UNIVERSAL
LIBRARY

OU_150686

UNIVERSAL
LIBRARY

OSMANIA UNIVERSITY LIBRARY

Call No. Accession No

Author

Title

This book should be returned on or before the date last marked below.

THE INDIVIDUAL, THE STATE, AND WORLD GOVERNMENT

BOOKS BY A. C. EWING

KANT'S TREATMENT OF CAUSALITY

THE MORALITY OF PUNISHMENT (With Some Suggestions for a General Theory of Ethics)

IDEALISM

A SHORT COMMENTARY ON KANT'S CRITIQUE OF PURE REASON

REASON AND INTUITION

THE INDIVIDUAL THE STATE *and* WORLD GOVERNMENT

by

A. C. EWING

M.A., D.Phil. (Oxon); M.A., Litt.D. (Cantab.)
Fellow of the British Academy
Lecturer in Moral Science in the University of Cambridge

NEW YORK
THE MACMILLAN COMPANY
1947

Copyright, 1947, by
THE MACMILLAN COMPANY

All rights reserved—no part of this book may be reproduced in any form without permission in writing from the publisher, except by a reviewer who wishes to quote brief passages in connection with a review written for inclusion in magazine or newspaper.

First Printing

PRINTED IN THE UNITED STATES OF AMERICA
BY J. J. LITTLE & IVES COMPANY, NEW YORK

PREFACE

THIS book was written during the war but revised later, especially the last chapter. My purpose is to discuss rationally the chief general political principles at issue in the world today. Though the work is written by a specialist in philosophy, I should be very sorry if it were read only by professional philosophers and their students; and there are in it very few pages, if any, that a person need be deterred from reading because he has not read any philosophical works. Yet we often talk philosophy without realising it, and everyone who takes any positive view of the present crisis in human development is really assuming some general principles of the same kind as those that are treated in books on political philosophy. Philosophers have a reputation for discussing useless subjects, but at any rate this charge cannot be brought against the present work; whatever the reader may think of its merits or demerits, he cannot deny that the subjects discussed in it are of about as much practical importance as anything can be. I do not know whether in the quickly moving world of to-day there will not occur changes that put some details and illustrations out of date before they have had time to get into print; but we can be sure that, whatever has happened by then, the great issues with which it deals—democracy, the rights of the individual, the concept of the state, international organisation—will not have been finally settled, if indeed they ever will be.

My cordial thanks are due to the firm of Macmillan for having undertaken publication in these difficult times. I am also indebted to Professor H. H. Price and Professor H. B.

Acton for their kindness and valued assistance in reading and commenting on parts of my manuscript, to the editors of the *Hibbert Journal*, *Philosophy*, and the *Proceedings* of the Aristotelian Society for permission to utilise my articles in these periodicals, and last but not least to my mother for her help in proofreading.

A. C. EWING.

Trinity Hall,
Cambridge, England.
December, 1945.

CONTENTS

		PAGE
	PREFACE	v
CHAPTER		
I	INTRODUCTORY	1
II	THE RIGHTS OF THE INDIVIDUAL	9
	1. *General Theories of Rights*	9
	2. *Particular Rights Based on Prima Facie Duties*	42
	3. *The Right of Property*	48
	4. *The Right of Free Speech, Thought and Allied Rights*	53
	5. *Rights Connected with Family Life*	62
	6. *The Right to Work*	67
	7. *Conscientious Objection and Rebellion*	68
	8. *Paternal Legislation*	78
	9. *Socialism and Rights*	82
	10. *The Good and Evil in Totalitarianism*	89
III	DEMOCRACY	110
	1. *Introductory*	110
	2. *The Argument for Democracy from the Principle of Consent*	112
	3. *The Argument for Democracy from the Need of Representing All Views and Interests*	116

CHAPTER PAGE

4. *The Argument for Democracy from its Educational Value* 119
5. *Discussion of the Argument Against Democracy that Democratic Government Means Government by the Unskilled. The Role of the Expert in Politics* 123
6. *Democracy and Free Speech* 154
7. *The Communist Argument Against Democracy* 158
8. *The Fascist Charge Against Democracy of Weakness and Inefficiency* 163
9. *Conclusion* 170

IV THE CONCEPT OF THE STATE 174
1. *Introductory* 174
2. *The Ethics of States* 179
3. *Bosanquet's View* 190
4. *The Difference Between the State and Other Associations* 201
5. *The Obligation of the Individual to the State* 211

V INTERNATIONAL GOVERNMENT AND THE PREVENTION OF WAR 225
1. *The Problem of Germany* 225
2. *Nationalism and National Sovereignty* 253
3. *The New World Organisation* 276

INDEX 319

THE INDIVIDUAL, THE STATE, AND WORLD GOVERNMENT

CHAPTER I

INTRODUCTORY

INDIVIDUALISM versus totalitarianism, democracy versus dictatorship, nationalism versus internationalism, and militarism versus pacifism are antitheses which have written themselves in blood and tears across the world to-day. Has the philosopher as such anything to say about these bitter questions? Can his message be of any human significance, or must he confine himself to playing with logical subtleties while Rome burns? This is at any rate the sort of question which their conscience must set to many philosophers. Not that I mean to imply that it would follow that philosophy was of no practical use if it were found that it could not help in the solution of political problems. There are fortunately other things in life besides politics, and philosophy may have a contribution to make to individual ethics, science, education, appreciation of art and beauty, religion. Again, even if philosophy had no ulterior effects beyond itself, I should still claim that it was very well worth pursuing for its own sake. But it is reasonable to ask whether the philosopher cannot also make a contribution to the grave questions connected with the special crisis in which we are all involved; and it is even arguable that philosophers, at least in some countries, are to blame for not capturing the minds of youth with a more rational political philosophy to set against the outrageous concoction produced by the rulers of Nazi Germany. In the past philosophers have often enough, though more or less indirectly, exerted a profound influence on politics. At any rate I wish in this book to see whether I as

a philosopher, without venturing into detailed questions of current politics, can put forward any general ideas which might be of some help in striving for the solution of the great problems on which these practical questions turn in the last resort.

The book does not indeed claim to be a general treatise on political philosophy, still less on politics. What it is intended to do is to provide discussions of three of the four great practical political issues of the present day—the question of the state and the right of the individual, the question of democracy, and the question of the limitation of the nation-state with a view to the prevention of war. The fourth great question, that raised by the word "socialism," I have relatively neglected, and for this I shall be severely blamed on the ground that it is the only one which matters, since its solution would solve all the rest. My reply is that, whether "socialism" be good or bad, all these problems would still arise, even if in a somewhat less acute form, in a socialist world. But the reason why I have not said more on the subject of socialism is simply because it is more a subject for the expert, here the economist, than the other topics which I discuss; and I cannot claim any expert knowledge of the very difficult subject of political economy. My comparative silence about economic problems is to be interpreted as a confession of ignorance and not as a denial of their importance; and I do regard it as a most urgent and vital matter to remove the phenomena of want in the midst of plenty and long unemployment in the midst of work clamouring to be done. Whether this could or could not adequately be achieved without overthrowing and replacing the present economic system altogether is, however, a subject upon which I have not ventured to dogmatise.

The most important problem to-day in politics is that relating to international organisation, and some readers may

become impatient because I have almost ignored this problem till I reached the last chapter. The order of the chapters is, however, of very little significance and might easily have been altered, but the usual practice of writers is to keep the most important topic until the end, and I have adhered to this rule. If anybody prefers to read the last chapter first, there is no objection to his doing so—and his understanding of the book will not suffer.

Now it is well to start with a word as to what political philosophy can or cannot do and what the nature of the subject is. It seems fairly plain that it is, in the main, a branch of ethics.[1] There are indeed some questions of political philosophy, such as the question of the analysis of the concept of the state as such, to which this does not apply, but most of its questions are ethical. Questions about rights, the authority of laws, the best constitution, international relations, are questions about the general principles governing what ought to be done either by individuals or by states, i.e. groups of individuals organised in a certain way. It is true, as Sidgwick has pointed out,[2] that the mere fact that political philosophy discusses what *ought* to be done in political questions does not prove that it is a branch of ethics, unless we are to class all practical sciences as branches of ethics. The science of medicine discusses what ought to be done in medical matters, but it is not therefore a branch of ethics. This is because it discusses only what are the most efficient means to a given end, taking that end for granted. Political philosophy, however, discusses questions of ends at least as much as questions of means, and the topics it deals with are so general that they can reasonably be put under the heading of ethics. If not, political philosophy is a misnomer, for the study could not then be regarded as a branch of philosophy

[1] For the view that ethics does not apply to states *v.* below, p. 179ff.
[2] *The Methods of Ethics,* bk. I, ch. II, § I, beginning.

at all. We should then rather apply another phrase in common use and call it "political science." But, whether the topics of this book are regarded as included in ethics or not, it is clear at least that they are topics where the final answer depends on ethical considerations. It is therefore necessary to say a word about what ethics, as a branch of theoretical study, can or cannot do. It must be admitted that it cannot prove its conclusions in the strict sense or provide a detailed code of conduct, but it can at least suggest general principles which should be taken into account in making ethical decisions. The reasons for this limitation are two: (1) ethics cannot, any more than any other branch of human thought nor quite as much as some, be completely established by inference from general laws without immediate insight into particular cases; (2) to decide on particular duties empirical knowledge is required which falls not in the field of philosophy but either within "common-sense knowledge" or within the special sciences. What laws the politician should introduce to help a particular state cannot be adequately decided by the philosopher as such, but only by a person with expert knowledge of the relevant empirical facts. Hence conclusions in political philosophy can never be as definite as one would like, because they are made to some extent in abstraction; but, even though the philosopher cannot prove what ought to be done, he may still be employed usefully when dealing with particular concrete situations. For, while general ethical reasoning cannot by itself *prove*, it may *help* us to see that an action is right or wrong.

What I have said and what I shall say assume one thing, namely, that some ethical judgments are true and others false, and that we are capable of deciding between them. If this is not the case it is useless for me to write a syllable more. If there is no difference between right and wrong but "thinking makes them so," it is nonsense to discuss whether any

action is preferable to any other, though we may psychologically prefer it. If it is impossible to say truly that some political actions are better than others, how can I sensibly discuss politics at all? In that case to torture the whole population of a country to death would be no more wrong than to bring it the greatest happiness, except in the false opinions of men. But, granted that there is such a thing as truth or falsity in ethical judgments, in order to reach a true judgment in such matters we must answer two different kinds of questions: (1) the question what in fact the effects of the alternative proposed actions are likely to be, and (2) the question what is intrinsically good or bad in these consequences and in the actions which lead to them.[3] The latter question alone is specifically ethical and the concern of the philosopher as such. The former is factual, and the answer to it must ultimately be based on inductions of the sort which establish causal laws. An answer to both is necessary for any ethical judgment as to what we ought to do in a particular case. This is true on all views of ethics. Even if we were to take a thoroughly Kantian view and hold that what we ought to do could always be deduced from universal laws which themselves can be seen to be true independently of consequences, we should still need factual knowledge to determine the best means of carrying out these laws, as indeed Kant would have admitted; and on the other hand, even if we adopted, say, the hedonistic point of view, we should still be presupposing the judgments that pleasure is good and pain is bad, and that the right action is the action which will produce the greatest balance of pleasure over pain, which, whether true or false, are ethical, as opposed to factual, propositions.

