



**A Better Scholarly Future Rests on Reuniting the West with
the Rest, the Present with the Past, the Theory with
Practice**

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“Nineteenth-century science went wrong mostly because of the hard and narrow concept of causation which dominated it. It was a fixed dogma that there could be no more in the effect than there was in the cause; hence creativeness and real progress became impossible. The narrow concept of causation again arose from a wider intellectual error of abstraction, of narrowing down all concepts into hard definite contours and wiping out their indefinite surrounding fields”.

Jan Smuts (1926: 1)

I pointed to the stars, and all you saw was my fingertip.

(Nalukolekejaga sonda walola lwala)

Sukuma proverb (Tanzania)

General Jan Smuts was an extraordinary human-being; something even his political enemies and detractors readily conceded. From a patrician Afrikaner Boer family in the Cape Colony, he went up to Cambridge to read law and then returned to South Africa to practice. With the outbreak of the Anglo-Boer war, he joined the fight against the British as a guerrilla leader. After the defeat, he supported a federal union between the former Boer Republics and the British colonies. This was the first time Jan Smuts had brought victors and the vanquished to share political power – it was to be the beginning of a lifelong commitment to reconciling autonomy and union. During the First World War, this time as a general of

British imperial army, Smuts fought German troops in their African colonies. He then joined the Imperial War Cabinet in London and was responsible for the islands' air defences. At the end of the war, General Smuts advocated an international confederal union between sovereign states where the victors and vanquished would share power. After the League of Nations fell short of the confederal vision, Smuts turned his attention to building South African unity from its diverse national communities, and in due course, was elected Prime Minister of the Union of South Africa composed of the two British colonies, the Cape and Natal, and two defeated and occupied Boer Republics, Transvaal Zuid-Afrikaansche Republiek and Oranje Vrijstaat. As the leader of the new country, he paved the process for the Union of South Africa's sovereignty within the multi-jurisdictional constitutional order of the British Empire in 1931. General Smuts was the only international leader present at the treaties ending both world wars. The second time around he was more successful in realising his vision of bringing the victors and vanquished together in an international union. Smuts penned the preamble to the Charter of the United Nations in 1945 which set the foundations of a new international order; he also paved the way for a new British Commonwealth where former Protectorates, Colonies, and Dominions became sovereign members of a confederal international union replacing the complex jurisdictional hierarchy of the empire. The life of this complex man was, perhaps inevitably, also full of contradictions: the idealist internationalist held rather paternalistic views on race relations in his own country and did not refrain from entering into pragmatic alliances with former political opponents. The lawyer, guerrilla, politician, soldier, statesman also happened to be a scholar of botany, an expert on Walt Whitman's poetry, and an author of philosophical reflections – including the source of the epigraph above, *Holism and Evolution* published by Macmillan in 1926. General Smuts was eventually elected chancellor by his alma mater Cambridge University. So, when an extraordinary human-being who devoted his entire life to reconciling autonomy and union across the world warns against the danger of a 'hard and narrow concept of causation', his words carry the weight of history. For Smuts, narrow rigidity was akin to scholastic escapism; what was hard was to bring a sense

of coherence and order to the inherently malleable, complex, and interconnected world. For him, 'creativity and real progress' required free-thinking unbounded by disciplinary walls:

"Abstract procedure with its narrowing of concepts and processes into hard and rigid outlines, and their rounding off into definite scientific counters, temporarily simplified the problems of science and thought, but we have outlived the utility of this procedure, and for further advance we have now to return to the more difficult but more correct view of the natural plasticity and fluidity of natural things and processes" (Smuts 1926: 2).

Dubbed 'the handyman of the empire' at the time, the General also had a gift that the other practitioners involved in similar international initiatives often lacked. It was not only his experience with both the theory and practice of war and peace. Smuts was a cross-disciplinary scholar capable of seeing the big picture beyond the parochial disciplinary demarcations defining one particular time in human history. Combining the theoretical and applied insights gained from a lifetime of fighting wars and building peace led him to embrace what he called the 'holistic' approach. Holism was not only the appropriate way to attain a unity of theoretical and applied reality, but it would also help set creativity free from the conformist straight-jacket of existing disciplinary divisions; this was the only realistic way to first properly understand, explain, and then address the big challenges the world faced. Holism advocated by Jan Smuts and others is the main leitmotiv that defines this article. The past and the present of federalism studies, broadened into the comparative study of autonomy and union, will provide the scholarly context for the discussion. Most of historical references will be to lesser-known cases from Sub-Saharan Africa. Put simply, the argument is that when the analysis is holistic, the diagnosis is more accurate, and the prescription effective.

In order to bring the West and the rest, the past and the present, and the theoretical and applied closer together, the article casts a wide scholarly net wide beyond the scholarly fields of Constitutional Law and Comparative Politics (and to a lesser extent, International Relations and Political Philosophy)

where federalism is studied. The previous paragraph ended with the claim that the only realistic way to understand, explain, and address global challenges was to think beyond the existing divisions within academia. Scholasticism and methodological perfectionism will come under fire in the course of the coming pages, not only as unintended façades for Western ethnocentrism, but also as the source of reform policies and prescriptions which tend to rest on partial (and in some cases potentially misleading) diagnoses. Instead, the article argues that a cross-disciplinary perspective of an integrated, interconnected, complex whole is needed for understanding how things work, explaining the causal factors behind outcomes, addressing the attending applied challenges, (and exercising humility in doling out policy prescriptions).

