogues other than A with 20 negative votes. The result, a re-election, would be needed (only 3 candidates qualify). A repetition would lead to Supreme Court nomination of one representative, almost certainly not a majority group "demagogue". Hence the majority group would leave B alone in the re-election, and he would be one of the successful candidates, unless he were a particularly detested "demagogue" of the minority groups. In this last event the Supreme Court choice would almost certainly be a moderate of the minority groups. Thus the most likely outcome is one moderate of the minority groups and three "demagogues" of the majority group—not a bad result for such a one-sided constituency.

- (2) In practice, of course, there would be other candidates and rivalries within the majority group. An independent who aroused little opposition in any group and enjoyed a moderate measure of support would stand a good chance; for the rival parties, playing guessing games against each other, would be unlikely to organise negative votes against him. Political parties which commanded some following in all groups might also have good chances of getting some representation in the same way. In most constituencies the majority group party would not command more than 70% of the votes. This position is very much more favourable to minorities than command of 80% of the votes by the majority group. It now needs 151 of 280 votes to **ensure** the election of the favourite "demagogue" of the majority and at least one of their candidates will therefore get less than 44 votes. Some other candidate

should be able to get 44 votes without being disqualified. The majority group may well opt for putting up **reasonable** candidates to get all four seats. This would not be a bad outcome.

- (3) It may be expected that most voters will vote according to their feelings despite the plans and injunctions of the political parties. This will have just the desired effect: the exclusion of the worst "demagogues". Clearly **minority** group "demagogues" will have very little chance. This would seem to be highly desirable, for some measure of majority group "demagogue" rule is inevitable, and the effect of a "demagogue" of one group on one of another is to make the latter even less reasonable. "Demagogues" are the worst possible representatives for minority groups.
- (4) The manner in which the system will lead to a **rough** proportional representation of **sizeable** groups should now be clear. But

very small groups and small parties would stand little chance of getting any representation in Parliament. Hence the instability of some systems with thoroughly proportional representation will be avoided.

- (5) Should the basis of bitter division change in time (e.g. from race to class or religious belief) the system will automatically adjust itself to meet this new situation on the same lines, without taking any official cognisance of any divisions of these kinds.

Possible Disadvantages

- (i) Will blackballing not embitter election campaigns more than ever?
- (ii) Would the system not lead to rather colourless "reasonable" Parliamentary representatives manipulated from outside by the "strong" "demagogues" of their parties?

Perhaps the colourless "reasonable" party men would in fact be led from within Parliamentary by colourful independents! What then?