[3] If I were writing a book on ethics I should have to restate this question so as to cover the case of the man who declines to base obligation entirely on value, but I have not done so here. A somewhat more cumbrous rewording would be sufficient to cover his case.

We should not, however, exaggerate the potentialities of philosophy. Even the purely ethical question by itself cannot be settled by philosophical argument alone. It must be admitted that we cannot logically prove the truth of any ethical propositions without presupposing other ethical propositions, which might indeed be *seen* but could not be *proved* to be true. This dependence of proof on unprovable propositions, the truth of which is recognised intuitively or not at all, is not peculiar to ethics, but more attention has been directed to this circumstance in the case of ethics than with other subjects of study. Again, a person can assuredly know what he ought to do without being a philosopher, because he may well have clear moral insight in a particular case without being able to give the ultimate principles by which his decision is justified. But it does not follow that the philosopher may not in difficult cases *help* one to see what ought to be done by referring to ultimate principles, and most questions dealt with by the politicians are difficult cases. It seems to me that the function of the philosopher in practical ethical questions is advisory; he can put new and illuminating points of view, he can state in general the main principles on which decision should be based, he can help by asking the right questions, he can list the values which have to be taken into account, he can remove confusions which make bad arguments seem good, he can help to sort out the relevant from the irrelevant factors, and he can show which view can best be fitted into a coherent system of ethical principles. This is not to prove that a certain decision is right, but it should put one in a far better position for judging whether it is right or wrong. To make the actual decision one must be more than a philosopher, since this requires both insight into the particular case, which does not necessarily go with philosophical ability, and empirical knowledge of the relevant facts, which falls rather within the realm either of some

science or of that common-sense knowledge of physical objects and human nature which we all possess in varying degree without having studied any science. Of course all philosophers make ethical decisions, but in doing so they are not acting only as philosophers but as men. As philosopher, one can help toward a decision only by putting a person in a position in which he is more likely to see right and to make use of his empirical facts wisely.

Since questions of political philosophy are questions as to what ought to be done, all this applies here. The philosopher as such cannot by himself decide any political questions apart from empirical knowledge and an insight into values which is not a matter either of logical proof or of empirical generalisation, but he can help to decide. Provided it can help, one must not despise philosophical thought in ethics and politics because it cannot of itself make good men and good states and requires help from the empirical sciences and from intuition of values. Neither good will without thought, nor intuition, nor inductive generalisation, nor reasoning is by itself adequate for ethical and political practice, but each requires the help of the other three; and the philosopher should be specially qualified to make suggestions about the fourth factor required, reasoning.

No doubt professional philosophers and students of ethics and political philosophy in the academic sense are not the only persons who can give the sort of help which I have mentioned, but at least it can hardly be doubted that some training in ethical and political philosophy is likely to enable one to help more efficiently in deciding ethical and political questions that arise in practice. I therefore think it a great pity that a larger number of people do not make at least some elementary study of moral and political philosophy, if not at a university, in the last years at school. In several European countries it has for long been the practice to teach in schools

more difficult and abstract parts of philosophy than are ethical and political philosophy. I doubt whether it is possible to draw a sharp line between philosophy and intelligent non-philosophical thought in ethical questions, and some acquaintance with philosophical discussions should at least be a great help in clearing away confusions which hamper a man both in forming reasonable judgments in politics and in settling the practical ethical problems of his own life. The possible help must not be exaggerated, but neither must it be denied. The man to whom more commonly than any other is given the title of the greatest thinker of the present day asserts that "there can be no successful democratic society till general education conveys a philosophic outlook," [4] and even if we recognise that this may be done to a large extent without formal philosophical teaching it can hardly be denied that attempts in this direction would be greatly bettered by the teaching of philosophy as such.

[4] A. N. Whitehead, *Adventures of Ideas*, p. 125.

CHAPTER II

THE RIGHTS OF THE INDIVIDUAL

1. *General Theories of Rights*

If an Englishman or an American were asked what he meant by saying that he was more free than if he lived in Nazi Germany he might give one or both of two answers. He might say that his country was governed by persons in the appointment of whom he had a vote while Germany was governed by a dictator who, though he did not absolutely abolish popular votes, would certainly not have allowed himself to be removed from office by one but always ensured when he held a plebiscite, by fair means or by foul, that over ninety per cent of the votes were recorded in his favour. Or he might reply that he meant he could say what he liked and to a large extent act as he liked, while if he lived in Nazi Germany he could do neither. These two kinds of freedom and rights must be distinguished. The first are the rights to take part in determining the way in which one's country is governed, and it is in respect of the possession of these by its citizens that a form of state is called democratic. Rights in this sense I shall leave to another chapter; it is the other kind of rights, civil rights, that I shall discuss here. We should note in passing that the two do not necessarily go together. A democracy may grossly and constantly violate the "civil rights" of its subjects or at least some of them, and a non-democratic government may interfere very little with these rights, though in general I think, for reasons which I shall state later, that civil rights are far more likely to be respected in a form of government in which the democratic element is strong, and that this is one of the reasons why

representative government is desirable. Some people are inclined to say that civil rights are of little use in a "capitalist" state because people are in fact enslaved by economic circumstances, but the enormous difference for the better in the condition of the individual as regards freedom in "capitalist" England as compared with Germany under Hitler sufficiently disproves this contention. All the same it is most important to recognise that individual rights can be violated not only by the government but by other individuals through economic or other pressure, and that a poor man is in fact less free than one who is comfortably off. If we agree that individual rights are important, this becomes a very strong argument for improving the economic system. But I am discussing in this chapter rather how far the individual has an ethical claim to rights than the best way of securing them. If we consider the latter question, a large part of the answer is contained in the chapter in which I advocate a democratic form of government as providing security for individual rights, but I do not wish to underrate the importance of an economic "new order" (whether or not it goes as far as full socialism). Any arguments that can be given for the individual's rights against the state are *a fortiori* arguments for his rights against private capitalists. But I do not wish to be dogmatic about the best means of dealing with the latter.

The definition of "rights of the individual" which I should suggest is "powers or securities of a kind such that the individual can rightly demand of others that they should normally not interfere with them." A "right" must be distinguished from "what is right," for it may be right for me, and even my duty, to do things for the benefit of A, such as to give him presents, which A has no right to demand.[1] Again a right of mine may still be a right to which I am entitled as against the state even though I am using it wrongly. This is

[1] My attention was drawn to this point by the Master of Balliol.

because it is undesirable for the state to take away all liberty, and any liberty may be abused. To say that somebody has a right against the state to do so-and-so is to say that it is wrong or at least normally wrong for the state to interfere with his doing it and that he is justified in demanding non-interference from the state. This is not necessarily to say that he is acting rightly if he does it. It will be noted that I have defined "rights" in terms of "right." I think "right" is indefinable, but in any case its definition would fall not within political philosophy but within general ethics.

The rights of which I am to speak in this chapter are rights to do what one likes with one's life. The main types of view concerning them are these:

1. The view that according to the constitution of their nature or the will of God all individuals have certain definite rights which it is always wrong to violate.

2. The view that the state is based on a kind of contract and that therefore the individual retains those rights, and those only, which he could not be conceived as contracting away.

3. The view that the individual has no rights except those which the state gives him, rights being created by the recognition of the state.

4. The utilitarian view that what rights an individual possesses depend solely on the general good.

5. The view that the individual has natural rights which are not based merely on the general good, but that these rights are not absolute but only *prima facie;* that is, there is always a strong objection to violating them, over and above any evil consequences of the violation, and they should not be violated even for the sake of doing good unless the good is very great, but under exceptional circumstances they may rightly be violated if the good to be hereby secured is very great. (I have applied here to rights the phrase "prima facie"

in the special sense in which Sir David Ross applied it to duties.[2])

The first and second views are not common among thinkers to-day, but both have exercised a big influence, especially on "liberalism" in the old-fashioned sense, though in the case of Hobbes the second view was used as a basis for totalitarianism. The fourth view has also exercised great influence in liberalism and is no doubt the dominant view to-day among the parties of the left from full-blooded red to faint pink. The third view is of course the view of the totalitarian, except that the Nazi prefers to talk about the nation (Volk) rather than about the state, while the Fascist prefers the latter phraseology, but it is hardly credible that such a view will last long as a seriously held doctrine. I certainly think the fourth and fifth views greatly preferable to any of the first three.

Let us now discuss the rival views on their merits. The first and second have the great advantage and attraction of being able to provide definite unbreakable universal laws, which would be a great help in practice; but when we try to specify what the inviolable rights are, difficulties thicken. Is the right to property inviolable? If so there could be no social reform that would involve any sacrifice of wealth on the part of the rich unless all who had to make the sacrifice consented. Is the right to free speech inviolable? Then I ought not to be prosecuted for saying without a shred of evidence that my neighbour is a murderer or by false stories inciting people to kill him, who would be severely punished for the crime while I came off scot-free. Or the right to free assembly? Then the state ought not to prevent the holding of a public meeting under circumstances where it is practically certain that it will lead to a sanguinary riot. Or the right to behave as a man likes in his family relations provided

[2] *The Right and the Good*, p. 19; *Foundations of Ethics*, p. 84.

the other members of his family agree? Then there must be an end of universal compulsory education. Or the right to think for oneself? It may be doubted whether the state can completely respect even that right as long as it has any control over education, since education affects or even largely determines what I shall believe; and even if the state does not interfere with education directly but leaves it to the parents, it is delegating to the latter the power to interfere with the right of free thought. It is somewhat more plausible to maintain that the right to life is inalienable, not in the sense that the individual must never for a good end sacrifice it but in the sense that the state ought never to take it from him against his will. But in order to maintain this one would have not only to oppose capital punishment and conscription in war but to deny a policeman the right to shoot a murderer who attacked him, even if that was the only way of saving his own life. It is therefore commonly held that it is impossible to draw up any list of concrete rights which hold in all circumstances, because the observance of the right of one man might at any time clash with the same or a different right in others; and certainly any plausible attempt to draw up such a list must make the bill of rights so complicated by the addition of reservations that it becomes unreasonable to say that we know intuitively as a definite *a priori* proposition or can prove metaphysically that the individual ought to have the rights in question. In general, it is contended, there is no right on the part of an individual the observance of which may not, at least conceivably, clash with equally or more important rights on the part of others, and therefore no right which may not on occasion have to be sacrificed. It is at any rate logically impossible that there could be more than one such right, yet advocates of the view I am discussing believe in a *variety* of rights. To maintain absolute rights in the sense indicated is to maintain that there are certain ab-

solutely universal laws of conduct admitting of no conceivable exception, for we cannot have rights for an individual without obligations on the part of others, including the state, to observe these rights. Now the view that there are such universal laws is a view which when maintained in Kant's ethics is almost universally repudiated by philosophers. If the arguments against Kant's view are accepted, with this view must fall the doctrine of absolute rights.

