

The Limitations of Political Science

Studies in History and Politics, by the Right Honorable Herbert Fisher. Oxford: Clarendon Press. \$4.20.

Law in the Modern State, by Léon Duguit. New York: B. W. Huebsch. \$2.50.

The Foundations of Sovereignty, by Harold J. Laski. New York: Harcourt Brace and Company \$3.50.

IT is one of the ironies of fate that concentrated study, so essential to real achievement in any field, tends also to make us lose the right perspective as to the relation of our chosen field to life as a whole. We readily recognize this irony in the old-time humanists who, to open up the treasures of ancient literature, had to devote their lives to the intricacies of Latin syntax, so that they naturally came to regard Latin prose composition as the centre of all human education. Can it be that the modern humanist engaged in the study of politics is entirely free from this irony of fate? The three masterly books before us afford much food for reflection in this regard.

The first book is by the distinguished historian of the Republican Tradition in Europe. As historian, essayist and statesman, Mr. Fisher continues the great tradition of Macaulay, Bryce and Morley—a tradition of wide and accurate learning, cautious and sound judgment, mildly liberal aspirations, and a gentlemanly silence about the grimy soil of human nature and selfish interests, in which questions of public policy have their roots if not their justification. Thus Mr. Fisher explains carefully and frankly why British administration in India is the costliest in the world. But the economic and social effects of this government of India, on Great Britain as well as on India itself, are ignored.

Mr. Fisher knows too much history and actual politics to fall into the view of amateurs, that our fragmentary knowledge of the past can directly solve for us the perplexing problems of the present. History is rather a field in which to apply and thus develop our political judgment and imagination. For the soul of history is not so much the acquisition and arrangement of material as the exercise of insight and appreciation. Mr. Fisher's own insight thus manifests itself in his reflections on particular events or issues. Typical of the best of these is the observation that while arbitration cannot banish war it can diminish the accumulation of minor grievances. At other times, however, we have comments like the following: Military conscription is an honorable duty to the state, a school of patriotic virtue, etc.; but though it unified Prussia it has "given a military direction to the thoughts, feelings, and aspirations of a vigorous people."

In the main, Mr. Fisher represents the school which views history as predominantly a matter of politics. The weakness of this in concrete cases shows itself in the essay on Lord Acton, which leaves us without any explanation of the relative barrenness of that prodigiously learned man. One wonders what Mr. Fisher himself thinks of Lord Acton's amazing judgment that George Eliot is the greatest figure in literature since the death of Goethe.

Mr. Fisher shows eminent good sense in explaining why Rousseau prevailed so decidedly despite his obvious limitations. Instead of wasting excessive ingenuity on this point, as do most writers on Rousseau nowadays, Fisher relies rather on the obvious fact that Rousseau was right, that he was attacking an unjust and corrupt order which

richly deserved to be overthrown. It is a pity, however, that an historian should repeat the popular myth that Rousseau's Social Contract was "founded on imaginary history." The second sentence of that book—so often referred to but so seldom read—amply refutes that charge.

No one can read through Mr. Fisher's book without a feeling that it deserves the honorific epithets which the author himself is so fond of applying, viz: thorough, solid, robust and masculine. The latter term occurs so often as to suggest by contrast why this and other admirable books on politics by Bryce, Morley, etc., are after all somewhat dull—they lack what Goethe calls the eternally feminine which ever draws or lures us on.

