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# THE FALL AND RISE OF CROWN GOVERNMENT

SYMPOSIUM DISCUSSION: BUCKLEY

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DRAKE UNIVERSITY LAW SCHOOL

**Mark Kende:** First off, I'm certainly a fan of parliamentary systems, but I know they break down in different ways. Brexit is extreme, but Israel, for example, is the one that comes to mind; where, in order to form coalitions, which are often part of parliamentary government from what I understand, elements of Israeli politics that do not constitute the middle or the mainstream are essential additions to the coalition, which then push the government in that direction to some extent. Is that a problem or not?

**F.H. Buckley:** Well first of all, it seems to me that one in North America should not easily make comments about, you know, politics in other countries. That said, I think they're all meshuggeneh, but thirdly, what they have there is partial representation. If we had had the partial representation in the states, we would have split apart into two different countries a long time ago. We don't have that. What we have tends toward stability.

**Jack Balkin:** There are many things in Frank's talk that I very much agree with. If you're going to talk about first-past-the-post parliamentary systems, prime minister's questions, and the differentiation of head of state from head of government, you do have to pay some attention to the structure of the party system. One would have to talk about what happened to the party system in Great Britain.

I'd be very interested to hear your thesis about what went wrong in Great Britain, but my view is that the party system in Great Britain was inadequate to deal with the change in values of the British public. A set of issues that had been developing over several generations had made the party system inadequate as a way of adapting to the fissures within British society. Because the party system couldn't do that well, it wasn't able to deal with the crisis. This is not just a problem with Tories; it's also a problem with Labour. That is, Labour's failure is as important to understanding what caused Brexit as problems within the Conservative party. But that tells you that you have to pay some attention to party formation and the structure of political parties in order to make parliamentary democracy of the kind that you're supporting.

**Buckley:** Well yes, indeed, and the other thing in Britain right now, which is on the back burner, is the idea of secession, right?

**Balkin:** Well, that's on the table.

**Buckley:** Well, I've lived through secession myself, and it was done in Canada in a manner vastly more reasoned, calm, and deliberate than anything I've ever seen in U.S. politics.

**Sanford Levinson:** Yeah, Canadians behaved in an exemplary fashion in that regard. I'm really delighted that Frank is here today. Although his introduction indicated he could be superficially described as conservative, he is in fact a true radical in getting to the roots of a lot of issues. He has a forthcoming book on secession that I think is extraordinarily interesting and important. One of the side debates of our book is that I flirt with secessionism. I share some of Frank's curiosity as to whether we will survive as a single country. To put it mildly, I think that's off the table generally, but I continue to wonder, especially after this week and the withdrawal of the federal waiver with regard to the production of automobiles in California. Should Donald Trump be elected with a minority of the votes and possibly under a worst case scenario, a decision by the House of Representatives where 26 Republican delegations vote for Donald Trump as against whoever the Democratic candidate might be—and let's say John Kasich or the Michigan representative whose name I simply forget who might in fact pick up a vote should he get an electoral vote or two and run a serious campaign on the libertarian ticket—would Pacifica necessarily want to stay around? Today, secession sounds absolutely crazy in this country, though not as Frank notes in Scotland or Catalonia. I don't think there's anybody here who opposes *all* secessionist movements or anybody who embraces all of them.

**Buckley:** If you did, you'd have a hard time with 1776.

**Levinson:** Right, there is that embarrassment.