The second main objection to the doctrine of absolute rights is that for an individual to claim any right quite independently of the good of society is immoral, and that when an individual has a right to anything, the right must be based not only on his own good or on his nature as an individual but mainly on the social good which is furthered by granting the right. The individual has no right to do or enjoy what it is not to the common good that he should do or enjoy, and if it is to the common good that he should do or enjoy it his right depends on this and is therefore not his as an individual. For, though an individual may have the right not to be forcibly stopped from doing some things which it is wrong to do, this can only be conceded on the ground that it is better, all things considered, that he should be given a freedom which involves the possibility of abuse; and therefore such a right would still be dependent on the common good and not merely on his individual nature as such irrespective of others. He can have no rights *against* the state, though he may have rights within the state to help him serve the state and may even have a right in exceptional circumstances to act against the state as an organisation because this may be the only way of serving the ultimate true interests of the state. This argument is important, and contains a valuable corrective of the individualist view, but it is dangerous if not carefully applied.[3] It is, however, obviously true at any

[3] See below, pp. 29ff.

rate that an individual has no claim to rights irrespective of their effects on others.

Confronted with these objections, it may still be possible to maintain some absolutely universal rights by making them purely formal. Thus we can say that an individual from the nature of the case has always the inalienable right to be treated as well as is compatible with the general good and the principles of morality. Or we can say that every individual has an inalienable right to equal consideration, for that his own good should be treated as of equal importance with equally important goods of others; but it may be doubted whether these statements are more than tautologies, though useful enough as a reminder to people who under the influence of prejudice violate the rights of some men for the supposed advantage of others. They apply even to animals, but this does not mean that an animal's good should be considered as much as a man's, because it is less important than a man's.[4] If we substitute for "equally important good" "equal good" the statement indeed ceases to be a tautology because it implies utilitarianism, but becomes philosophically disputable. It is a controversial question among philosophers whether the quantity of good produced or likely to be produced is the only relevant ground for deciding what is right. But, even if this question is answered in the affirmative, the principle that a man's good must be treated as of equal importance with the equal good of any other man will not by itself give us any information as to what his concrete rights are.

Professor Hocking has laid down as the one and only fundamental right of the individual inalienable by any outside agency that he should be allowed to develop his powers,

[4] I do not mean that the good of an animal ought to be treated as of less importance than the *equal* good of a man, but that a man is capable of much greater good than an animal and liable to much greater evils.

whatever they are,[5] or, as stated by Professor Robinson in his address to the International Congress of Philosophy in 1937, "the principle that every member of a cultural group capable of self-government has a right to the indispensable means to his development to the highest level of achievement within his own culture to which his native capacities will enable him to attain." [6] But surely a society in which there was not anybody who had for no fault of his own to spend any time in mechanical or relatively mechanical work which he might have spent in some other way more profitably for the development of his own capacities is so utopian as to be almost inconceivable, and that being so this right must be violated by any society of which we can think. It would be violated even in a society the mechanical work of which should be divided equally between all its members. The same amount of mechanical work which might be good for some would detrimentally affect the mental development of others. We may say that every individual has a right to a minimum of development, but what the minimum is cannot be fixed absolutely since it depends on social conditions and on the individual's own capacities. Nor has he a right to develop all his capacities; he has not a right to develop his capacity for burglary, and the state has a perfect right to prevent him from developing this capacity. In giving this fundamental principle Professor Hocking has indeed given the main ground which makes it obligatory to respect the subsidiary rights which ought to be respected, but he has not given a principle that holds without exception.

But there is one class of more concrete rights that might be described as absolute. The rule "Do not inflict pain" is

[5] *Present Status of the Philosophy of Law and Right*, ch. 7, 8. Hocking admits, however, that "an individual can suspend and perhaps ultimately destroy his own right by his own free choice not to become what he is capable of becoming." (*ibid.*, pp. 74–5).

[6] *Travaux du IX^e Congrès International de Philosophie*, XI, p. 124.

not absolute, but the rule "Do not inflict pain for its own sake or for the sake of rejoicing in the pain" is absolute, and similarly I have an absolute and inviolable right not to have such pain inflicted on me. We cannot talk of the state as actuated by motives, but we can describe individual rights as having been violated by state or at least governmental action in cases where those in charge of the state allow individuals to be punished in a degree and manner determined by sadistic motives and not by considerations of the good of society and the individual punished. The concentration camps of Germany were an appalling violation of individual rights, and would still have been so if all their inmates had been guilty of offences deserving some degree of punishment. It is true that we are in a sense not concerned with the motives of others as such, but the presence of motives like those mentioned will make itself felt also in external actions, as victims of concentration camps know to their cost. Similarly, the individual has a right not to be treated selfishly by the rulers; that is, not to be made the victim of actions on the part of the latter which are merely motived by the desires of the rulers for personal advantages for themselves. But these rights will not carry us very far; and there do not seem to be any absolute positive rights any more than there are absolutely universal positive duties. It is not an absolute positive duty to act from the moral motive, for this should not be the motive of all actions, it being better to do many out of love provided they are also in accordance with the moral law. And if it is not a duty always to act from the moral motive there is no motive from which it can be a duty always to act, since taken by itself, any other desire will sometimes lead to action inconsistent with morality.

The contract theory,[7] even if the "contract" is regarded

[7] *V.* Lewis, "Is there a Social Contract?" *Philosophy*, Vol. XV, no. 57, pp. 64ff, and no. 58, pp. 177ff.

not as historical but as metaphorical, is open to the same type of objections as is the doctrine of absolute natural rights, when the contract is taken as the complete explanation of all political obligation. No doubt the theory is not at fault in finding the essence of the state in some sort of implicit mutual understanding, but it is not the understanding itself but the good ends it subserves which must be regarded as at any rate the main basis of political obligation and the criterion for determining individual rights. Those who base the duty to obey and serve the state primarily on the notion of contract commit the error of tacitly assuming that an individual has a right to do whatever he likes unless he has explicitly or implicitly surrendered that right, an assumption for which there is not the slightest warrant. I should not like to say how far the main advocates of the contract theory were guilty of this error, but in so far as they were not they did not really base political obligation on the contract. A social contract is not needed to justify the claim of the state on the individual and the obligation of the individual to obey laws. The general good, for which some laws and some organisation by governmental action are obviously necessary, is sufficient to justify these. Further, important as the obligation to keep promises may be, it cannot be made the foundation of all other obligations to society. It is certain that we are also under an obligation to do good, whether we have promised to or not; even if all obligations cannot, as the utilitarians claim, be reduced to the obligation of doing good, at least it is an obligation and is an adequate reason for service of the state even without adding to it the supposition that we have implicitly contracted to serve the state. The most that can be admitted is that the facts that we have received and are receiving benefits from the state and that these benefits depend on the observance of laws by others increase any obligation we have to obey the same laws ourselves and

generally to serve the state. (This additional source of obligation is not indeed present in all cases: an oppressed minority is not obliged to repay the state for benefits which it has not received, and its obligation to obey and serve the state, in so far as it has such an obligation at all, would therefore have to be based simply on utilitarian grounds, which might, however, be very strong in some cases, provided, though unjustly treated oneself, one felt the state was still fulfilling a useful function and realised the terrible slaughter and anarchy that might be caused by rebellion.) If the advocate of the contract theory replies that apart from his implicit consent to the contract it would be indeed wrong of the individual to act in a way detrimental to others but that the state would have no right to stop him, this is equivalent to the absurd proposition that if I act wrongly others ought never—without my implicit consent—to adopt the most effective means to stop me (for state action is usually a much more effective preventive of the grosser kinds of wrongs than individual action).

Let us turn then to the third view mentioned above, namely the view that the individual has no rights except those which the state gives him, rights being created by recognition of the state. Now if the assertion that the individual has no rights against the state means that whatever any state does to the individual is right it is obviously false. Any person who after reading selections from the list of abominations practised on individuals on behalf of states during the last few years can still seriously believe that the individual has no right against the state in this sense must be well nigh devoid of conscience and human sympathy. This view is, incidentally, not usually held even by a totalitarian about most states or about any states in most periods of their history. Even the most devoted Nazis or Fascists do not consistently carry it out, for they do not think what is done

by the British state or by the Russian state is always right. For them it would certainly be a violation by the state of individual rights to imprison a man for being a Nazi. Clearly state actions may do harm or good, and if they cause unnecessary harm when they might do good they are wrong. No doubt there is a sense in which it may be right and even a duty to treat an individual in a certain way without his "having a right" to be treated in this way, as in the giving of presents, and so it may be wrong for him to be treated in a certain way without his "having a right" not to be treated in that way, but most at least of the wrong acts of states do not fall into this category. It must be admitted that a state does wrong and that its wrong acts are very commonly, if not always, of the kind which, if wrong at all, violate the rights of individuals in any ordinary ethical sense of the word "right." An individual has at least a right to be treated as well as is compatible with the general good and the principles of morality, and states do not always treat individuals in that way. Therefore they surely violate individual rights in a perfectly good, clear and usual sense of the term. The only person who could consistently contradict what I have said is the moral sceptic who is prepared to maintain that the distinction between right and wrong, good and bad is quite arbitrary or mistaken. I am not here arguing against such a person and, if I accepted his view, there would be no point in discussing any topic of political philosophy, since no one course could be better than any other except in so far as "better" meant merely that somebody thought or said it was better. But this is not the usual position of the totalitarian, for he believes that totalitarianism is better than other systems, and he insists that some individual acts, for example acts in favour of the Nazis, are better than others, such as acts directed against the Nazis. It seems to me sheer inexcusable inconsistency to apply the conceptions of better and

worse to individual action but to refuse to apply them if the individuals are acting as state officials.