This is all straightforward common-sense one might say; and what makes sense in the abstract does not always immediately and seamlessly translate into workable research strategies of course. How does one operationalise the explanatory power of holism indeed? When everything matters and nothing looks like a part of a pattern, how does one decide where to start? Is it just not undisciplined and unstructured storytelling then? Holism could potentially come to resemble Mr. Ireneo Funes in Jorge Luis Borges' 1942 short story *Funes, the Memorious* (Borges: [1942] 1954: 260-68). Mr. Funes remembers everything, forgets nothing, and thus cannot generalise, suppress details, and see patterns/regularities across time and place. The Argentine author's other writings often covered the similar theme of human-beings' propensity for abstraction, generalisation, simplification, representation, and projection. In his one paragraph short story *Exactitude in the Sciences*, Borges paints for us an imaginary country with such an advanced level of scientific development that during the peak of their civilisation they were able to make maps which replicated their country at the scale of one to one (Borges 1946). Succeeding generations found the map of such magnitude of too cumbersome however; but "In the Deserts of the West, still today, there are Tattered Ruins of that Map, inhabited by Animals and Beggars; in all the Land there is no other Relic of the Disciplines of Geography" (Borges: [1946] 1999: 325). What Borges' is

painting for us in these short stories is how the quest for more can end up self-defeating. Without attempts to operationalise it into workable research strategies, holism might all sound like everything matters, everything is *sui generis*, just like Mr. Funes' memory and the useless maps of one-to-one scale. There might indeed be a way to turn holism into something more than a criticism of strict disciplinary walls and the scholasticism that comes with this:

In his now mostly forgotten 1668 *Pensées*, the French author, philosopher, theologian, mathematician, and physicist, Blaise Pascal argued that there were two distinct paths to knowledge. One was what he called the *esprit de géométrie* pursuing a bird's-eye-view of comprehensiveness. In contrast, the second path of *esprit de finesse* rested on the logic of precision and sought to explain and understand things through the penetrating force of exactness (Pascal [1668] 1901). A little later in the article we spend more time on the sequential application of Pascal's two paths: that is, first the big picture, then the in-depth focused examination, and discuss how this sequential application can potentially help operationalise holism by using cases from Africa's recent and distant past to enrich the Comparative Federalism's repertoire of case-studies. Before that, however, we will take a quick tour of the intellectual roots of holism, what it means for the study of autonomy and union, and how its unbounded but undefined potential can be tamed and used towards a unity of theoretical and applied reality.

Our idea of holism conveys not only combining different paths to knowledge and crossing disciplinary boundaries, but also reconciling the theoretical and the applied. The first part of the discussion below traces the cross-disciplinary scholarly lineage of the idea of holism, especially in the study of autonomy and union. This is followed by showing how holism – as proposed by Pascal – provides the most reliable insight into history of federalism in Sub-Saharan Africa. We take a brief tour of Africa's recent history of defunct federations, extinct federations, and failed constitutional attempts to reconcile autonomy and union. First, we zoom in on the fateful historical turning-points in the geopolitical landscape of the continent along Pascal's *esprit de géométrie*. Once the big picture is properly established,

we then proceed to the more in-depth pursuit of the *esprit de finesse*. Related to this general overview of the continent's federal failures is a discussion of how the gap between the theoretical and applied might hold some responsibility for turning Africa into the graveyard of failed constitutions. It is with the call for a unity of theoretical and applied reality that defines concludes this discussion. Let us now turn to the idea of holism, its intellectual lineage, and some of its prominent proponents across disciplines and time.

* * *

We started with General Smuts, but he was not the first and only international statesman emphasising the unity of knowledge. Woodrow Wilson was a contemporary who shared the same worldview: "I believe that our own institutions can be understood and appreciated only by those who know somewhat familiarly other systems of government and the main facts of institutional history" (1889: xxxv-xxxvi). Another practitioner/scholar whose words carry the weight of history is the legal anthropologist Sally Falk Moore whose comparative work covered both the West and the developing world – particularly Sub-Saharan Africa. Prior to her university career Moore had been a Wall Street lawyer and then a staff advocate at the Nuremberg trials. Her work was thus informed by a mix of not only the theoretical and the applied, but also the analytical and the ethical. In academia Moore found herself "against sterile citing of rules" and resisting the rigid and narrow reading of law advocated by the then dominant theoretical school of Legal Positivism (Moore 1969: 376). Instead of following scholarly fads, she found the works of a fellow legal anthropologist from a previous generation, E. Adamson Hoebel, particularly helpful in providing a holistic picture. Her influential 1973 article in the journal *Law and Society Review* starts with a quote from Hoebel: "We must have a look at society and culture at large in order to find the place of law within the total structure" (Moore 1973: 719). It was E. Adamson Hoebel and his co-author Karl Llewellyn who had applied their holistic analysis to the indigenous legal system of the Cheyenne where

they eschewed a thin and rigid understanding of law held by positivists and cast a wider net containing history, culture, and social structure instead (Hoebel and Llewellyn 1941). Their approach came to be known as Legal Realism. For legal realists, the law was inseparable from politics, society, culture, and especially history. Such a holistic perspective inevitably came with an interest in macro structural patterns which persist over the long run – not unlike the French *Annales* school across the Atlantic where Fernand Braudel and his colleagues were advocating a holistic historiography examining macro patterns over the *longue durée*, rather than the more common practice chronicling specific events and personalities (Braudel 1958: 727-9). As another member of the *Annales* school, Marc Bloch put it “the unity of place is merely disorderly, only a unified problem constitutes a central focus.” (Bloch 1934: 81).

Despite apparent similarities in their respective holistic worldviews, there is little indication that America’s legal realists and France’s *Annales* school established any organic scholarly link. It was mostly with the British legal scholarship community with whom legal realists had a closer bond. What arguably played a big role here were the big geopolitical changes the British Empire was undergoing at this very moment in history. British Protectorates, Dominions, Colonies, Crown lands, tributary states, lands governed by chartered companies, leased territories, directly ruled enclaves, military bases were all in the process of being transformed into self-governing parts of the British Empire as a halfway stop on the way the becoming sovereign states within a looser confederal arrangement in the form of the new Commonwealth.

