

Equalitarian Doctrine

THE AMERICAN PHILOSOPHY OF EQUALITY. By T. V. SMITH. Chicago: The University of Chicago Press. 1927. \$3.

Reviewed by RALPH BARTON PERRY

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THIS is a useful book, attractive in its physical appearance, well written, and calculated to stimulate the American reader to thought about the premises of his democratic faith. It gives evidence of the author's wide reading in social and political philosophy, as well as of his open-mindedness, candor, and moral buoyancy. The earlier chapters trace the ideas of "natural" equality which underlay the Declaration of Independence, the slavery struggle, and the movement for women's rights. Then after examining and rejecting the philosophical justifications of the equalitarian ideal derived from Christian theology, Kant, and Utilitarianism, the author expounds and applies the gospel according to the school of Dewey.

As is usual in discussions of this subject, too much attention is devoted to disproving the historical truth of the equalitarian doctrine. That is not, and never was, the fundamental question at issue. When philosophers said that men were "naturally" equal, their principal concern was to prove that it was good that men should be equal, or that all men by virtue of their common humanity possessed just claims which were morally prior to the privilege and authority conferred by organized society. They meant, in short, that equality was a standard by which the existing state of society might be judged, and if needs be, reformed. They identified this moral order with nature, because they believed that nature was the manifestation of a benevolent God; and they thought of this idealized "state of nature" as lying in the past because they were accustomed to a literal, historical view of creation. Nature as coming next after God, was conceived as more divine, that is, as more good and more just, than the later and man-made systems of organized society.

The conception of "nature" being thoroughly impregnated from ancient times with a moral significance, it is misleading to say, as does our author, that "since the Civil War," natural equality being "confessedly refuted," the doctrine has changed "from the assertion of equality as a past or present fact to the declaration of it as a worthy ideal."

Following the lead of Professor Dewey, Mr. Smith feels that the influence of Darwin has radically altered the foundations of equalitarian ethics. Whereas man was once thought of in metaphysical terms, as having a rational soul which entitles him to a peculiar dignity in the moral world, we now know him to be an animal, highly modifiable and variable, and essentially social. But looking closer we find that, despite a change of their labels and a better understanding of their meaning, the attributes of man remain very much what they were before. The variability and modifiability of the individual lie within fixed limits. Indeed, to conceive man as "an active physical organism in a physical environment" would seem to prescribe these limits rather more sharply than to conceive him as an autonomous reason or will. Man still retains his generic human nature. He is not invariably rational, but is "an animal, who on occasion becomes ideational." He possesses "a mechanism for self-stimulation." He is a "self-directing organism" and a "dynamic centre of activity." We are told that "most of human activity is at times teleological,"—that "men work and fight and live for something." This might even satisfy Kant, and in any case it in no wise weakens the Kantian contention that men must be regarded as ends and not as means in the moral realm. Nor does the new view deprive man of his capacity to be happy and to suffer, so that the utilitarian formula is precisely as apt as it was before.

When Professor Smith turns to his own justification of equality he does the best he can under the serious handicap of his instrumentalist theory. Since equality is not supported by "observed facts" (whatever that can possibly mean in instrumental terms) he suggests that we test the idea of equality as a moral slogan. It is a pity, he says, not to try the experiment of going in for equality. But doubts arise. Social experiments are not to be lightly undertaken. We can scarcely be expected to pay the cost and run the risks from a mere adventurous willingness to "try anything once." We would like to

know whether it is an auspicious experiment, looking in the right direction. Furthermore, before we launch upon the experiment we should like to know who is to compose the jury, and by what evidence they are to pronounce the judgment of success or failure. Now in his somewhat ambiguous answers to these questions Professor Smith seems to say that the jury is going to include everybody, and that the experiment is to be pronounced a success if it enables mankind at large, through coöperation, to share in common ends. This, at least, is the impression which the reader gathers from such criteria of success as the author suggests. A moral concept is, according to Dewey, to be considered justified if it is "an adequate representative of the modern spirit." The claim that individuals are equal is true if it "promotes the major good of the situation that motivates the claim," if it serves as an "adequate stimulus to needed action," or "produces consequences of maximum desirability." Equality is proved by its conducing to "true coöperation" and "happy contentment,"—by its enabling men through coöperation "to live and then to live well." This "desirable" end, which is to serve as the standard by which equality is judged, is the "democratic" standard, which means "the sharing by all men up to the level of their ability of the ends for which they must work and fight," it must satisfy the "fundamental prerequisite of justice," and provide a "happy and efficient social order." But all of these ends and standards are equalitarian in principle. Therefore it seems to come to this,—that equality is to be tested pragmatically, and that the test is to be whether or not it results in equality. Equality is good if and because it results in equality.