The totalitarian theory commits the same kind of error as the contractual theory of rights, only from a different angle, for, while the contract theory denies implicitly that the state has any right over the individual except what the individual has conceded by his explicit or implicit consent, the totalitarian theory denies that the individual has any right in relation to the state except what the state has conceded to the individual, provided it is the sort of state which the totalitarian approves. The totalitarian theory indeed goes further in the one direction than the contract theory does in the other, for, while the contract theory regards the cession of rights as irrevocable except in cases of extreme misgovernment, the totalitarian theory regards rights granted by the state as revocable at any moment; but either theory starts from the error of assuming that one party to the antithesis, individual *versus* state, has no obligation to the other not founded on its consent. It is therefore perhaps not so surprising as it might seem to find that the attempt to explain the obligation to the state in terms of a contract, since it is not founded on any appreciation of the real reason why individual rights should be respected, sometimes degenerates into a form of limited totalitarianism, as in Hobbes. (I say "limited" because Hobbes asserts that the right to life is inalienable and that therefore I may defy the state if its action threatens my life. From this it would logically follow that an individual had the right to avoid military service in war, if he could, a conclusion which would be most obnoxious to modern totalitarians.[8]) Rights are moral facts to be discovered, and to say that they are created by consent is

[8] Hobbes himself hesitates to draw this conclusion in all cases, but he does in some (*Leviathan* II, 21). He adds that the sovereign has also the right to punish such refusal with death.

like saying that Columbus created America by discovering the western continent.

The suggestion that the individual has no rights against the state, in so far as it was due to intellectual causes at all, seems to have largely originated from a confusion between legal and moral rights. Obviously a legal right depends on recognition by some constituted authority or by the legal code itself;[9] but it does not follow that a moral right does so, and once we have admitted the possibility of laws and governmental authorities being mistaken it is surely quite out of the question to suppose that recognition by anybody could constitute a moral right or that non-recognition of his moral rights could deprive an individual of them. The fact that there may be no means of enforcing a duty cannot prevent it from being a duty unless we identify obligation with compulsion and say that I am not morally bound to pay my debts unless it is the case that I shall be sued and penalised if I do not pay them; and the same surely applies to a right, for to say that somebody has a right implies that others are under an obligation to respect the right. At least there is a very important sense of right and duty, "moral right," in which the above sentence is true, though there is another important sense, "legal right" and "legal duty," in which it may be doubted. And when men discuss the rights of the individual against the state in the context in which the present crisis provokes vital and passionate discussion of this question, it is not the actual legal position but the moral justification of it that they are discussing. The notions of legality and morality have tended to be more mixed together in the discussion of rights than in the discussion of duties,

[9] I mean to include under this the case where a law implies but does not expressly state that a person has certain rights. In that case we might say that the person has a legal right even if nobody had yet recognized this implication, and even perhaps if judges wrongly refused to admit the implication.

but it seems to me that in either case their admixture can cause nothing but confusion.

We need not, therefore, like even such a staunch defender of individual rights as T. H. Green, be at pains to justify the admission that an individual may have rights which are not recognised by saying that they are recognised implicitly; for example, that slaves have rights because even slaves are recognised by all to be human beings and therefore by implication to have capacities which can be fulfilled only by the grant of freedom.[10] If Green is speaking of moral rights, they do not require recognition in any form in order to be rights; if he is speaking of legal rights, it is a plain fact that in a slave-owning state slaves have not the legal right to freedom. Even if the rights of an individual depend entirely on the social good likely to be secured by his having the rights and it is concluded that he has rights only as a member of society, this does not mean that the rights which he has depend on any recognition, explicit or implicit, by society or the state. That he should have certain rights may be in the interest of society, and yet society may be blind to its true interests and therefore fail to recognise rights, which are none the less rights for the lack of recognition, or give individuals legal rights which it is bad that they should have and which are therefore not moral rights. Green's attitude seems due to a desire to find a middle term between legal and moral rights, but it is possible that my dispute with him may be only a verbal one. In any case I think his language dangerous, because it might easily be interpreted as supporting totalitarianism. Even if, as Green and Bosanquet suggest, all the moral rights which an individual can claim are ultimately deducible from facts admitted by all, even the tyrant who repudiates these rights, the rights still depend on the

[10] *Principles of Political Obligation*, § 140. Bosanquet adopts the same attitude (*Philosophical Theory of the State*, pp. 194ff.).

facts and not on human recognition of the facts. Nor should we speak as if to admit what implied the existence of a right were equivalent to admitting the right. To admit *a* and deny *b* is very different from admitting *b*, even if *b* in fact does follow from *a*. A right may be implied in what is admitted, and yet the implication may not be recognised for centuries by most people. No doubt, as writers of this school insist, a man could not have rights if he lived alone on a desert island; but this is because a right implies relations to other men, not because it implies recognition by other men.

I have so far spoken as though it were true that the individual can have no rights against the state, if "right" is used to mean "legal right." Even this cannot, however, be admitted, though whichever answer we gave to this question would be irrelevant to the moral issue. It may, however, be thought that, if "the state" means the "nation as politically organised," there can be no legal rights against the state, because the state is the sole authority for granting legal rights. If this view is taken it still does not follow, as we have seen, that the individual has no moral rights against the state. To say that the individual has no legal rights against the state is merely to say that it is the job of the state to decide what rights are allowed to the individual, though it may do this job well or ill. It is analogous to saying that in cricket a man is out when the umpire says that he is out, a statement which certainly does not imply that the umpire's decision is always right. In fact what difference there is between the two cases is perhaps in favour of the umpire: here at any rate there is a definite person with the authority to decide all questions relating to the match, but in the case of the state it is often excessively difficult to point to a sovereign body, so that the absolute legal supremacy of the state is at the best theoretical rather than practical. Parliament with the consent of the king can in Britain legally pass any law it chooses, but it can

hardly be described as the ultimate sovereign, for it is sovereign only as representing the voters, who are again not absolutely sovereign themselves since they have no legal right to govern except through Parliament. No doubt if they wished to do so they could abolish parliament altogether, but they could not do this legally unless a bill were passed by the parliament which they had elected abolishing itself. We can, however, say that the individual has no legal right against "the King in Parliament" (both houses of Parliament together with the king). But we could maintain this much only by refusing to describe as the action of Parliament any action which, though willed by the majority of both houses and the king, had owing to overhaste or some technical error not been sanctioned by a law passed according to the recognised formalities. In countries with a written constitution the position is more complicated still. Who is legally sovereign in the United States—Congress, the president, the electorate, or a body consisting of two-thirds of each house of Congress and three-fourths of the state legislators? The last-mentioned body has (and it alone has) the right to alter the constitution but functions only at intervals, does not consist of definite persons or assemblies at all, since the legislatures included in the majority on one occasion need not be identical with those included on another, and cannot of itself take the initiative in altering the laws. A legal right against the executive is possessed by members of many sovereign states; and if we are to admit an absolute sovereign at all, this is not in most constitutions any particular body, short of the state as a whole, the nation as politically organised.

In a federation sovereignty seems to be divided between the federated state governments and the federal government, for the individual may have a legal right both against his own state through the federal laws and in other matters against the federal government through the constitutional laws. But

we may say that the state here is the individual states as organised in a federation. A greater difficulty is presented by the case of states, whether federal or unitary, in which there are no legal means of altering certain fundamental constitutional laws. It might be said that if we mean by the state "society as politically organised" such states will still be legally sovereign since, though the individual will have legal rights against the legislature as well as the executive, these legal rights depend on nothing but the political organisation of society. However, since all the members of the body which drew up the fundamental laws in question may have died long ago, there is something distinctly pedantic about this solution.

When we deal with international law there are further complications. International law is not normally directed to protecting the individual against his own state, but there may be provisions belonging to it which have this effect, for example, relating to national minorities. Even as long as there was no recognised body to enforce international law and the adherence of any state to it was determined only by the free promise of the state, it might be doubted whether legal rights depended on the ability to enforce them, which is within the state itself a matter of degree, since even in the best constituted state we can never be sure that all offenders will be caught and punished. Further, if it is held that the different states have now in effect agreed on international laws to be enforced by a more powerful version of the League of Nations, this will certainly give the individual legal rights against his state, unless we are going to deny the name of "state" to any body that is legally limited in any way and conclude that under such conditions there can be only one world state. That would be pedantic, if the nation state is in the main internally autonomous; it is surely obvious that the agreement to accept permanent legal limitations on, say, its

treatment of a certain racial minority among its citizens would not make Great Britain or Germany cease to be a state in any ordinary sense of the term "state." It is in any case clear that an individual may without absurdity be conceived as having legal rights against the state to which he belongs, even if he does not actually possess such rights at present. But, however we answer the legal question, this still leaves moral rights independent of recognition by the state.

One might, however, still be justified in maintaining the proposition that individual rights exist only for the sake of the state, meaning by that not any particular sovereign body like Parliament or the executive but the whole society which the organs of government represent. A given state might do wrong in failing to recognise certain rights, which would for all that still be rights; but they would on this view be rights only because it was for the ultimate good of the state that the individual should possess them, however mistaken the state might be as to its true interests. The good of the state would be the sole criterion, though those who govern the state might misapply the criterion hopelessly. This view is defended by two arguments. One is that the individual is absolutely dependent on the state for what he is. Without the education and order which organised society alone makes possible I should not have acquired any except the haziest and most primitive ideas on ethics or on anything else except my immediate surroundings; anything of the nature of civilisation would be lost to me, and I should hardly be more than an animal if I survived at all. I am therefore nothing or a mere abstraction without the state, it is concluded, and am under an absolute obligation in all things to the state. But, in the first place, while what has been said no doubt shows that we are all under a debt of gratitude to others, no debt of gratitude can give another absolute rights over me, and in many individual cases in most states the education and advan-

tages provided by society fall so far short of what might reasonably be provided as to extinguish even any strong claim to gratitude toward the state as opposed to individuals (for example, the man's parents) in the state. Secondly, if it is true that the individual would be nothing without the state, it is still truer that the state would be nothing without the individuals in the state. Some persons hold that the state has a certain personality of its own over and above the personalities of the individual citizens; but even they would hardly claim that its personality could survive if all its citizens were destroyed, and in any case there could be no possible evidence in support of a claim of this sort. If the isolated individual be only an abstraction from the state, it is still more evident that the state is only an abstraction from the individuals. The same applies to the nation (Volk), of which the Nazis prefer to talk while the Fascists speak of the state.