In the midst of this post-war decolonisation process, the legal and political establishment of the United Kingdom had inescapably become aware of the different indigenous and religious systems of law in their various colonies across the world. For British legal scholars, many with the personal experience of having lived in colonies either as settlers or imperial bureaucrats and the subsequent local knowledge which accompanies this experience, it was only natural that the law was seen as part of the broader political, historical, legal, social, and cultural context. ‘Law in Context’ became the label for this holistic

approach. William Twining cites the legal realist Karl Llewellyn to sum up their approach: “see it fresh, see it clean, see it as it works ... see it whole” (Twining 1985: 376-7). Instead of scholasticism – and the strict sub-disciplinary boundaries and the expectations of methodological precision that goes with it – it was an open mind underpinned by knowledge and curiosity that laid down the path to erudition. As a British legal scholar raised in Tanganyika, and with work experience across the African continent, William Twining was also (indirectly) criticising the ethnocentrism of positivist approaches which simply projected concepts from the West to the rest. Like many who were part of the Law in Context movement at the time, Twining’s awareness of the world beyond the West and his comparative knowledge meant that he could think for himself and did not have to deferentially adopt the limited horizons of those whose worlds did not extend beyond Western navel-gazing. After all, the sheer challenge of what was facing the British Empire necessitated a unity of theoretical and applied reality including the West and the rest. One needed the courage to let go the safety of established disciplinary blinkers and have the intellectual confidence to navigate unfamiliar waters.

Others within the British Law in Context approach tried to nurture closer links to the earlier continental European tradition of ‘Sociology of Law’ – another holistic approach which looks beyond black-letter laws and formal institutions toward uncoded social factors to properly understand and explain the law. Once the decolonisation of post-war decades was completed, the Law in Context school lost its comparative and international *raison d’être*; the new generation of legal scholars took the holistic spirit to the study of domestic UK law and regrouped around Socio-Legal Studies and the Law and Society movement. As closely connected scholarly approaches all advocating a macro holistic perspective covering both the theoretical and the applied across the historical *longue durée* – despite widespread respect from various learned quarters – neither Legal Realism nor Law in Context nor Socio-Legal Studies nor Law and Society approaches attracted a large and devoted international following (Twining 1997: 35). What is good for scholarship did not immediately translate into professional training for lawyers

within the specific laws of the jurisdiction they would practice in. *Longue durée* comparative analyses examining 'the place of law within the total structure' are hard to teach; scholars capable of teaching this are an endangered species; reviewers/referees with the comprehensive knowledge and intellectual confidence to anonymously review cross-disciplinary works are in short supply. In contrast, scholasticism, the safety of closed disciplines, and a narrow and rigid chosen methodology, all make teaching and training much easier to organise and deliver. What is more, 'the narrowing of concepts into hard and rigid outlines' in the words of General Smuts, 'and wiping out their indefinite surrounding fields', supplies a convenient fig-leaf to cover the lack of knowledge about other regions, societies, and cultures – especially in the developing world. One can project the appearance of scientific certainty by couching the debate in scholastic and methodological jargon derived from the *courte durée* recent history of a handful of Western federations. What seems to be unknown or under-appreciated by political scientists is that the early history of science itself was in fact marked by an embrace of holism and a principled rejection of disciplinary purism.

The very origins of (secular) scientific inquiry was based on a rejection of (religious) dogma and a call for a 'leave no stone unturned' type of free-thinking. René Descartes' *de omnibus dubitandum est* ('everything is to be questioned/doubted') best captures the free-thinking that paved the way for (secular) modern philosophy freed from the monopoly of Church-appointed guardians of the Truth. Science was not about blind-faith in a new secular dogma led by the self-appointed high priests of scientific faith and their disciples, the (secular) chosen people, as the only ones privy to the new Truth. Science was about free-thinking not conformism. It was not about replacing one religious gospel with a new and updated secular one. Nor were the proponents of holism just academic outsiders and practitioners challenging the scientific establishment of their time. Some of the adherents and practitioners of holism were in fact the very ones who had laid down the core foundations of scientific inquiry. Henri de Saint-Simon is an example. The early 19th century author, political scientist, economist, philosopher, sociologist, reformer, and

businessman, who also happened to be the leading scientific systemiser and categoriser in France at the time, Saint-Simon had called for a ‘unified general theory of the sciences’ (Olson 2008: 48).

One of the most influential promoters of holism was the French author, philosopher, sociologist, biologist, and Nobel laureate, Henri-Louis Bergson. It was especially his 1932 book *Les deux sources de la morale et de la religion, remarques finales, société naturelle et démocratie* which brought his insights on politics, philosophy, and sociology together. Like General Smuts, Bergson was convinced that intellectual creativity and novelty came from thinking freely beyond disciplinary divisions and the attending narrow and mechanistic understanding of causality. Political scientists nowadays tend to associate the word ‘realism’ with the rather unrealistic assumption of imaginary unitary states in a system of pure international anarchy. We saw how ‘realism’ means something quite more realistic to legal scholars. For those in the philosophy of science, the word ‘realism’ – like the way it is used in law – similarly carries with it connotations of injecting common sense to the unrealistic world Positivism paints. In fact, in philosophy of science, the label Scientific Realism is used for those who call for a theoretical and applied unity of reality akin to the one this article proposes (Chakravartty 2017).¹ Holism is thus not only the defining characteristic of Legal Realism in law, but also of Scientific Realism in philosophy of science. Ruth Lane contrasts Realism and Positivism in philosophy in a way that directly resonates with the preceding discussion:

“Where positivism judged research on statistical significance, which could be satisfied by correlations between variables that were conveniently available, realism demands scientific significance, a deeper search into actual political processes and the development of explanations that satisfy an audience of peers, lay persons and officials, all of whom demand real answers” (Lane 1996: 378).