The fact is that Professor Smith is a convinced adherent of the gospel of equalitarian democracy,—of the faith which rejoices that "the common laborer" should enjoy a "margin of leisure," of the creed which means that every man should have his chance, and that society should be if possible a partnership of persons who respect one another and themselves. These principles cannot be proved by their moral results, because they *define* the kind of moral result that is assumed as a criterion. In short, this book illustrates the fundamental paradox of a practical philosophy which has no philosophy of practise, or of an instrumental philosophy which provides no proof of the end by which the instrument is to be justified.

The Eighteenth Amendment

THE A-B-C OF PROHIBITION. By FABIAN FRANKLIN. New York: Harcourt, Brace & Co. 1927. \$1.

Reviewed by HAROLD S. DAVIS

THE Psalmist, it may be presumed, was not thinking of prohibition when he wrote: "The zeal of thine house hath eaten me up." His remark, nevertheless, applies to much of the current debate upon that subject and to "The A-B-C of Prohibition" in particular. If Mr. Franklin's book savors largely of campaign invective, rather than skilful advocacy, this is partly because he has attempted the impossible in trying to compress into 150 small pages a comprehensive presentation of a subject which bristles with legal, political, and economic problems; the inevitable result is that his presentation consists largely of dogmatic generalizations, with little calculated to convince those not convinced already. The fundamental difficulty is, however, that he is so carried away by his belief that prohibition in any form is a burning iniquity that he often permits himself, as it were, to get in his own light and falls into an intemperance of thought and expression which tends to alienate rather than to persuade.

This comes out in the assumption which he constantly makes that the question has only one possible side and that those who differ from him must be moved by sheer perversity. It is probably the same want of calm thought that explains the failure to touch upon two of the strongest points urged by the supporters of prohibition, i. e., the increased danger to the public which, through the introduction of the automobile, now inheres in the use of liquor and the impossibility of making prohibition effective in States which wish to adopt it so long as the liquor traffic is countenanced by States adjacent.

It is, however, in his handling of the legal problems which enter so largely into any discussion of prohibition that Mr. Franklin's lack of poise most

affects his arguments. The error which he makes here is akin to that so often made by the friends of prohibition, i. e., conceiving of the controversy as involving issues which go to the root of our theories of government, rather than as presenting what are, after all, mere questions of expediency. One illustration of this is found in his handling of the subject of "personal liberty:" his contention appears to be that a prohibition law differs from all other so-called "police regulations,"—barring, perhaps, the laws against narcotic drugs, which he regards as belonging in a class by themselves,—in that these laws, apart from those aimed at liquor, represent the practically unanimous sentiment of the community and only forbid things which no well-disposed citizens would want to do anyway. This suggestion must seem strange to the landowner who finds the value of his property largely destroyed by a zoning regulation or to the manufacturer who sees his business ruined by competition which he is unable to meet because of restrictive labor legislation.

Again, it is hard to follow Mr. Franklin's argument that the regulation of the liquor traffic by the United States, rather than by the States, is inconsistent with fundamental principles. The precise point at which the line may best be drawn between state and federal jurisdiction depends upon considerations of mere convenience and necessarily shifts from time to time. It is surely no more revolutionary to place the regulation of the liquor traffic in the hands of the national government than to override the settled policy of the States in the matter of voting qualifications.