The second argument is to the effect that it can be right to do something only if it is for the general good, and that therefore the grant of a right can never be justified unless it is required by the good of society and so of the "state" in a wide sense of the term "state." This view would not necessarily bear hardly on the individual or lead to a totalitarian form of state, since it may reasonably be contended that the grant of most individual rights which are claimed is justified in the interests not only of the individual but of society itself. But even so, considerable objection may be made to the statement that individual rights exist only for the sake of the state. In the first place, the phrase "the state" suggests the machinery of government, while what the argument would prove, if anything, is that rights exist for the sake of the community as a whole, not merely in its political aspect. And, even if we substitute "society" for "the state," this is still not a good way of expressing the truth, because it may lead us to forget that the good of a society is nothing but the

good of the individuals who belong to that society. For an individual to sacrifice his own good for "society" is to sacrifice it for the good of other individuals. This of course may be a duty, but it is not a duty peculiar to the relation between the individual and the state. It occurs also in purely individual relationships, whether between members of the same state or of different states.

Secondly, one of the individuals belonging to society is always the individual whose rights are in question, and his interests have as much claim to be considered as those of any other person, so *one* of the reasons why he should enjoy a right is that it is to his interest to have the right, whereas a phrase such as "the rights of the individual are justified only by the good of society" suggests that the benefit to the individual who has the rights is not to be considered at all. No doubt an individual may well have to sacrifice his own good to some extent for that of other members of the community, but after all, though others should benefit too, the individual who has a right is usually the person who benefits most, and most directly, by it and loses most if he is deprived of the right. It is true that rights should serve as a basis for duties—should be regarded as conditions to be used for the benefit of others—and that the individual who has them will not get the best out of them even for himself if he just enjoys them selfishly instead of regarding them as capital to be used for the general good as well as for his own; but his own good is clearly part of the reason why he has the right and, while he should not remember this too much himself, it can hardly be remembered too much by anybody else who is tempted to violate them. Nor does it seem to me right even to say, as many thinkers do, that a person's rights are conditional on his fulfilling his duties, because, though this may be true of some of them, we cannot say that a person who has not done his duty has thereby lost all rights. For in that case no pun-

ishment, however severe, could violate his rights, which is not the case even with the worst criminals, and as nobody has completely fulfilled his duty to society at all times it would seem to follow that nobody had any rights.

In the third place, "the state" means the particular state to which the individual under consideration belongs, and it is possible that the good of any particular state may on some points conflict with the good of humanity. This is much rarer than might seem at first sight, because what is for the good of a particular state on a narrow view, as aggrandisement of various kinds, is often not for its own real good. But we cannot ultimately rule out the possibility of such a conflict, and, if the conflict takes place, there is not the least show of reason for maintaining that it will necessarily be my duty always to further the good of my own state at the expense of the greater good of other states.

If we amend the doctrine that individual rights exist only for the sake of the state in the way indicated by the above points we arrive at utilitarianism, meaning by this not necessarily hedonistic utilitarianism, according to which the only good is pleasure, but any theory which makes the rightnesss of an act dependent exclusively on the balance of good it produces or is likely to produce.[11] I think that hedonism is much more nearly adequate as a criterion for political action than as a criterion for individual action, and I think that a consistent and rational policy of universalistic hedonism if pursued by states would produce vastly better results than any policy which has hitherto been carried out, but I cannot

[11] Whether we say "produce" or "is likely to produce" depends on the way in which we are using the term "right." If we mean by " a right act" an act which an omniscient and all-wise being would approve we must say "produce"; if we mean by "a right act" an act which, as far as can reasonably be foreseen, is as good as any the agent could choose we must say "likely to produce." There is also a third sense of "right" in which it is always right (third sense) to do what one thinks right (second sense), even if one is mistaken in thinking it right (second sense).

believe that hedonism represents the final truth about ethics. For it seems to me that some pleasant experiences are in themselves, quite apart from their consequences, less good than others equally pleasant. For instance, if I take pleasure in thinking of the sufferings of my enemies my state of mind is *in itself*, quite apart from any future consequences to the happiness of others or of myself, definitely inferior in value to a state of mind in which I enjoy an equal amount of pleasure through loving my friends. The latter state is positively good in itself, the former state positively bad, and it would still be bad if the person really gave no pain to his enemies but only believed that he did, as in the case of a witch doctor who thought he could bring great suffering on people by roasting images of them over a slow fire. I think indeed that an extended application of the hedonistic criterion in the sphere of politics, national and international, would be highly desirable, not because it is a perfect criterion but because it is very much better than the other muddled criteria such as "national honour" which are now so often employed and because it is easier for the state to aim directly at happiness with success than at other goods. The warning "pursue pleasure and it flies" applies to the individual pursuing it for himself and not to the state, while on the other hand the dangers of trying to produce good morality or good art by law are well known. Certainly, if a consistent hedonist policy were pursued by all states, it would mean the complete end of war and acute poverty, an education for all adequate to fill their increasing leisure with interest, and a vast improvement in physical health; but these consequences would follow equally from most ethical theories sponsored by thinkers provided they were only consistently applied. This coincidence may be explained by the fact that, while pleasure is not the only good, the other goods are all among the most important causes of pleasure. But I suspect that the hedonistic

and other criteria would coincide less frequently if the world were not in such an extremely unsatisfactory condition that statesmen are bound to be preoccupied much more with the prevention of misery than with the attainment of positive goods. Hedonism would not, I suspect, suit a utopian world or even the material imitation of one which a rationally used science may perhaps produce sooner than we think now.

On the utilitarian view we must in judging the right of an individual consider his own good neither more nor less than the equal good of any other, and decide according to the amount of good secured compared to that secured by other alternatives. The good may be conceived either hedonistically or as including many other elements besides pleasure of greater value than pleasure. But in either case there is a difficulty. Whatever right we take, however fundamental, it is at least conceivable that it may conflict with the greater good of others, and if so according to this principle it ought to be sacrificed. Yet, if we admit so much, have we not set our feet on a slippery slope which leads to the utmost excesses of totalitarianism, and has not the difference between Hitler and ourselves become only a matter of degree and not of principle? He claimed for all his crimes the excuse that they were for the greatest good, and we have admitted that all rights have to be sacrificed to the greatest good. If there are no absolute individual rights may not the government, if it deems this a necessary means to the production of a greater good, suppress free speech, deceive the people by lies, condemn the innocent, put men to death without trial or torture them mercilessly in order to secure their compliance? True, a good utilitarian will not do these things nearly as readily or as often as Hitler did, but would he not have to admit that it might sometimes be right to do them and that if we do not do them it is only because it is better for the community as a whole that they should not be done? Is this not to make

the individual a mere means to the good of society? And, if the individual has no absolute rights, who is to decide what rights he has but the state? Have we not fallen back to a form of totalitarianism which may indeed differ from the totalitarianism of Hitler and Mussolini in seeking good ends, but is still totalitarianism? Surely the rights of individuals are worth preserving even if we should in a given case thereby slightly lessen the amount of good produced?

Writers who reject utilitarianism, outside the Roman Catholic Church at any rate, now usually concede that no laws of action which we can formulate are absolutely binding in all conceivable circumstances, but some insist that besides the obligation to produce the greatest good we have other obligations which are not to be based on the good done by fulfilling them, as the obligation to keep promises or to make reparation for wrong done. If any two of these obligations conflict with each other in a given case or one of them conflicts with the obligation to produce the greatest good, which obligation we should fulfil is to be determined by a balancing of the two against each other, and the result of the balancing cannot be fixed by any universal rules but must depend on individual insight. For example, if it does a little more harm to us than it does good to others to make reparation for wrong done we still ought to make it, but not if it does very grave harm and bestows only a slight good. (Sir David Ross has set the fashion of calling these "*prima facie* obligations," meaning not that they are obligations in appearance only, but that they are obligations each of which holds not absolutely and unconditionally but only in the absence of a superior conflicting obligation.) Now the same conception that is applied to obligations can be applied to rights: indeed it must be, for an obligation implies a right on the part of those toward whom I have the obligation, at least in the case of obligations of "justice" as opposed to those of "charity." So,

if we hold the view of ethics I have just described, we may admit that the individual possesses natural rights, which are not indeed absolute, but which must not be set aside except in very unusual circumstances and for very stringent reasons, and which need not be justified by a consideration of the general good, though they would have to be set aside if they conflicted too much with that good. Thus, it might be for the general good in a given case to condemn an innocent man and yet it might be wrong to do so because the violation of individual rights involved was such a serious violation of *prima facie* obligations as to outweigh the good produced. I do not wish to discuss here the general issue between this view and utilitarianism. That is a question which is exceedingly difficult to decide, since the utilitarian may meet all the more obvious objections by asserting that intrinsic goodness attaches not only to the consequences of (for example) keeping a promise or acting justly but to the action itself, or that intrinsic badness attaches to the action of refusing to behave in this way, and that this goodness (or badness) must be taken into account before we decide whether an action is right. He may also appeal to remote consequences and point out that experience shows that, even if we cannot point at the time to any particular evils which for instance a certain lie will produce, there is the gravest risk of even apparently innocuous lies producing unforeseen bad consequences. He may also argue that, when we can see that a law of conduct is in general beneficial, we ought to follow it even in many particular cases where it seems not to be beneficial, on the ground that it is so hard to calculate the consequences in particular cases that it is safer to keep to the general law. Again he may contend that it is better to base individual rights on the intrinsic goodness of individal life and liberty than on any abstract obligations not founded on the good. On the other hand Sir David Ross's account, though harder

to accept as an ultimate explanation, seems to agree better with our actual thinking about ethical problems. But both views admit the possibility that any ethical law we can formulate is liable to exceptions and may have to be set aside if the consequences of keeping it are too bad. For, even if the consequences likely to be produced do not constitute the only relevant consideration, it is admitted that they at least constitute a highly relevant one, and one which, if the consequences are *sufficiently* good or bad, may outweigh any other. This is an admission which it is difficult to avoid and yet dangerous to make. Almost all the political crimes of history have been justified by their perpetrators as means to the greatest good, and if we once admit that there are no absolutely universal rules imposing obligations and conferring rights are we not giving an excuse for tyranny? Surely, it may be asked, the wickedness against which we fought in World War II and against which good men have always fought lies just in refusing to recognise any moral law as binding when its observance does not seem expedient? Is not the principle that the end justifies the means so that we may adopt evil means to a good end thoroughly immoral?

This is an objection with which I have great sympathy. But it is an objection that cannot well be made by any one who is not a thoroughgoing pacifist. For anybody who holds that war is ever justifiable, especially (though not only) the modern type of war, is most certainly admitting that it is right to use terribly evil means for the sake of attaining a good end. He is admitting that it may be right to kill, torture and deceive for a good end, and *a fortiori* it would seem that it might be justifiable to sacrifice for a good end the individual rights which make up a man's freedom. And on general principles, evil as such means are, it is always conceivable that if we do not adopt them there may result evils which are still greater. The present generation in many countries

was strongly inclined to think that no evil could be greater than a modern war, but most of them would now admit that there is still a greater evil, domination of the larger part of the world by a government like Hitler's, and that war is justifiable if the only way of avoiding the latter evil is to incur the former. To this I cannot help giving a very reluctant assent. If we were a fully Christian people perhaps we could have found a better way than fighting, but human nature being what it is to-day I cannot help believing that in going to war rather than following a policy of non-resistance the United Nations adopted the least evil course that was open to them. However great the evil involved in certain means and however grave the obligations violated by their adoption, it is always at least theoretically possible that the evil resulting from failure to adopt them may be still greater and the obligations violated by their non-adoption still graver, and in that case surely it would be wrong not to adopt them.