Realism in philosophy indeed sounds quite close to what Saint-Simon, Smuts, Bergson and others had been advocating all along. Yet beyond such grand but imprecise statements, how does one

operationalise holism into a workable research strategy for Federalism Studies? Earlier in the introduction to the article we mentioned how Blaise Pascal's *esprit de géométrie* and *esprit de finesse* might lend us a helping hand here. In his 1668 *Pensées* Pascal argued that there were two distinct paths to knowledge; *esprit de géométrie* which reflected reasoning and reflection of the big picture, and *esprit de finesse* which pursued the precise and the concrete in-depth (Pascal 1901 [1668]).² When applied in sequence (first, circling above with a bird's-eye-view over everything, and then zooming in on what has been spotted) this disarmingly simple formula can provide the quickest way to incorporate holism into Federalism Studies.³

Scholarly specialisation in academia is not only inevitable but necessary for generating knowledge, yet this is about the *esprit de finesse*. The in-depth has to be preceded by a holistic overview. Ours is not a call for all to become generalists, but a call for all federalism scholars to have wide-ranging and surefooted knowledge of the world in order to place the comparative study of autonomy and union within its proper political, historical, legal, social, and cultural context. Instead of engaging a small circle of speakers of a scholarly vernacular, and pursuing the safety of hard and narrow research questions derived from the experience of the West, one should integrate all varieties of autonomy and union around the world – past and present – into the repertoire of Federalism Studies. Seemingly precise but controlled and qualified results gained through calculations on datasets compiled by others are only of interest to the purists who inhabit the same islands of scholasticism. There is very little international readership for these beyond a small circle of like-minded speaking the same scholarly vernacular now; they will be irrelevant and inaccessible to coming generations of students of federalism in the future.

At this point we should acknowledge the reason why no scholarly discipline has unreservedly embraced holism. Holism's promise, its unbounded potential, is also its weakness. It is difficult to devise a concrete research strategy that is capable of taming and harnessing holism's bursting but undefined and imprecise potential. However, as students of federalism we might not remain alone in this quest. From studies on migration to women's rights, in fields of study which combine the theoretical and the applied

but remain divided along disciplinary borders there appears to be emerging a desire to break free of the scholastic islands and seek a unified research agenda. They will face the same challenges with the promising but untamed potential of holism so there is a lot we will be probably learning from each other in the coming years. Here we suggest one path which is about applying two analytical lenses in sequence: the big picture followed by in-depth exploration and excavation. In an ideal world, such a suggestion would not have been needed: all scholars of the social sciences and humanities would have a comprehensive knowledge of world history in order to ensure that their specialist research does have both theoretical and applied relevance. But alas, ours is not an ideal world. The following section on the federal failures of sub-Saharan Africa is an example of how casting a wide net will catch comparative insights and lessons that would not have appeared on the radar screen of more scholastic approaches.

Even the awareness that there is a need to think bigger and learn more about the non-Western world would be a good start to ensure that the field of Comparative Federalism faces its Eurocentric, presentist, and method-focused inclinations. When calling for a theoretical and applied unity of reality, similar to what Legal Realism and other holistic approaches have been advocating, we have to be realistic about how realisable all this is in the *courte durée*. Methodological training in the social sciences is now almost variable-oriented and focused on the present, while sub-disciplinary walls have engendered islands of scholasticism on which the like-minded survive without having to converse with speakers of other scholarly vernaculars. Entire faculties, departments, professional associations, standing groups, funding agencies are built on the specialist expertise at the expense of generalist knowledge. Nuance, complexity, and scholarly dissent often find it difficult to take root on these islands where the like-minded gather.

A side-benefit of starting with a bird's-eye-view and pursuing answers addressing both the theoretical and the applied – in contrast to scholastic concerns and methodological choices determining research agendas – would be to temper the tendency in the social sciences and humanities to develop

mutually unintelligible scholarly vernaculars. In the opening chapter of his 1690 *An Essay Concerning Human Understanding*, John Locke directly addresses the importance of words and language. He discusses how most scholarly approaches of his time, which he calls ‘philosophical sects’, had “found [affected obscurity] a good expedient to cover their ignorance, with a curious and inexplicable web of perplexed words” (Locke 1690: III, 8):

"There are scarce any of them that are not cumbered with some difficulties (such is the imperfection of human knowledge,) which they have been fain to cover with obscurity of terms, and to confound the signification of words, which, like a mist before people's eyes, might hinder their weak parts from being discovered" (Locke 1690: III, 6).

John Locke's barely concealed frustration with the scholasticism of his contemporaries seems to underline how little human nature has changed little since:

"There is scarce any sect in philosophy has not a distinct set of terms that others understand not. But yet this gibberish, which, in the weakness of human understanding, serves so well to palliate men's ignorance, and cover their errors, comes, by familiar use amongst those of the same tribe, to seem the most important part of language, and of all other the terms the most significant (Locke 1690, III, 14).

Two centuries later John Locke's ‘affected obscurity’ was christened by the Irish author, activist, playwright and Nobel laureate George Bernard Shaw with a new moniker. In his 1906 play *The Doctor's Dilemma*, Shaw named the tendency of white-collar professions to invent specialist language inaccessible to outsiders as “a conspiracy against the laity” – ‘laity’ meaning the rest of us not privy to the specialised language (Shaw 1906). The play light-heartedly pokes fun at the specialist language of doctors, lawyers, actuaries, and accountants, but on a more serious note also exposes how such language feigning expertise can intimidate outsiders and prevent dissent and discussion.

There is another side-benefit of gazing across the *longue durée* past of scholarship: It prevents us from seeing ourselves as the pinnacle of human progress. Knowing the past means that we also know about the way academic fads come and go, and in due course, defining certain time-periods in scholarship. In the 1950s social sciences structural-functionalists behaved like they were the chosen people with privy to the Truth while the self-styled scientific trailblazers in psychology were advocating the ‘evidence-based’ full-frontal lobotomy. These ‘conspiracies against the laity’ are now discarded in favour of other scholastic vernaculars. Scholasticism and decontextualised variable-based methodological training also come with a handy fig-leaf which helps cover historical illiteracy and vacuity in reasoning when encountering non-Western cases: ‘what is your dependent variable’ can indeed sound very profound and learned those who know even less, yet there is a risk that it suspiciously looks like evasiveness to others who are more familiar with the rest of the world. But there is something a little more worrying here. When the experience of the West is repackaged into political and constitutional reform blueprints for the rest of the world, then this is no longer is a question of scholasticism in an academic field of study. It is this link between the theoretical and the applied – in the broader historical, political, legal, social, and cultural contexts – that we turn to now.