Finally, Mr. Franklin's reasoning is based in large part on the idea that, however, it might be if the Eighteenth Amendment had merely given Congress authority to enact liquor laws, the insertion in the federal Constitution of a specific prohibition against the manufacture and sale of liquor is an unspeakable anomaly and, as it were, taints the entire instrument. The difficulty with this contention is that it disregards the whole trend of our constitutional development. The early constitutions of the several States were short and were largely confined to provisions as to the frame of government. The federal constitution was naturally shaped along similar lines. In the subsequent years, however, the successive state constitutions have tended steadily to increase in length and to embody provisions which operate as direct restraints upon individual conduct and have nothing to do with the governmental machinery. To cite only a few illustrations selected at random, Ohio in 1851 forbade by a constitutional provision the sale of lottery tickets, Mississippi in 1868 declared that "no person's life shall be perilled by the practice of duelling," Pennsylvania in 1873 provided that no foreign corporation should do business in the State without having an authorized agent upon whom process might be served, Arkansas in 1874 declared void all contracts calling for a greater rate of interest than ten per cent., and Delaware in 1897 forbade the issue of corporate stock except for value received, while Oklahoma in 1907 prohibited the employment of children in hazardous industries. The restraints upon the manufacture and sale of liquor which were inserted in the constitutions of many states after Kansas set the example in 1880 were in line with this tendency.

The inclusion of such police regulations in a constitution may be unwise in many instances, but it violates no basic principle for the simple reason that, in the last analysis, a constitution and an ordinary statute alike express the will of the same sovereign power, the difference being merely in the manner of establishment and repeal. A constitution is, in fact, nothing but a collection of laws which are regarded as so essential to the well-being of the community that they are enacted in a peculiarly solemn manner and are protected against alteration at the whim of a momentary majority. Just what laws are so important that they ought to be thus hedged about is always debatable. It is safe to say that many of the recent state constitutions are overloaded with relatively unimportant matter. The point is, however, that here, just as in the apportioning of federal and state jurisdiction, the drawing of the line between constitution and statute is nothing but a question of expediency. It is true that the federal constitution has been comparatively immune from the insertion of matter not having to do with the frame of government, but this is only because the difficulty of amendment has caused it to respond more slowly

than the constitutions of the States to the trend of constitutional development. Even the federal constitution, however, presents at least one striking illustration of the general tendency. The Thirteenth Amendment does not simply give Congress power to legislate on the subject of slavery; it operates directly on the individual and affects his rights, his habits, and his property in a matter far more vital than that dealt with by the Eighteenth.

This, of course, is altogether different from saying that, even assuming the policy of prohibition to be sound on general principles, it was wise to insert a regulation of this kind in the federal constitution. The weighty arguments which may be urged on practical grounds against such a step are familiar and several of them are stated by Mr. Franklin with great force. In his presentation, however, they suffer from his attempting to found them on an illusory theory, instead of allowing them to stand on their own merits.

(A letter by Mr. Franklin, replying to this review, proofs of which were sent him, will be found on page 728.)

Elinor Wylie's New Novel

MR. HODGE AND MR. HAZARD. By ELINOR WYLIE. New York: Alfred A. Knopf. 1928. \$2.50.

Reviewed by LEE WILSON DODD

BUT suppose Shelley had not been drowned! True, Elinor Wylie has written us one lyrical novel upon that supposition, bringing Shelley to America and tracking him westward through the wilderness; and the Shelley she then brought to us was the Ariel of our dreams. Nevertheless, the possibilities of that singular supposition are far from exhausted. Shelley's ill-fated bark might after all have weathered the storm, might have returned to port; and Shelley might have continued to live on in Italy, in revolutionary Greece, in Spain. . . . He might, even, at forty, have returned to England. What would Shelley have been like at forty—and in England? Who knows? No longer precisely the hero for a lyrical novel, one fears; no longer the Ariel of our dreams. When Thomas Hardy's "Spirit of the Pities" speaks of "this terrestrial tragedy" it is a "Spirit Ironic" who interrupts him:

"Nay, comedy—"

"Mr. Hodge and Mr. Hazard" is comedy, then,—high, tenuous, ironic: for the poet in Elinor Wylie is doubled with a sprite more impish, with clear, quick, ruthless eyes.

There will be those who will say (it is fated) that Mr. Hartleigh is not Leigh Hunt. How could he be—since Leigh Hunt is mentioned by name in this very novel? And they will say that Mr. Hazard is not Shelley, for Shelley is also mentioned by name—indeed, Mr. Hazard possesses his poems. No, no, they will insist, Mr. Hazard is not Shelley at all, he is merely a personified satire on the revolutionary poetic romanticism of the early nineteenth century. He is a delightful blend, they will argue, of Shelley, Byron, Trelawney *et al.*, a clever synthesis of a given period and a recognizable movement. And they will be able (indeed, the author in her introductory "Advertisement" has pointed the way for them) to make out an excellent case for themselves.