Professor Duguit's book is more unified not only because it has a single theme but even more so by the fact that it has a definite thesis to maintain. In his predilection for general ideas, Duguit is as typically French as Fisher is English in his cautious avoidance of them. This is all the more significant in that Duguit restricts himself to the field of law and professes adherence to strict scientific methods and a positivistic abhorrence for metaphysics. His positivism, however, like most positivisms turns out to be not a greater respect for facts but rather a zeal for dogmas that are sharply antithetic to the old dogmas. If the older theories of law are individualistic, subjective and moralistic, the new theory must be collectivistic, objective and realistic. Of course, a trained and accomplished scholar can readily find many facts to show that this is the trend of history. Doubtless also the new dogmas explain some facts better than did the old ones. But what Duguit naïvely ignores is that history cares little for the comfort of theorists, even of the positivistic kind, and brings forth plenty of facts to comfort and confound both sides. Thus the individualist can point to various forms of property which used to be communal but which are now individual, to family obligations which have been modified in the interests of greater individual freedom, and many similar considerations. Duguit can readily show that the will of the state or people, which is the alleged basis of legal sovereignty, is a metaphysical fiction. But he states more than he can prove when he asserts in opposition that all law originates not in any human will but in the objective conditions that are necessary for the public service. The obvious fact is that many laws are passed because some people want them though these laws may not aid the public service in the least and may in fact hinder it. The citizen who would disregard these laws because Duguit says that such enactments have no legal force, will find himself in serious trouble with the law. Duguit's anti-moralistic bias, based on a superficial theory that science can deal with only what is and never with what ought to be, cuts him off from any consistent argument as to what ought to be the law. His assertion that the objective conditions of social cooperation themselves dictate all the law is just as mythical as the social will which he rejects. Laws are in fact made by definite human beings and in accordance with their desires, prejudices, perceptions, etc., and wilful or unwilful ignorance of the objective conditions of good laws is certainly a patent fact in actual law-making. So long as human beings, devoid of omniscience, have to guess as to what will be the effect of their enactments, the adaptation of laws to the public service will always remain something to be desired rather than something completely achieved.

Duguit tries to save his doctrine of the legal nullity of statutes that do not promote the public service, by argu-

ing that courts should have the power to declare certain statutes unconstitutional. As a positivist he cannot say they *ought* to do so, nor that in France they actually do so; he can only affirm his own guess that they will do so in the future. It is interesting, however, to note that Duguit, like the defenders of the judicial power in this country, argues on a priori logic, not on the basis of the actual results which have ensued from the American practice of having the opinion of courts prevail over the combined opinion of legislature and executive as to the meaning of the constitution. Certainly, no one has as yet shown that where courts have overruled the legislature and executive their decisions have always rested on sounder views and more thorough knowledge as to the actual needs of the situation.

Duguit's book is undoubtedly keen, learned, lively and instructive. He is especially illuminating in showing how people are actually governed by the rules of private corporations, etc. In the main he has sound moral views and stands strongly for the rights of minorities and other rights of man. But his doctrinaire positivism compels him to chase all rights and moral considerations rather ostentatiously through the front door, only to let them in surreptitiously through a back door. The futility of this unedifying proceeding becomes obvious when we realize that by no hocus pocus can we extract from a mere description of the *facts that are* a description of *what ought to be*. If "what should be" is not contained in our premises, it cannot be logically found in our conclusions.

Mr. Laski combines the English historical with the French theoretical method of approach to political discussion—readers of the New Republic hardly need to be told that he writes with a learning and vivacious enthusiasm all his own. It was in these columns that Mr. Laski burst upon the American scene six years ago, a dashing young Lochinvar, who soon made us feel that our official custodians of political science were somewhat passé. Nevertheless, though it is impossible to read this book of Mr. Laski without admiration for many telling points, his main ideas as to the nature of sovereignty are by no means clear or convincing. In his zeal to overthrow old views he does not stop to analyze them carefully, and he fails to discriminate between sovereignty as a legal concept and the historic fact of actual political power. No one has maintained that any actual human government is in fact omnipotent and can achieve anything at all that it wishes to. The essence of the traditional doctrine of sovereignty is that, in applying the law, a judge or administrative official must not allow the rules of any church, trade union or any other body to prevail over the law of the state which he is sworn to enforce. Obviously, if the law of the state could at any time be set aside by private groups within it, there would be no use in having any common system of law and courts. I do not know whether Mr. Laski now disputes the necessity for this sovereignty of the state law in its own courts, though in his two earlier books he seemed to argue that the law might or should be set aside when it conflicts with individual conscience or the doctrines of some church—a proposal which would lead to legal anarchy. When Mr. Laski now argues for plural sovereignty, he seems to have in mind a political scheme by which the central political authority will give up the attempt to legislate on all matters and leave a great many things to be determined by private corporations and syndicates. On this point he makes many telling arguments, especially in the