* * *

Due to Federalism Studies’ tendency to pick reference points confined to the handful of federal systems of the West, sub-Saharan Africa – along with the rest of the developing world – rarely receives comprehensive, systematic, and sustained scholarly interest. Scholasticism and the attending emphasis on methodological perfectionism have helped construct high walls around the field’s small Western core allowing access only to those who speak the same vernacular. When the rest of the world becomes of substantive interest, it is with theories and concepts derived from the West that the analysis is carried

out. When holistic reality is broken down to incised, isolated, and decontextualised variables across a number of cases, and when little first-hand knowledge about the rest of world exists, coding variables from non-Western cases along already exiting categories does not appear as a problem. This is then followed by the repackaging and rebranding some the theoretical results of decontextualised comparisons of controlled select variables from the West as applied constitutional and political reform blueprints to the developing world.

One of the running themes in this article has been the importance of the *longue durée*. So far this has mostly been about gazing back across political history, trying to get a bird's-eye-view, and seeking to spot broad comparative patterns across time and place – not only in terms of ups and downs in the variations of union and autonomy across the globe but also in terms of the ebbs and flows of different scholarly schools studying things. Once we shift our gaze to the future, it seems likely that this pattern will be replicated; that is, what seems without an alternative today might look like conformism in the future. And in addition to the likelihood of shifting popularities of different scholarly schools and research methodologies, there is something else that appears on the horizon as we gaze into the future:

For future generations of students of federalism, superficial knowledge of the history and politics of the rest of the world can come to look like arrogance and not ignorance. What appears as harmless Eurocentric naiveté today might come to be seen tomorrow as scholarly neo-colonialism. It is only in the recent years that *Regional and Federal Studies* has tried to expand its substantive theoretical and methodological focus beyond the islands of scholarship inhabited by the like-minded. Yet even after making a conscious decision to cover federalism and decentralisation across the entire world in all its facets, the journal still faces structural obstacles to broaden its reach and range: it is difficult to find referees willing and capable of reviewing non-Western cases (especially if the manuscripts employ cross-disciplinary perspectives); others judge and evaluate article manuscripts on and from the developing world on how closely they cite Western theories and restrict their methodologies to Positivism; and

hoping to get published and invited to collaborative academic initiatives funded by the West, scholars from the developing world face pressures to learn and speak the same scholastic vernacular of their Western counterparts guarding access to the field.

Had the decision to insulate the field been deliberate and explicitly acknowledged, there would have been little to criticise in moral terms. However, what is worrying is that, despite a very thin historical knowledge of cases from the developing world, many of those who only know the West do not seem to have any qualms about volunteering to prescribe federalism to countries they can barely spot on a map. The conditional and controlled comparison of select variables and themes from Western federalism are transformed into applied lessons for the developing world. The moral shortcomings of projecting lessons from well-known cases in the West to the little-known countries in the rest is evident. But what gets lost is more than moral probity here; what we are losing is a treasure trove of numerous case-studies which, had they been included in the comparisons, would have multiplied the variety of potential outcomes and added fine-tuning, nuance, revision, and correction. What is more is that sub-Saharan Africa contains a variety of federalisms, past and present, failed and successful, with many yet unknown lessons and insights awaiting to be spotted, examined, and excavated.

* * *

Despite their potential contribution to evaluating the promises and pitfalls of federalism, negative cases from the past of autonomy and union in West seldom receive scholarly attention. There is yet so much to learn from the *longue durée* history since we know how things eventually end. The absence of negative cases from analyses is even more pronounced for the rest of the world where, in addition to the past, the knowledge of the present often tends to be based on variables from the decontextualised comparative datasets. It is almost akin to a self-goal for a field of study to ignore a treasure trove of such diverse cases.

In fact, the pool of cases from the non-Western world contains remarkably more variation than what we are used to in the comparative study of federalism in Austria, Australia, Belgium, Canada, Germany, Spain, Switzerland, and the United States. Sub-Saharan Africa has had successful (precolonial) tribal confederations, federations (some democratic, others not), imperial unions, defunct federations, failed confederal unions, *de facto* and *de jure* variations in territorial autonomy, federations which have turned themselves into unitary states, unitary states that have devolved power to regions, and of course a number of both successful and failed secessions across time and place. Instead of an unrealistic binary coding of either unitary or federal imposed on little-known case-studies from the developing world, there is a need to learn a little more about the countries under examination. The variation in these negative cases can provide more nuanced insights into when, why, and how federations fail, and by extension, ways to correct and fine-tune the applied side of federalism. But where does one start looking? Where is one supposed to direct the analytical spotlight?

The current debates in federalism provide us with a few leads: Was it because of the number of federal units or symmetrical territorial representation in the upper house which caused the collapse of federalism in the Congo? Was it the timing of second order elections or dissatisfaction with interprovincial fiscal equalisation formulas which caused Cameroon's federal failure? Is it the changes in the index of centralisation that caused Somaliland to protest and secede from the Somali federation? Is it because of the institutions of federalism that South Sudanese civil war has continued to simmer? Does coalition theory explain why the Central African Federation fell apart? There is one common answer to all of these questions: No.

When one starts with the current scholarly debates derived from either the experience of the West – or from the developing world coded into the categories Western datasets employ – one is likely to reach some conclusion that will engage other colleagues on the island of scholasticism they inhabit. But all of these leads from the *esprit de finesse* could potentially be misleading. To get things right, one

has no option but to start with the big picture of the *esprit de géométrie*. And the big picture almost always tends to point to an analytical level above domestic politics, that is, the geopolitics of the international system. Nothing in the study of autonomy and union in Africa can be studied in isolation from the geopolitical changes at the international level: the spread of colonialism and the types of autonomy and union in the 19th century; the decline in the powers of former colonial powers in the post-World War II world and the subsequent process decolonisation and the beginnings of territorial self-rule; the Cold War and the attempts by the two sides establish allies and proxies in the newly independent states; and the new international order that marked the end of the Cold War in the early 1990s.