This is not of course to advocate the sacrifice of duty to "expediency" because, in a given case, if it is at all justifiable to use these terrible means, that implies that it is a duty and not only expedient. If we are to take the responsibility of violating ordinary obligations and bringing about great evils it can only be as the sole alternative to a still worse course, and in that case it will be positively our duty to choose the lesser evil. The conflict between duty and so-called expediency is usually not a case of incompatibility between doing one's duty and producing the greatest good or of a choice between attaining the right ends by wrong means and not attaining them at all but of decision between doing one's duty and producing the greatest *material* good for oneself or those immediately associated with one. What appears to be expedient according to worldly considerations, when it conflicts with duty, more often than not fails to be really expedient

even for the happiness of the individual or the state which practises it, and in other cases it may be conducive to their happiness at the expense of the happiness of other persons or of higher goods for themselves. We may add that what is apparently expedient in the selfish, material sense is often not expedient even in this sense when a more farsighted view is taken. (After all Mussolini evidently thought it expedient to enter the war.) But it is not well to insist too much on this: honesty usually pays even in the commercial sense of "pay," but we certainly cannot say that it always pays in this sense to avoid doing things which are morally wrong, especially if they are not flagrantly enough so to be usually stigmatised as, say, "theft." No doubt the cases where wrong action is conducive to the future happiness of the person who is responsible for it are much less numerous than the cases where it is conducive to his material advantage, and cases where it is conducive to his good on the whole are rarer still, but we must not assert that they never occur, or still less that, if they occurred, they would make the action right. But the question whether an action could be right if it were not for the greatest good of *everybody* is a much more disputable one.

The answer to the general difficulty raised is surely that, while theoretically it may be justifiable under certain very exceptional circumstances to sacrifice any right of the individual, no matter what, to a greater good, a person who adequately appreciates the ethical basis of the rights in question will, in the case of certain rights at least, hardly ever regard the circumstances as requiring such a sacrifice, just as a good man will probably pass through his whole life without ever encountering circumstances in which he would regard it as right to stab his friend in the back, knock him down and torture him, or steal all the property of a poor widow and leave her to starve, though a casuist or highly ingenious novelist might conceivably imagine circumstances in which

it would be arguable that such actions constituted the only possible means of avoiding still greater evils. A moral law may be practically universal even if it is not absolutely universal in theory, and that may be the case with some laws relating to individual rights, especially where the following conditions are fulfilled:

(a) The act forbidden by the law (including under this heading the omission of the act required by it) is intrinsically bad or directly tends to corrupt or pervert the growth of some intrinsic goodness of character. This is in itself a strong reason against performing the act even from the utilitarian point of view, since among the good or evil produced by an act must be included any good or evil pertaining to the act itself over and above the good or evil of its consequences. There is further a very strong probability that what is intrinsically bad in itself will lead to bad effects of a serious kind even if the specific nature of these cannot be foreseen. This seems likely *a priori* and it is amply confirmed by human experience, as of the unexpected complications caused by telling lies. The same holds of an act which directly tends to corrupt or pervert the growth of an intrinsic goodness of character. We must therefore in such cases set against any good results which we think we foresee the likelihood of other, not at present foreseeable, bad results, which are in the case of such acts more likely than unforeseeable good results.

(b) There is no reasonable doubt that in the great majority of cases acts of the kind forbidden are wrong. Whether this condition is fulfilled might be decided on utilitarian grounds or on any other grounds which may commend themselves to the moralist.

(c) There is ground for thinking that it would be safer to go on the general law in all or almost all cases than to try to work out the consequences for particular cases oneself. The

reason for making this assumption would be that the calculation of consequences is very complicated and that those to whose lot it would fall to make the calculation would usually be making it on occasions when their own inclinations would bias them in the direction of breaking the law. This certainly applies to the governments of states, which are generally much more likely to violate fundamental individual rights too much than too little. The "right of property" indeed seems to be an exception. States sometimes do violate this where it is wrong to violate it, but it is more common for a state to be too tender with this right than to be not tender enough. This is a merely empirical statement: I do not profess to explain historically or psychologically why it is so. But I do not think that the right to property is on the same level as other fundamental rights.[12] With most other individual rights there is more danger that they will be too little respected than that they will be too much respected.

(d) There is no limited class of cases definable in advance in which it is clear that it would be wrong to obey the general law.

Where all these conditions are fulfilled it is reasonable to regard a moral law as at least practically universal; and it seems to me that we may go further still and assert absolute universality for some laws regarding individual rights, while others should be treated as practically universal, to be observed in almost all cases. Examples of the former class are the laws that a man ought not to be punished without investigation or branded as guilty of a crime which he is known not to have committed, that torture ought not to be used in order to extort evidence, that the expression of opinions ought to be free where it is neither libellous nor likely to lead to disorder, betrayal of state secrets or illegal acts, and that all adults should be free to worship or not to worship in the

[12] V. below, p. 48 ff.

way they think fit, with limitations similar to those attached to the right of free speech. These are laws which we may reasonably claim to be absolutely and not only practically universal. This is partly because of their great importance and partly because they are of such a nature as not to be at all likely to clash with other superior moral laws in any but the most extraordinary circumstances. It must be noted, however, that they have by no means the appearance of being primary and self-evident, as one would expect ultimate natural rights to be. They have become established, where they are so established, only as a result of long and violent controversy, and they presuppose the conceptions of a complex civilisation and would not be even intelligible without these. They are grounded not on intuition alone but on a combination of moral intuition of the evil residing in their violation and inference from consequences. There may possibly be cases where it would produce better consequences on the whole to violate them, but their value is so great and the likelihood of the consequences outweighing this in a particular case is so small that it is better to lay it down absolutely that the government never should violate them. For the peril that the community would ever lose through the government not violating them when, if ever, it ought to do so, is much less than the peril that it would lose through the government violating them when it ought not to violate them. Such considerations are quite sufficient to justify the inclusion of certain rights in the legal code or fundamental constitution of a state and indeed, as H. G. Wells [13] has suggested, in a binding international code, since, even if harm were occasionally done by having to keep the code, this would be immensely outweighed by the removal of all legal excuses for the infinitely more harmful oppressions of which states are often guilty. Even a relatively liberal government, like those of

[13] In *The Rights of Man.*

the western "democracies," is much more likely to err by interfering too much with, for example, freedom of speech than too little, though the same does not apply to all individual rights, such as, to cite a single representative example, the right of property.

I do not think, however, that the main weight in the controversy with totalitarianism should be laid on the question of universality. The right of free speech, for instance, can in any case be regarded as universal only if we couple with it the reservations specified above, yet most of the violations of this right of which governments are guilty are excused just on the ground that the exercise of the right would create a danger of revolt, and therefore they could be brought under the law I have laid down. Now, that there are cases where the right of free speech must be limited on this ground is true: we cannot, for example, allow people freely to advocate the murder of cabinet ministers. But the difference between the individualist and the totalitarian is not to be expressed by saying that the former asserts and the latter denies a universal law to the effect that the state must not interfere with the freedom of speech: it is rather that, while both admit that the right of free speech may have to be limited, the totalitarian sees no appreciable value in it and is therefore prepared to suppress it wherever he anticipates the slightest advantage from doing so, while the individualist rates it so high that he regards general respect for it as a necessary condition of any tolerable civilization and will be most reluctant to limit it even slightly. You can call this a difference of degree if you like, but it seems to be one of those differences of degree which amount to differences of kind. The one values individual rights so much that he will violate them only in face of the direst need, while the other values them either not at all or so little that he is prepared to ignore them almost entirely in deciding what to do. The dispute is not ulti-

mately about abstract negative laws or rights, but about the value or worthlessness of individuality, and the important point in combating totalitarianism is to realise the positive value of individuality both for the individual himself and for the community. It is on this positive value that the various "rights of man" are mainly grounded. It should further be noted that the circumstances under which the contention that the state is justified in drastically overriding individual rights becomes at all plausible usually have arisen only as the result either of war or of previous unjustifiable oppression and thus presuppose conditions which ought to be banished from human society.

2. *Particular Rights Based on Prima Facie Duties*

Let us now consider the principal rights and their ethical foundation. It is impossible to give a complete enumeration of them all, since new ones are likely to arise as society develops and since they are in any case too numerous to mention all. Wherever a law ought to be passed for the benefit of individuals, it might be said that they have a right to have it passed. All I can do is to speak of the most important rights without claiming completeness. The individual, as I have already pointed out, has no doubt an absolute and universal right to equal consideration; that is, his good must be treated as no less important than the equally important good of any other individual, but this purely formal right will not carry us very far, and it may even be doubted whether to assert it is more than to utter a tautology. The individual also has an absolute and universal right not to be treated sadistically or selfishly by the government or its representatives, but this in itself does not tell us anything about the external nature of the actions which should be directed toward him but only about their motives. But we must now pass on to rights which are not universal in the strictest sense.

Some rights are implied by recognised *prima facie* duties, using the latter phrase to cover obligations which are recognised by almost everyone intuitively as generally binding, without intending to exclude the possibility of ultimately explaining them on utilitarian grounds. Each of the *prima facie* duties must indeed carry with it a corresponding right of the individual toward whom the obligation is directed, though not necessarily a duty to avail himself of the right. (He may even have, for example, both a right to have reparation offered to him and a duty to refuse it if offered, as when a rich man is injured by the fault of one much poorer than himself). If there is a *prima facie* obligation to keep promises the individual has a right to have promises which have been made to him kept, and this will hold for the utilitarian also since, whether Ross's theory of *prima facie* obligations is true or not, the general obligation of promise-keeping can at any rate be shown on utilitarian grounds. There is a considerable difficulty, however, as to what constitutes a promise by the state. If an executive official of the state, or even the prime minister or king, has told me categorically that the state would act in a certain way toward me, it is not clear that this binds a new prime minister or a new king. Again, if Parliament has passed a law fixing my salary at a certain amount and then reduces the amount, has the state broken a promise? No, for I am not entitled to assume that the state's laws are unchangeable. No doubt if the state has created a reasonable expectation this is a ground against any change which disappoints me, but it is not a conclusive objection to the change if the advantages of the latter are considerable. If the state were never to disappoint any reasonable expectations which it had created by previous action, any great social reform, since it is bound to affect individual vested interests somewhere, would be impossible. Yet the state does make promises when it signs treaties and these should be regarded as sacred,

but they are usually, though not always, made rather to other states than to private individuals as such.