Mr. Hazard may or may not be Shelley—the boy grown older; but Mr. Hartleigh is certainly Leigh Hunt. Who, then, is Mr. Hodge? I suggest, with some diffidence, that, though differently circumstanced, he is a satire upon the spiritual essence, the true inner man, of Mr. Thomas Jefferson Hogg, that cynical skeptic turned solid citizen and oddly equivocal friend. Be that as it may, Mr. Hodge represents all that was then leading in England to the hard, intellectual, and Philistine whiggism of a Macaulay—all that was to be the coldly respectable antithesis of the earlier romantic insurgency.

So much for the possible literary origins of Elinor Wylie's high comedy in narrative; but what of the comedy itself? To be briefly frank, the first third of it, for all its precision and brilliance of style, hovers just on the edge of being tiresome; but the remaining two-thirds far more than compensate for this preliminary languor. From the moment that Mr. Hazard, what is corporeally left of him, shakes off his influenza and mounts coach for Gravelow, the true magic fireworks begin—one of the most astonishingly sustained exhibitions of

coruscating wit, flame-flower beauty, and far-flickering wisdom ever touched off for those who have eyes to see! The eyes are necessary, however—eyes of a somewhat special focus and sensitivity and training: for there are, I fear, a great many people in the world born stone-blind to these—what shall I call them?—these spiritual pyrotechnics. Sons and daughters, doubtless, of the very people who could stand about while Meredith was sending up whole sheaves of rockets to the stars, yet be entirely unaware that anything in the nature of a miracle was lacing and spangling the night with ruby and silver!

It was in the wet February of 1833 that Mr. Hazard, wearing a large black hat, returned to England, bringing with him from Greece a pistol ball somewhere behind his collar-bone. He had left his wife and his son, Lionel, in Spain. Mr. Hartleigh met him at the dock and conveyed him by hackney-coach to London, where Annamaria, Hartleigh's wife, found him sadly changed. "Why," she later exclaimed to her husband, "the man looks half dead and wholly mad!" Both appearances, however, as the novel will prove to us, were sufficiently deceptive.

Now Mr. Hazard, it seems, had a many-faceted genius, and among his lesser gifts was a *flair* for making himself uncomfortable. He at once contracted influenza, and it remained with him till spring—for seventy pages. And that is a pity! Thirty pages of influenza are quite enough, and the book itself suffers from the prolonged nature of his visitation.

Yet spring comes at last—Mr. Hazard revives—and is off to Gravelow, on the Thames, haunt of his youth. There, happily, he encounters Lady Clara Hunting, daughter of a second wife of that Gerald Poynard who died Earl of Camphile and Eden. Gerald's first wife, Jennifer, as you assuredly remember, was childless. Lady Clara, still young, is very beautiful, and she possesses two lovely, un-intellectual girls, Rosa and Allegra. Her husband is from home; so are her two sons and their tutor, Mr. Hodge. Had either the husband or Mr. Hodge been in residence at "Lyonesse," Mr. Hazard—his scarecrow form wrapped in the shadowy cloak of an evil reputation—could hardly have entered there. But Lady Clara and the girls are intermittently kind to Mr. Hazard; they pity his emaciated body and ply it with strawberries and cream. Not that Lady Clara is unaware of Mr. Hazard's evil past; she is perhaps a little intrigued by it; in any event it does not disturb her. She sees at once that the poor creature is entirely harmless, and even when she further sees that he has fallen in love with her youngest daughter, Allegra, that exquisite and indifferent child, she continues to ask Mr. Hazard twice a week to tea. He is writing a lyrical drama, founded on the Book of Job, and pretty Allegra thinks his verses, when he reads them, rather boring. Nor do Rosa or Lady Clara care much for his tenderer improvisations. Yet they find him a gentleman, are sorry for his isolation, his seeming helplessness. He is welcome, in short, to their tactful pity, to not too much of their society, and to their strawberries and cream.