Africa's recent history of defunct federations, extinct federations, and failed constitutional attempts to reconcile autonomy and union shows the prominence of international factors playing a key role in federal success or failure. Some of these international factors were the geopolitical dynamics of the Cold War spewing into Africa, some were the influence of international organisations and international law that accompanied African decolonisation, and yet some were regional power politics. Neither the extent of territorial self-rule nor the likelihood of separatism was solely determined by domestic factors. In addition to geopolitical dynamics emanating from the international system, post-independence international organisations in Africa also had an impact on the likelihood of separatism and border change. The newly independent states of the continent adopted strong international measures against border-changes which were then drafted into the founding charter of the Organisation for African Unity (the precursor to the African Union). Until then, the principle of self-determination had successfully been used to bring about liberation from colonial rule. Now, the newly independent African states wanted to limit the potentially destabilising role the principle could play in the post-colonial political landscape increasingly falling under the pull of Cold War dynamics. And these dynamics themselves fluctuated during the course of the coming decades and led to various evolving regional geopolitical alignments reflecting the new international system. What led the Cold War geopolitical dynamics took over the continent was

the post-World War II decline of Britain and France's international position and the accompanying process of decolonisation.

During reforms towards post-colonial territorial self-rule, reference points were naturally drawn from the political and legal repertoire of the colonial system. An example of a short-lived intra-imperial federal experiment was the British Central African Federation consisting of Southern Rhodesia (present-day Zimbabwe), Northern Rhodesia (present-day Zambia), and Nyasaland (present-day) Malawi. The lopsided confederal union between the self-governing Dominion of Southern Rhodesia and the two colonial Protectorates of Northern Rhodesia and Nyasaland drew a lot from similar intra-imperial federations in the British Antipodes and North America. However, the *esprit de géométrie* had changed in a new world order where the British were no longer the leading power. Given the broader geopolitical context at the time, irrespective of how its federal institutions were designed and its constitution written, the British Central Africa federation was doomed to failure. Somehow the union still managed to limp along for a few years until 1963. During the same time-period Francophone Africa was also experimenting with (con)federal constitutionalism for its former colonies. The fates of both the *Afrique occidentale française* confederation (consisting of present-day Senegal, Mauritania, Ivory Coast, Guinea, Mali, Benin, Niger, and Burkina Faso) and the *Afrique équatoriale française* confederation (consisting of present-day Central African Republic, Cameroon, Congo-Brazzaville, Gabon, and Chad) were similar to the British Central African Federation however. They ceased to exist within a decade of their creation to coincide with the scaling back of British and French power from the geopolitics of Africa and the import of new Cold War dynamics to the continent. In addition to these instances of intra-imperial 'coming together' (con)federal unions between former colonies, some colonies themselves adopted federal-type constitutions acknowledging domestic diversity and granting autonomy to various substate entities. Kenya and Cameroon are prime examples:

The end of colonialism gave Kenya its short-lived *majimbo* (i.e. 'regionalist' in local Kiswahili-language) constitution in 1963. Initially, it appeared that post-independence Kenya would be based on a federal union of autonomous regions that would allow smaller ethnic groups some protection against a potential alliance of the two larger ethnic groups. But a new majoritarian spirit and electioneering took over and a year later federalism was out. A similar post-independence story took place in Cameroon. In 1961 a federal union was established between the two Cameroons; one, the smaller former British colony; the other, the much bigger and more populous former French Cameroon. But with a strong presidential system, single-party rule, and nation-wide administration, centralism soon took hold. Federalism was formally abolished and replaced with a unitary republic in 1972. Elsewhere on the continent, Ghana, Uganda, and Zambia had started their post-colonial political lives with non-centralist constitutions giving traditional authorities, paramount chieftaincies, and the pre-colonial kingdoms formal recognition. These were not federal constitutions in the conventional sense, but nonetheless represented the formal recognition of autonomous homegrown local political structures (seen as legitimate in the eyes of the local population) which could potentially hold the centre to account. So far, the comparative study of autonomy and union has had little interest in the reasons why these early independence constitutions failed however there is bound to be bountiful lessons and insights waiting to be excavated from the analysis of indigenous and traditional forms of territorial self-rule.

Not only in Ghana, Uganda, and Zambia, but throughout the entire continent the early years of post-colonialism had come with constitutions recognising and protecting the territorial and political prerogatives of traditional structures. Closely modelled on the constitutions of their former colonial rulers, many of these decentralist basic laws did not survive much beyond the early years of independence however. Uganda's Buganda Kingdom, Ghana's Asante, Zambia's Lozi – and other smaller traditional authorities – all lost their post-colonial constitutional autonomies in the Cold War years that would mark the geopolitics of the continent. This is also a time-period where the success or failure of separatist

mobilisation was not determined by domestic factors but also by the macro *esprit de géométrie* defining the international system and its regional dynamics.

While Kenya and Cameroon were officially replacing with their federal constitutions with centralist and majoritarian ones, and while Ghana, Uganda, and Zambia were dismantling the prerogatives of traditional structures, disagreements over federalism in the Congo, Nigeria, and the Sudan ended up sparking prolonged civil wars triggered by secessionist conflicts. Despite the bloody civil war Biafran separatism sparked and the heavy-handed federal response, the outcome of the war did not lead to a centralist constitution taking powers away from the regions. Federalism, albeit in different form with more sub-units, remained the constitutional order of Nigeria. Further to the south, Katanga and South Kasai separatism in the Congo ended up producing a very different result. While the international community had remained nominally impartial during the civil war of Biafran separatism, the United Nations directly interfered in the conflict in the Congo and fought separatist forces. In a strange twist of events, after the defeat of Katanga and South Kasai separatism, the Katanga separatist leader became the new Congolese Prime Minister. In tandem, constitutional changes increased the number of regional states to 21. Creating 21 regional states on paper did not necessarily mean that these were functioning structures. Within the chaotic national politics defined by two separatist movements supported by the foreign mercenaries funded by Katanga mining interests and foreign powers, the administrative vacuum left behind by the retreating Belgian colonial establishment, far-left mobilisation supported by the Soviets, and the involvement of all of the neighbours of the Congo, none of the new regional-states were consolidated enough provide any sense of stability. The chaos paved the way for Colonel Mobutu and a new political order based on kleptocratic principles of governance. Africa got another defunct federation and a failed constitution.