The question as to what exactly constitutes the difference between a law and a contract to which the state is a party is obviously a legal one, but that there is such a thing as a contract, distinct from a law, binding a state is obvious. A law has the binding force of a promise indeed till it is actually repealed but does not bind the state against repeal. Still, the difference is narrowed down by the fact that most treaties have a clause permitting denunciation with due notice after a certain period, though this is naturally not the case with promises to repay debts. Analogous difficulties arise in individual morality as to what is the exact difference between a promise and a mere statement of intention, which does not bind like a promise. In any case, when I have lent money to the state, the latter is in a position analogous to that of an individual who has made a specific contract; and this is still more clearly so where the state has made a treaty with another state. Clearly to refuse to repay money owed or to interfere with individual privileges sanctioned by treaty is, just because of the existence of a promise, a violation of rights. It is true that the state may without violation of rights tax me up to (or above) the amount I have lent to it, but only if the tax is imposed according to some rule which does not thus penalize me merely because I have lent the money in question. Of course one objection to the repudiation of state debts to individuals in the state is that it is in effect unfair taxation of the citizens who have lent money to the state while those who had invested their money otherwise would escape. The objection would not apply to a capital levy, payment for which might be made by the cancellation of state loans up to the amount each individual owed in respect of the tax due from him, provided it was levied fairly on all having certain means and not only on those who had invested

their money in loans to the state. But the duty of keeping promises as applied to the state is thought of chiefly in connection with treaties with other states. In relation to its own members it may perhaps be doubted whether the state is in the position of an ordinary maker of promises, since it is for the state to fix the conditions under which all contracts are legally valid, including those with itself; but that it has a *prima facie*, though not an absolute, duty to keep them seems to me clear.[14] The *prima facie* duty of promise-keeping also carries with it the right of the individual to be protected against loss through the neglect of others to fulfil this duty, and a consequent claim on the state to provide machinery for the enforcement of contracts. Since promises are often too indefinite or too intimate for legal enforcement, since it is sometimes wrong to take by force from a man what it would be his duty to give, and since it may be desirable to discourage certain kinds of contracts, the state may have good ground for not satisfying this claim in many cases provided it is fixed by law beforehand what these are.

Another *prima facie* duty is the duty of reparation for harm done, and this is likewise applicable to the state, thus giving me a corresponding right to reparation for any harm that has been inflicted on me by the agents of the state either for the sake of the common good (in so far as the harm has not been rendered necessary through my own fault) or through their neglect, stupidity or malevolence. In the second case the obligation is perhaps usually somewhat more binding than in the first, but in neither case is it absolutely binding under all circumstances. If the resources of the state are very limited other things may sometimes have to come first. In any case most new laws affect some individuals detrimentally through no fault of their own, thus making the obligation of repara-

[14] On the difficulties raised by the duty of promise-keeping as applied to states *v.* further below (pp. 183ff.).

tion extraordinarily difficult to fulfil unless we make a sharp distinction between definite and indefinite or contingent damage. It must further be pointed out that most possibilities of social reform would be excluded if the state had to make reparation for all financial injury inflicted on any individuals by the reform. No doubt reforms should be financed out of taxation rather than by uncompensated confiscation of the property of particular individuals or classes, but if we held strictly to the principle of reparation the government would have to compensate all those who were taxed for the benefit of others unless it could be shown that they would be indirectly benefited themselves, as through a rebellion being prevented or their employees being made better workmen. It would also have to compensate all those whose interests were in any way adversely affected by the repeal of an unwise law as well as all whose interests had been at all adversely affected in the past by the law now recognized to be unwise. This would be quite impracticable. The claim to reparation is a right in the sense of being a claim that ought to be respected in the absence of more binding obligations, but certainly not in the sense of a claim which it is always wrong to overrule. The individual has also a right to demand that, if he is injured by another individual through the fault of the latter, the state should provide legal means of obtaining reparation in case of refusal of payment and fair means of deciding who is really to blame.

A right which I should regard as at least practically universal is the right not to be punished except for an offence against a law previously made and published and after an investigation in which the individual accused has had the opportunity of making his defence with any expert assistance necessary for fairness. This is obviously not a case of a self-evident ultimate principle but is founded partly on an intuition as to what constitutes justice and the importance of

doing justice, partly on a consideration as to the evil effects incurred if individuals cannot rely on not being condemned for actions which are not at the time they were committed illegal. It may be noted that we do not ordinarily regard it as unjust for parents or educators to punish a child for actions which he had not been expressly forbidden to do provided we have reason to think that he realised them to be wrong,[15] while we should think such punishment unjust in the case of the state. This is, I suppose, because on utilitarian grounds it is much more important in the case of the state that notice should be given beforehand of the exact offences which will be punished and because it would be very dangerous to allow the government the right to punish actions merely because they were immoral and not because they violated some definite external right of a sort which the state can profitably try to protect by punishment. It is also connected with the fact that, while the main object of punishment in education is to improve the individual punished, the main object of state punishment is to induce persons other than the man punished not to perform criminal acts. For the fulfilment of this purpose it is necessary that the kinds of acts punishable should be definitely laid down. The right to adequate trial is founded partly on expediency, partly on the fact that the punishment of the innocent is a great intrinsic evil and this is at least risked and perhaps made certain by the absence of proper trial. As I have said we have here a right which it is never or hardly ever justifiable to violate. Punishment should, however, be distinguished from precautionary confinement. Temporarily, in case of grave external or internal danger, to intern people who are not proved to have done anything criminal but who owing to their political opinions are thought to be likely to revolt against the state or commit

[15] We should, however, think the absence of such express prohibition a ground for mitigating the severity of the punishment.

serious sabotage, though a method subject to grave abuse, is less objectionable than would be the infliction of suffering or even confinement on them on the ground that they were guilty of crimes when they had not been proved guilty. Likewise on utilitarian grounds practically everyone approves the confinement for a short period prior to trial of men suspected of grave offences, where it cannot be regarded as punishment since they are not accounted guilty till they have been tried.

Security against personal violence is another right which is universal or practically universal except where the individual concerned has himself engaged in violence and in the very rare cases where it really is justifiable to go to war, for though the existence of a state of war does not justify personal violence against law-abiding citizens of the state by their fellow-citizens, it does make it certain that some citizens of the state will suffer from the violence of other men (the enemy).

3. *The Right of Property*

Let us turn now to one of the most discussed rights, the right of property. This is grounded mainly on:

(a) The extreme desirability that each individual should have something of his own in which to realise his personality.

(b) The desirability of not disappointing established expectations, thus leading the individual to think that the state has broken faith with him. The latter point constitutes a valid objection to arbitrary confiscation of property or to a taxation not arranged according to fixed laws fairly applied. It is also a partial ground against carrying out a social revolution too rapidly even by legal means, but I should not wish to lay very great stress on this. Clearly in so far as the right of property is based on the second ground it is far from absolute, while, in so far as it is based on the first

ground, it could confer an absolute right only to a very limited number of personal possessions. To realise himself as a man every individual must have something of his own, but the law of diminishing returns operates very rapidly here, and the accumulation and unrestricted use of property by one may easily interfere with another's power to accumulate and use his own property as he would like.

As a matter of fact, of the two grounds I have given each establishes the right of property in a totally different sense, and the rights they establish may conflict violently with each other. As commonly used in conservative propaganda the right of property stands for non-interference with the established expectations of "vested interests"; but interference with these may be a necessary condition of the acquisition by each individual of an amount of property adequate for a satisfactory development of his personality. It is as based on the first ground that the right of property has most importance for individual development; yet in fact the right of property has usually stood for the right not to be disturbed in one's existing possessions. This right was of great importance and value historically, as the basis of the famous constitutional principle of no taxation without representation, because it was by possessing the sole legal power to impose taxation that in many countries Parliament acquired and maintained its supremacy. It was therefore most important in times of constitutional dispute that any attempt by the executive to interfere with property otherwise than in expressly carrying out an act of Parliament should be resisted. But at the present stage of social development insistence on this right is perhaps the main bulwark and stimulus of opposition to reform. The right of property, thus understood, clearly cannot be absolute if we are to have taxation at all unless we claim that for a tax to be justifiable it must be unanimously approved. Locke held that the right of property could not be

alienated without its holder's consent and that therefore taxation was justified only because the individual citizens had given their consent through their representatives; but it is difficult to see why those who disapproved of the taxes and had elected representatives who belonged to the minority which voted against the taxes in Parliament should be said to have given their consent. Yet it would be monstrous if a wealthy minority could claim on the basis of the right of property the right not to be taxed because they had not consented to the taxes. Further, upholders of the right are apt to speak as if property were something which belonged to the individual quite apart from the state; but in fact whether something is a man's property or not is always determined by law and the property is his only through the protection of the state.[16] To put forward my right of property as absolute is thus to accept the past laws relating to property which were to my material benefit but to refuse to accept any new ones which are to my material disadvantage, a convenient but inconsistent proceeding. The right to property, even in the sense under discussion, deserves respect because, other things being equal, loss of what one has is a much worse evil than gain of an equal amount is a good; but this may easily be outweighed by the fact that the persons for whose special benefit it is usually proposed to impose extra taxation are those who have least and therefore they would benefit more by any given amount than the relatively well-to-do class from whom the money is taken.

But the right to a minimum amount of property is a very different matter and can be said to be as universal as the right to life, since without some property life cannot be maintained. No doubt the individual has a right to more than the minimum necessary for preserving bodily health; but what the minimum desirable is must vary a great deal as

[16] *V.* Lippmann, *The Good Society*, pp. 186ff.

between different states according to the psychology of the citizens and the economic resources of the state. It seems to me that in any state such as those of western Europe or America where it is clearly possible under peacetime conditions either to grow or to import all the food that is needed for health the right to an amount of food sufficient for health, or money adequate to purchase this, is absolute. It is such a great evil that members of a rich state should suffer from semi-starvation that this should be regarded as one of the first charges on a state's resources. Everybody should have bread before anybody can have caviar. Some people would say that it is impracticable, even when the wealth is there, to distribute it so that everybody obtains this minimum share; but surely "impracticable" here means not that it cannot be done but that it would interfere with some other economic good, and I cannot imagine how any economic good with which it might interfere could be greater than the advantage gained by freeing everybody from the need to worry about their ability to purchase necessaries. That this is coming to be generally recognised for the first time in history seems to be shown, for instance, by the attitude of people to the Beveridge report, which may thus prove more truly epoch-making than most events in the history of Britain. Further, it is a most pressing duty for any state in which the universal grant of this right is not yet possible, as India or China, to organise itself with a view to making it possible, for example by more scientific methods of agriculture. The same applies to the minimum conditions as regards fuel, housing and clothes necessary for decency and health, and to medical treatment either free or well within the means of the patient. However, in the interests of his development it is obviously essential that the individual should be allowed not only a ration of food, a uniform, a communal house and fire, but some choice and right of control of personal posses-

sions. A state in which everybody was fed, clothed and housed well, but in which the food one ate, the clothes one wore, the house one occupied, and the amusements and luxuries one could enjoy were rigidly prescribed and fixed by the state in all details would be a state which grossly violated rights. So we have two rights of property of the most vital importance:

(1) The right to what is necessary for health, or money adequate to purchase this.