admirable essay on Administrative Areas. But to my understanding, few modern writers deny that our legislatures are overloaded and incompetent to pass on the bewildering variety of all the phases of modern life. If Mr. Laski were to content himself with urging such delegation of legislative power to the extent that it proves feasible, few would disagree with him. Such devolution of legislative power is in no way inconsistent with the sovereignty of the law. For any arrangement by which it would be effected would itself become part of the organic law of the state. But Mr. Laski does not seem to be willing to urge his program as a working hypothesis, to be tried wherever it serves vital needs. He must needs defend it with the dogma of pluralistic sovereignty, and of the real personality of corporations. Thereby he gets himself into gratuitous trouble. You cannot cure the evils of monistic absolutism by multiplying the number of absolute sovereigns, and the belief in the actual personality of every corporation subjects him to the taunt of turning what is a legal fiction into a communal ghost.

Common fairness compels us to add that Mr. Laski's good sense frequently makes him arrive at sound conclusions despite his inadequate dogmas. Thus in his valuable essay on Vicarious Liability he has no hesitation in speaking of the "impersonality" of large corporations employing thousands of men. But Mr. Laski ignores entirely the grave dangers to the freedom of the individual involved in his pluralistic regime, though it is a notorious fact that local tyrants can, if not interfered with from without, oppress us far more effectively than a tyrannous central government. Modern monarchies did not arise, as one might suppose from certain unguarded statements of Mr. Laski (p. 295), because people at the time of the counter-reformation fell in love with the concept of unity. Modern monarchies arose because the tyranny of one king was the effective means whereby modern enterprise was liberated from the more oppressive tyrannies of local barons and guilds. This is a capital fact which all those who preach a return to mediaevalism should not ignore.

The limitations of Mr. Laski's contributions to politics, despite their brilliance and soundness in many details, are in a measure due to the English guides whom he follows with too uncritical an enthusiasm. Maitland, for instance, was undoubtedly a rare genius in the exercise of historic imagination, in recreating out of apparently insignificant details the whole living situation as it must have occurred in the past. But he had no particular aptitude in political analysis, and even less can be said about his venture in the metaphysics of corporations. Mr. Laski's enthusiasm for Acton and Figgis leads him to attach undue importance to the present political significance of obscure figures in the Conciliar movement and similar incidents in the history of the Catholic church. Mr. Laski would have done better to study actual political federalism in Canada, Australia, Germany and Switzerland or local administration in Austria before the war. The steady growth of nationalism in the United States, and the progressive decadence of the importance of state governments, is certainly of greater significance for Mr. Laski's theses than the writings of Withington or James I. I venture to think that Mr. Laski might not so readily have overlooked fundamental distinctions if he had been somewhat more familiar with German political science and discussion, e. g., the work of Gumplowicz and Simmel. Even Mr. Laski's references to Gierke are to views filtered through Maitland and Figgis. He cer-

tainly gets nothing of Gierke's reverence for the state, nothing of Gierke's intense nationalism, which is the basis of the latter's championing German against Roman law. Clearly sentimental attachment to country or national state which has its basis in literature and tradition gives the state power which other groups do not have.

In the main, however, I think the limitations of both Mr. Laski's and M. Duguit's books are due to a craving for absolute distinctions, which is apt to be strongest in those not devoted to technical philosophy. The public demands it of those engaged in political discussion. People generally cannot get enthusiastic for tentative policies and reserved statements. They crave absolute certainty from the statesman as well as from the physician and the priest. That is why the most influential factors in the world's political discussion have been absolutistic theologians like Calvin, doctrinaire Hegelians like Karl Marx or classificatory zoologists like Aristotle—not to mention certain non-political but disturbing remarks in a famous sermon on the Mount. But in justice to Mr. Laski it should be mentioned that he recognizes that "man is no less a solitary than a social creature."