There were two other African federations which had come together through the merger of formally separate sovereign entities. Ethiopia and Eritrea had entered into a federal union following the

end of World War II while the new state of Tanzania had come into being as a union of Tanganyika and Zanzibar (hence the name Tan-Zan). The former British colony, the islands of Zanzibar, had joined the United Nations (UN) Trust Territory and former German colony, Tanganyika on the African mainland, in a new (con)federal union. Despite the existence of *de jure* autonomy, Zanzibar was soon absorbed into the pull of much larger and populous mainland however. All this took place within the context of a one-party state and denying Zanzibar a vote on the government of the islands and governing them through the 'Revolutionary Council' from 1965 to 1985. Ethiopia and Eritrea (its former imperial territory on the Red Sea Coast which had become an Italian colony in the 19th century) had entered an UN-brokered federal union in 1952, with the Ethiopian emperor as the head of state. It did not take long for the smaller partner Eritrea to lose most of its territorial autonomy and fall under the pull of Ethiopian imperial politics in 1962. In the context of the new Cold War engulfing the continent as the West and the Soviets courted the Ethiopia's loyalties, Eritrea's fate did not receive much international attention.

By the time we reach the 1970s, most of the continent's constitutions had shed most of their non-centralist repertoire and moved towards semi-authoritarian majoritarian systems dominated by political parties which had led the anti-colonial liberation struggles (and welded their leaders to the office of presidency) often coupled with strong international links to one of the geopolitical camps of the Cold War. The combination of both success and failure of federalism in post-World War II Africa means that we have a more representative collection of cases. Such variety of outcomes could help give us a more nuanced sense of the various and complex reasons behind federal failures. The inclusion of cases from the past is also likely to help temper the selection-bias inherent in the presentism inflicting a big portion of the Comparative Federalism literature nowadays. Focusing on federal systems which still exist now inadvertently limits the study to federal success stories only. If they still exist, these federal experiments seem have the established the most basic function expected of them: they have kept the union intact.

The exclusion of federal failures from the pool of cases could then mean that this selection bias could partial or misleading analyses.

More negative cases arrived in the mid-1990s. The big changes in the macro geopolitical *esprit de géométrie* brought in by the end of the Cold War had engendered a new wave of constitutional reforms towards federalism and decentralisation in Africa. Some of these federal experiments are still evolving; this means that we do not have the benefit of knowing how the dust settles and the story ends. But due to the temporal variation in political power dynamics they have experienced since their inception, Africa's federations are still very informative additions to the Comparative Federalism pool of case-studies. The wave of the 1990s has another important difference with the wave that preceded it in terms of the type of constitutionalism adopted: The federal and decentralised constitutions of post-World War II years were the product of retreating colonial powers and their constitutional experts and bureaucrats. The wave of constitutional engineering of the 1990s was largely the product of international organisations and experts from the West. Introduced at a time when the entire world was celebrating the end of the Cold War and the beginnings of a new world order, constitutional decentralisation reforms were received with widespread enthusiasm across the continent – especially since various Western powers and international donors seemed to be willing to bankroll the entirety of these initiatives.

Fast forward three decades, the outcome is quite varied across the continent. It is especially in places where international reforms were quickly passed without engagement with the local political, historical, and social context do we see the original enthusiasm evaporate. The decentralisation reforms of the 1990s heavily reliant on outside involvement did not always produce the intended results expected of them. The copy-and-paste decentralisation blueprints – politely called 'best practices' – lifted off from Western constitutions were particularly disappointing. While the wording of the decentralisation clauses of their new constitutions looked identical to their counterparts in the West, the countries lacked all the other structural background factors that made decentralisation work in the West. Without a basic law

enshrining a principled acceptance of social diversity and political dissent, these ended up as modern constitutional façades concealing the semi-authoritarian single-party political regimes behind them. There simply was no one to hold the centre to account.

Arguably, the failure of the decentralised constitutions to take root had mostly been the lack of recognition granted to indigenous federal-type practices like group autonomy, power-sharing, and conflict resolution which would ensure longevity. Lacking local foundations, the constitutional orders copy-pasted from 'best practices' elsewhere soon fell under the pull of centralist-inclined political parties and their leaders who had their roots in the anti-colonial liberation movements. What is remarkable is that this wave of constitutional reforms had been preceded by another wave only a couple of decades earlier. At the time, the memories of past failures must have been fresh in minds of locals, but no one abroad had much interest in local political, historical, legal, social, and cultural context – and the nuanced and probabilistic projections that would follow. The mood of the 1990s was one of victory of liberal democratic capitalism over Soviet communism and a celebration of the subsequent 'end of history' this epitomised. Preference was for the speediest 'best practice' path emulating the West. Pity that no one bothered to go back and systematically examine the reasons why the previous round of reforms, despite the abundance of constitutional clauses and legislation copy-pasted from liberal democratic capitalist Western democracies, had failed.