Then the tutor, Mr. Hodge, returns with the boys—and the coming of Mr. Hodge brings on that "crack of doom in a tea-cup" which is the critical chapter of the book. Not that Mr. Knopf will be tempted at this juncture to imitate another publisher, seal up the remaining pages and dare you not to break the seal! Yet should you fail to read on, having read so far, you would miss some of the slyest, searchingest, loveliest, altogether most delicious pages in contemporary prose. However—with that dreadful influenza already well behind you—there is little danger of that. . . . on the one condition that you are not of those who cannot believe seven angels, at least, may dance upon the glittering point of a wickedly bare bodkin!

A Study of Delusion

AN ARTIST IN THE FAMILY. By SARAH GERTRUDE MILLIN. New York: Boni & Live-right. 1928. \$2.

Reviewed by WINIFRED KATZIN

MRS. MILLIN'S new story discusses the balance of power in a household which is unlucky enough to contain a member with the "artistic temperament." The Bissakers, a moderately well-off "gentleman farmer" family in the

Transvaal, have a son who believes himself a painter of genius. Intermittently they share his belief. He goes to England on a Rhodes scholarship disproportionately supplemented by his father's money, but never goes to the university. Instead he spends two vagabond years at his painting. In the course of this time he marries a young woman of base character, mean birth, and no education, moved to his strange act by sympathy for her lonely lot. He adopts her illegitimate child. His people learn that he is sick and without money and beg him to come home. He does so, bringing his new alliances of which he has characteristically failed to inform them in advance. The rest of the story tells of the years between his return and his fancied regeneration through an act of voluntary self-mutilation. It is a story of endless failures and false starts for the young man and continuous and patient effort on the part of his family to endure the burden of him, his ruinous depredations, his offences, his emotionalism, in a word, of his fantastic "artist's" egomania.

Mrs. Millin approaches her theme with earnest and intimate concern. She has none of the painful modern air of brilliantly tossing off a good story or a set of portraits with a flirt of the hand and a faintly deprecating virtuoso's smile. She turns no tricks and no epigrams. She has immense respect for the matter in hand, so that whatever she says has dignity even when it has not distinction. She employs a method which is somewhat like a dramatist's in her reliance upon carefully juxtaposed episodes for the revealing of character; it is not easy to do this effectively and yet without a trace of artificial contrivance. If, here and there, certain situations show the tail of melodrama it is always the hysterical artist who precipitates them and therefore gives them justification.

And yet, with all this, you come to the end of the book without having once felt that you have seen any of these people in the flesh. You have watched them play their parts in a logical, serious and careful plot designed to throw each phase of their natures and relationships into relief. The author has put appropriate sentences into their mouths and spent thought and patience upon the exposition and analysis of every unspoken underthought. They ought to be alive for you, but they aren't. You have been shown the parents suffering for each other's pain and for the child who has caused that pain. You have been shown a young man deluded about himself, but honestly, passionately deluded. There is an American negro missionary in the cast, a man full of a true and glowing ardor for his people. He wrecks his life in an affair with the artist's wife.

Can it be that seriousness and skill are not enough, then? Must there be something else before the pain of an author's characters can stab you or their loves cause your heart to beat? It may be so. It may be that he needs to be his people themselves, and not merely their artificer, if he would breathe life into their literary dust. Perhaps emphasis and meticulous care and honesty and intellectual sympathy are none of them substitutes for the vision, the unbidden impulse, the mysterious energy by which genius creates characters in the likeness of men.

A suggestion has been made (according to a Roman correspondent to the London *Observer*) that the magnificent Certosa of Capri, situated on the south side of the island, should be turned into an International Institute for Artists. A proposal to this effect was laid some time ago before the Commission of Intellectual Coöperation of the League of Nations, with the idea that the Commission should own the Certosa and throw it open to artists of all nations. The united groups of buildings cover an area of 1,000 square meters. They date from the fourteenth to the sixteenth centuries, and include four or five cloisters, large and small, a huge refectory and other spacious halls. Part of the convent is in ruins, but it is thought that the expense of repair and rebuilding would not prove prohibitive.

The Fascist Syndicate of Authors and Writers is, however, of opinion that the Italian Government should maintain its rights over this historic site and invite artists, Italian and foreign, to stay there in turn for two months.