

## BOOK REVIEWS

*The Political Writings of Jean Jacques Rousseau.* Edited from the original manuscripts and authentic editions with introductions and notes by C. E. VAUGHAN, M.A., Litt.D. In two volumes. (Cambridge: at the University Press. 1915.)

The entire body of Rousseau's writings on politics is here collected together and provided with the necessary commentary both textual and explanatory. Besides the *Économie politique*, the first draft and final version of the *Contrat social*, and the works on the government of Corsica and of Poland, the edition includes the *Discours sur l'Inégalité*, the important fragment on *L'État de Guerre*, passages from *Émile* of a definitely political character, especially the sketch of political theory in book v, illustrative excerpts from other non-political writings, the last four of the *Lettres de la Montagne*, and various minor pieces. Notwithstanding the diligence of former workers in the same field, especially MM. Dreyfus-Brisac, Windenberger, and Dufour, Professor Vaughan has been able to glean, generally from the Rousseau manuscripts at Neuchâtel, a considerable number of hitherto unpublished fragments, most of which are, however, mere variants of accepted texts. Of this new material by far the most interesting part is the series of eight autobiographical fragments, including the original draft of the close of the fifth *Lettre de la Montagne*, gathered together in an appendix. Though of interest to the student of Rousseau the relation of these fragments to his political writings is so remote that one wonders at their inclusion here. In the same appendix are found two early versions of the opening of *Les Confessions* that have already been printed. Why, then, reprint them here? Another matter of arrangement might have been managed better: Diderot's article on *Le Droit naturel*, reprinted because of its close association with the *Économie politique* and the *Contrat social*, should certainly have been relegated to an appendix.

Professor Vaughan has spared no effort to establish a definitive text of these writings and it is to be wished that the same patience might be applied to the whole body of Rousseau's work, for current editions, notably that of Hachette which is the most accessible, abound in small errors. The editor's finest achievement in the field of textual recon-

struction lies, however, where two excellent scholars—Dreyfus-Brisac and Windenberger—had preceded him: minute examination of the awkwardly grouped pages of the MS. of *L'État de Guerre* resulted in the discovery that a rearrangement of the order of the pages clarified, and did away with breaks in, the course of Rousseau's argument. The fragment is now printed in accordance with this discovery.

Short special introductions to each piece deal with matters of biography and literary history and with such details as did not fall conveniently within the limits of a general discussion. An elaborate introduction to the whole collection—"Rousseau as Political Philosopher"—centres in the thesis that "two strands of thought, the abstract and the concrete, lie side by side in his [Rousseau's] mind; forever crossing each other, yet never completely interwoven; each held with intense conviction, but each held in entire independence of the other" (p. 77). Theories derived largely from Locke undergo a self-contradictory change when under the influence of Montesquieu Rousseau applies them to actual conditions. Rousseau worked under the self-imposed handicap of acceptance of "the state of nature" and of "the social contract," matters of no inconvenience so long as he is the exponent of abstract individualism (as in the *Discours sur l'Inégalité* and in the opening pages of the *Contrat social*) but impossible fully to reconcile with the practical collectivism of the latter part of the *Contrat social* and of his later writings upon politics. Professor Vaughan makes no attempt to harmonize completely these two strains in the *Contrat*; indeed he recognizes that no sooner has Rousseau brought the individual to a total surrender to the service of the state than by qualifications and concessions he readmits a measure of individual liberty. The freedom possessed by the citizen of Rousseau's ideal state is "the release from the bondage of his baser self; the willing acceptance of burdens for the sake of others, of that service to a larger whole in which alone his true self, his real freedom, is to be found. In other words, it is essentially a moral freedom; a freedom which brings with it at least as much of self-sacrifice as of ease" (p. 113). What Rousseau, blind to the idea of progress, failed to see is that this ideal is a matter of gradual growth from barbarism during which time the discipline of force has been ever so slowly diminishing and the element of right as gradually taking its place. It is the acceptance of the contract idea at the very moment that he admits the non-existence of pre-social morality (thus leaving the contract without any sanction whatever) that involves Rousseau in contradictions. Of this he was himself dimly aware and his later work is

evidence of increasing realization of the value of the historic method and of the importance of the influence of climate, environment, and (though this is barely suggested) the past circumstances of a people; the state of nature and the contract are left behind; Montesquieu is substituted for Locke. Yet here, as in the case of his individualism and collectivism, the contradictions never disappear.

The volumes close with two further contributions from Professor Vaughan's pen. In an "Epilogue" written since the beginning of the War he contrasts the Roussellian idea of the state with that held by Fichte, the one that of national independence with the small, rather than the large, state as the unit, the other that of the domination of one state over the whole of Christendom. There is no effort to conceal the application of the result of this comparison to the diverse claims and ideals of the rivals in the present struggle. Finally, an appendix is devoted to a lecture, originally delivered at Leeds, on "Rousseau and his Enemies" in which are set forth the conclusions reached by Mrs. Frederika Macdonald in her *Jean-Jacques Rousseau, a New Criticism*, 1906, especially with regard to the reliability of the *Mémoires* of Mme. d'Epinay. It is noteworthy that Professor Vaughan entirely ignores Mrs. Macdonald's able defence of Rousseau against the long-standing charge of having delivered his five new-born children, one after the other, to the foundling hospital. The lecture is in quite popular form, it contains nothing not accessible in greater detail in other works, it has only the remotest relation to the political writings of Rousseau; and for these reasons is rather out of place as a conclusion to this work.

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*Vicarious Liability.* By T. BATY. (Oxford: The Clarendon Press. 1916. Pp. 244.)

It may be said to be a general principle of the common as well as of the civil law that one person shall not be held liable in damages for the tortious act of another. At any rate this may be said to be so since the disappearance of the old doctrines of family, tribal, and other group forms of collective responsibility. There have always been, however, and still continue to exist certain exceptions to the rule which are expressed in such phrases as *respondeat superior* and *qui facit per alium, facit per se*, not to speak of the liability of the father for certain acts of his child. The justice as well as the legal scope of the doctrine is,