A quarter of a century later we have some inkling as to what might determine which constitutional reform will end as a historical failure and which ones will manage to establish roots and prove to be resilient. The explanation rests on a combination of the international and the indigenous. It is in countries where the influence of international factors was more limited did we see a more of homegrown elements enter constitutions. These countries were often the bigger and stronger ones who were able to temper the imposition of blueprints from abroad. Instead, there was more reception, recognition, and endorsement of endogenous forms of constitutionalism, group rights, territorial autonomy, power-

sharing, and conflict-resolution. This meant that there were indigenous forms of checks on centralisation. The lesson then is that whenever constitutions have local roots, they are more likely to withstand various known political challenges as well as yet unknown ones the future might bring. In contrast, perfect constitutions and best practice policies copied from Western liberal democracies seem to be more easily uprooted and blown away once the support mechanisms provided by international community is switched off. It appears that without them, the public at-large seemed to have little awareness of the new laws and no sense of ownership over their new constitutional order. In the meantime, those who had advocated the new reforms did not come for a revisit and take stock of the outcome of their earlier prescriptions – they had already moved on to enlighten other parts of the developing world.

When we move up and take a bird's-eye-view of what has happened in the last three decades, we can start spotting certain macro patterns: Where there was principled and sustained engagement with the local political, historical, legal, social, and cultural context, the reforms of the 1990s managed to more successfully anchor federalism in the local soil or strengthen its existing roots. Despite the ups-and-downs of their national politics and the attending cycles of instability, in Nigeria, Ethiopia, and South Africa federalism is an indispensable part of how the nation sees itself. Successive waves of homegrown constitutional reforms have now given Nigerians a uniquely Nigerian federal system; the reforms introduced top-down by the 1995 constitution have since led to a grassroots embrace of federalism in Ethiopia; and South African democratisation is inseparable from the country's new image of itself as a 'rainbow nation' where constitutional clauses on group rights and provincial autonomy meet indigenous forms of conflict resolution and traditional customary law. Nigeria, Ethiopia, and South Africa are defined by a principled acceptance of the permanence of political divisions and viewing their social diversity as a source of richness. This does not mean that everyone agrees about everything; on the contrary, political divisions can lead to deep social rifts and disagreements, but what is notable is that the public-at-large in these three countries has a sense ownership of federalism. With indigenous forms of group rights,

territorial autonomy, power-sharing, and conflict-resolution incorporated into national variants of federalism, citizens are more likely to relate to what they come to see as their own political system. A sense of national ownership makes it more likely that the basic law of the nation survives the choppy waters of political conflict and competition. After all, these three are the three biggest African countries with the most diverse populations; and despite facing immense political and economic challenges that would have easily brought down smaller, more homogenous, and richer countries, the constitutional order remains firmly anchored. Instead of getting a one-size-fits-all 'received' constitution, there is a sense of engagement with organic homegrown roots in all three, and the inevitable inconsistencies and tensions that mark the politics of all countries where autonomy and union co-exist. The acknowledgement of complexity on the ground does not mean one has given up on bringing a sense of analytical order to the workings of federalism. It just means that there is no alternative to surefooted historical knowledge.

During the Age of Exploration of the 15th and 16th centuries, the Latin dictum *navigare necesse est* captured the essence of how, despite the risks, discovering new places necessitated sailing the high seas. There were no maps to guide vessels across the oceans, navigational tools were only partially reliable, information was incomplete, one only had the stars to provide a sense of direction. If one were to wait for complete information and perfect maps, then the vessels would have been remained anchored for the coming centuries. But they did sail out, and many did not come back. Bartolomeu Dias, Christopher Columbus, John Cabot, Vasco de Gama, Ferdinand Magellan, Francis Drake, Zheng He, Piri Reis, and others were no doubt unaware of the Kiswahili saying "the one who waits for the whole animal to appear, spears its tail" (*hebu kiishe, huchoma mkia*), but they did not wait, took risks, and set sail towards unknown horizons relying on the stars and little else. Expecting perfection within the confined safety of harbours was perhaps a bit like perfecting desktop research methodology far away from reality. Lacking precise maps, reliable navigational tools, and dependable crews, it was looking far ahead that guided the explorers, their leaky vessels, and unruly sailors across unknown seas. The inward-looking scholastic

debates and expectations of methodological precision should not keep the vessels of Federalism Studies safely anchored in the still waters of the West. If nothing else, the stars are still up there to guide us to discover the rest of the world. If holism does not reconcile the West and the rest, the theoretical and the applied, the past and the present, maybe other approaches will show the path. What is not an option is to remain dead in the water. That is why the Sukuma saying from Tanzania followed the opening quote from General Jan Smuts: “I pointed to the stars, and all you saw was my fingertip” (*Nalukolekejaga sonda walola lwala*).

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¹ In his 2 x 2 ‘Philosophical Wager’ table classifying the various approaches in International Relations, Patrick Thaddeus Jackson uses the label ‘Critical Realism’ for something very similar (Jackson 2011: 24-40). At the same time, Jackson also acknowledges that there is indeed a variety of philosophical ontologies. In order to prevent scholarly discussions degenerating into scholasticism, his advice is for an open and pluralist approach to classification and labelling (Jackson 2011: 32)

² Perhaps due to the primacy of religious themes in his writings, Pascal’s ideas are not as integrated into post-Enlightenment philosophical debates, but his influence remains pervasive and enduring if not acknowledged. The dictum attributed to the British philosopher Bertrand Russell, “sometimes it is necessary to choose between clarity and precision” is an example. Another example comes from Freeman Dyson who divided fellow mathematicians into two: ‘birds’ who “fly high in the air and survey broad vistas of mathematics out to the far horizon”, and ‘frogs’ who “live in the mud below and see only the flowers that grow nearby ... Mathematics is rich and beautiful because birds give it broad visions and frogs give it intricate details” (Dyson 2009: 212).

³ Charles Ragin and David Zaret proposed a similar approach to applying both variable-based analyses perfected by French sociologist Émile Durkheim and case-study analyses epitomised by German sociologist Max Weber. Ragin and Zaret believe the two approaches cannot be seamlessly and coherently combined, and they advocate an

iterative application of the two which is quite close to Pascal in spirit. What is different in this article is that one starts with *géométrie* and then the sequence leads to *finesse*. Ragin and Zaret on the other hand juxtapose the two approaches as equivalents applied in iteration (Ragin and Zaret 1983: 731).

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