MORRIS R. COHEN.

Agonized Adoration

Priapus and the Pool, by Conrad Aiken. Cambridge, Massachusetts: The Dunster House. \$2.50.

CONRAD AIKEN has generally moved in a world of dusk, darkness, and dimly-lit rooms, but *Priapus and the Pool* gives a different impression. Here are green waters, blue skies, and sunlight flashing on leaves. Yet it is not a joyous brightness. It is a brilliant setting for frustration, for the inability of man in the flesh completely to seize either love or beauty.

The title poem is haunting work, full of shadowy suggestion and fluctuant music, and its very vagueness of meaning is a charm. One does not seek the logical place in a chain of thought of such a passage as this about the pool:

I will not say it is not sometimes troubled!
It is very old; strange things are imaged there.
Out of its depths at night the stars have bubbled;
And into those depths maidens have hung their hair.
Leaves have fallen into it without number
And never been found again. . . .
Birds have sung above it in the ancient trees. . . .
And sometimes raindrops fall upon it, and then
There are rings of silver upon it, spreading and fading,
Delicately intersecting. . . .
But if you return again when the sky is cloudless,
You will find it clear again, and coldly reflecting. . . .
Reflecting the silent trees of the ancient forest,
And the ancient leaves, ready to fall once more,
And the blue sky under the leaves, old and empty,
And the savage grasses along the shore.

But can a pool remember its reflections?
That is the thing that troubles me!

But as the sequence of poems which follows this prologue unfolds, its meaning, dimly grasped at the start, grows clearer and richer. Man struggles in "The delicate imperfections of this mesh," and beauty, symbolized first in

the pool, remains serene and unaware; untouched by the agonized adoration which surrounds her.

To say that the love sequence which follows this prologue is pleasant reading would be false. Rather it is beautiful reading—all of Mr. Aiken's fine gift of music and visual fancy being called into play to make lovely a theme rooted in pain. It is the old story of hopeless love (which the reader may or may not interpret as symbolic of love for beauty) with the poet at once crying, "It is enough that I know you and love you. Anguish is good for the soul," and spasmodically revolting from that love.

The twenty-five poems which make up the sequence are each complete in themselves and yet each serves, as it should, to develop the central theme. The reviewer to give their quality can only quote.

The thrush on the bough is silent, the dew falls softly,
In the evening is hardly a sound.
And three beautiful pilgrims who come here together
Touch lightly the dust of the ground.

Touch it with feet that trouble the dust but as wings do,
Come shyly together, are still,
Like dancers who wait, in a pause of the music, for music
The exquisite silence to fill. . . .

This is the thought of the first, and this of the second,
And this the grave thought of the third:
'Linger we thus for a moment, palely expectant,
And silence will end, and the bird

'Sing the pure phrase, sweet phrase, clear phrase in
the twilight
To fill the blue bell of the world;
And we, who on music so leaflike have drifted together,
Leaflike apart shall be whirled

'Into what but the beauty of silence, silence forever?'

Or this passage following three stanzas which powerfully describe the desolation of the land:

Sometimes, perhaps, from other lands more happy,
A faint wind, slow, exhausted, ventures there,
And loses itself in silence, like a music. . . .
And then—who knows?—beneath that alien air,

Which moves mysteriously as memory over
Forlorn abysms and peaks of stone and sand,
Ghosts of delight wake for a shining moment,
And all is troubled, and that desolate land

Remembers grass and flowers, and birds that sang there
Their miracles of song in lovely trees,
And waters that poured, or stood, in dreaming azure,
Praising the sky. Perhaps once more it sees

The rose, the moon, the pool, in the blue evening,
And knows that silence in which one bird will sing
Slowly and sleepily his praise of gardens. . . .
Perhaps once more, for a moment, it remembers spring.

The volume is typical of Mr. Aiken at his best. It is, as most of his work, beauty drawn from pain. It has his reliance upon a suggestive, tangential approach to his theme (contrasting with the direct, explicit approach) his sense of atmosphere, and, above all, his exquisite sureness of music.

ROYALL SNOW.