(2) The right to some personal possessions enabling a man to exercise choice.

The second is not a very prominent object of discussion, but it is liable to be violated under workhouse conditions, and was violated by slavery. But, while even the poorest man has some such possessions, he may have far too few for the adequate development of his personality, and it would be quite impossible to say what the minimum is to which he has an absolute right. A complication which presents itself is that, if a person is allowed choice, he is liable to require more money to purchase the necessaries of healthy and decent life than if they were purchased for him according to a scientific dietary scale, etc., and that he may even waste money to the detriment of health. This danger cannot be completely guarded against unless we are prepared for very drastic restriction of individual liberty; for example, no practicable minimum wage could be made sufficiently large to cover what the most extravagant person would spend on drink and gambling, etc. and yet leave enough over to provide adequate food and enable him to bring up his family decently. But, apart from such extreme and exceptional cases, it is obvious that the two rights may clash if the money available for the relief of poverty is inadequate. If a man has only just enough money to purchase the necessaries he has little choice how to spend it, or at least if he does exercise much choice it

will be to the detriment of his health and his family, and one would then have to choose between freedom of choice with some malnutrition and a mode of life adequate to health but rigidly prescribed. Allowance should be made for this in determining relief scales; but when I spoke about the right to sufficient food for health I did not mean that the individual had a right to an income sufficient to provide him with adequate food however much he chose to spend unnecessarily on extravagant foodstuffs or other things. Malnutrition is not due only to poverty, and one of the frequently neglected rights of the individual certainly is that he should be given adequate instruction as to the relative value of foodstuffs so as to know how best to spend his limited resources.

The right of property is thus an extremely important right. But the supposed rights of property that are defended are often "rights" to use what one happens to possess without regard to the common good and in such a way as to interfere grievously with the rights of others. Understood in this way the right of property is really a claim that the state should not alter the laws in a way which disappoints expectations established by existing laws and institutions, and this cannot be conceded. It is essential to remember that interference by the state is not the only form of interference against which the liberty of the individual needs protection, and that an unrestricted right of property in this sense may lead to grave interference with the rights of others. But of this more later.

4. *The Right of Free Speech, Thought and Allied Rights*

The right of free speech (including freedom to publish in written form) is probably at the present day for most Englishmen, and perhaps for most Americans, the right which comes most readily to their minds when they think of rights in general, as the right against taxation without the consent of Parliament was at one time and the right to worship as one

chose at another. This is partly because other rights depend on it as other rights depended on the right against illegal taxation in the time of the Stuarts, but one must also rate highly its intrinsic importance. Without underestimating the terribly evil effects on individual happiness and morality of a system in which the right of free speech is persistently violated we should note that the right is not founded merely on the interests of the man who holds unorthodox opinions, but equally on the fact that it is for the benefit of the community that each individual should be free to express himself as he wishes. A claim to be allowed to speak as one likes is not parallel to a claim to be allowed to do as one likes, for the practical object of free speech is to settle what ought to be done without incurring the dangers which have to be faced if action is taken without an adequate prior consideration as to what is wise. If the right of free speech is not allowed, the individual is prevented from making his contribution of ideas to the community and there is no chance of what is wrong in the prevailing ideas being separated from what is right by the winnowing fan of criticism. This is rendered the more important by the fact that no wide, general point of view can hope to be wholly right but always requires at least supplementation.[17] Further, if free speech is systematically and persistently repressed, the individual will be far less of an individual than he would otherwise be and will therefore be less able to serve the community in any way except as a machine. Finally, if the safety-valve of free speech is closed, democracy cannot exist and a

[17] "The moral of his [Plato's] writings is that all points of view, reasonably coherent and in some sense with an application, have something to contribute to our understanding of the universe, and also involve omissions whereby they fail to include the totality of evident fact. The duty of tolerance is our finite homage to the abundance of inexhaustible novelty which is awaiting the future, and to the complexity of accomplished fact which exceeds our stretch of insight." (Whitehead, *Adventures of Ideas*, p. 65.)

peaceful change of government becomes impossible. The right of free speech is not something which the community ought to sacrifice to the individual because the latter has a right to it at the expense of others, but a vitally important means of doing good which the community ought to allow for its own sake, as well as for the sake of the unorthodox individuals. It is not important merely because people find it amusing to grumble about the government at afternoon tea tables and in public houses. "What is the germ of moral value within the core of Liberalism? It is the conviction that the conscience of the individual is finer and more sensitive [18] than the moral conscience of any known, or any conceivable society, and that if the individual is required to surrender to society the right of acting and speaking according to his conscience, the most potent of all the influences that work toward the moralisation of society is made null": [19] "Wise policy is always the outcome of reflection upon experience; and where the reporting of experience is prohibited, in the measure of its prohibition also the materials for the making of a wise policy are absent. That is why, in general, dictators have never been able to build up a stable dynasty. By confining the experience to which they allow expression to that which expresses satisfaction with their effort they deprive themselves of access to the minds of their subjects." [20]

The right should be allowed even to those people who would not themselves allow it if in power. For the reasons for allowing it are not dependent on the opinions of those to whom it is allowed being right, and it would be inconsistent for the advocate of free speech to exempt his own principles from the free discussion which he advocates as the best means of finding and confirming the truth. To repress the free

[18] I.e., presumably the best individuals, not of course all.
[19] Middleton Murry, *Heaven and Earth*, p. 202.
[20] Laski, *The State in Theory and Practice*, p. 70.

expression of opinion is either to treat force, not reason, as the supreme arbiter or to claim infallibility. It must be remembered also that the right of free speech does not only concern the relations of the state and the individual; we are violating it ourselves as individuals if we inflict "unpleasantness" on others merely because of the opinions they express. Fortunately a valuable, though not complete, safeguard of the right of the individual against this kind of interference is provided by the code of good manners which forbids the expression of open disapproval of others to their face except in extreme cases.

But even this vitally important right has some obvious limitations. First, since the state cannot allow an individual the right to commit crimes or rise in rebellion, it is only logical to refuse him also the right to employ his freedom of speech for the purpose of inciting others to crimes or rebellion. No doubt it will often be wiser, even in the interests of preventing sedition, to turn a blind eye to a seditious speech or pamphlet, but obviously this will not always be so. Secondly, the individual can hardly be regarded as having a right to disseminate deliberate lies. But a sharp distinction must be made between misstatements about provable facts and matters of opinion. The state has indeed the right to take action against opinions which it thinks mistaken; but the weapon it should use is not force or legal penalties but propaganda. This word has acquired a bad sense as the result of Nazi abuses, but the publication of the arguments which are held to justify its actions and views is a perfectly legitimate part of the work of a government. Propaganda need not consist of irrelevancies, lies and rhetorical exaggerations. I use the word in the original neutral sense in which not only *Mein Kampf*, but the *Gospels*, Kant's *Critique of Pure Reason*, and all books which put forward definite views on controversial points are propaganda. It should also be pointed

out that even in the case of deliberate lies the punishment of people for spreading them is a less effective way of checking the harm they do than is their refutation. We can further admit that it may well be advisable to have laws to check even the spreading of defamatory reports believed to be true when this is not necessary in the public interest, and that the divulging of military secrets, for example, must naturally be prohibited even in peacetime and still more in war. Apart from these reservations the state should treat freedom of speech as a right which is practically universal and absolute. To do so during war or under the threat of civil war is a council of perfection, and I am aware that to express certain opinions under certain circumstances may tend to arouse revolt just as much a direct incitement to rebel; but surely if the government with its strategic advantages as a disseminator of propaganda cannot adequately refute opinions opposed to it without the use of force there must be something seriously wrong with its own views. And, if feeling in the country is such that the promulgation of opinions contrary to the government is likely to lead an important section of the population to adopt the extreme course of revolting, this can only be because either there is no machinery for securing a change by peaceful means or the government has been grievously oppressive or inefficient in some respects, in which case it will be better and safer for the government to amend its ways than to stifle criticism of them. No doubt, if a government exists which is not prepared either to change its policy or to resign in deference to the strongly felt wishes of the people it will be dangerous for it to allow free speech on political matters, and the same may apply to autocracies in general, but this seems to me just an argument against such a form of government. People do not incur the trouble and risk of revolting unless they have strong cause for doing so. I cannot agree that even the existence of a state of war with

a neighbouring state justifies, though it may partly excuse, violations of this right of free speech beyond the limits I have laid down. But the knowledge that a citizen holds certain opinions or belongs to a certain association may in extreme cases justify his internment as a precautionary measure if persons with these opinions are thought to be likely to revolt or help the enemy in war in some underhand way. I should hold for instance that such action was justifiable in Britain in the summer of 1940 against the Fascists; but it is unnecessary to remind readers that the circumstances then were exceptional in the extreme. Such precautionary internment must be sharply distinguished from punishment since the man has committed no crime and may never have intended to commit one—if there was proof of guilt he should be imprisoned for that and not as a precaution without trial—and therefore good treatment is specially obligatory. He should be allowed to live under conditions as little removed from his normal life as possible, and since he has not been proved guilty of a crime it is perfectly fair to treat him quite differently from convicted prisoners. The same applies to people charged with an offence and awaiting trial. Since they have not been proved guilty they are not being punished, and their confinement can be justified only on grounds similar to those applying to the internees of which I have just spoken; that is, as a precaution against illegal action on their part (including under this heading flight before trial).

Professor Hocking urges that there must be social penalties for the free advocacy of unpopular views, for "whatever idea takes hold of human behaviour *ipso facto* places all contrary ideas at a definite disadvantage," so that to demand that there should be no penalties for the expression of opinion is to demand that ideas should make no difference to life, in which case they would become "first unimportant, then

meaningless, and truth, being eviscerated, is no longer worth getting: your realm of costless toleration is a realm of devaluated truth. So far from favouring the growth of knowledge, it promises a condition in which no one cares enough about ideas to put its new increments together into a working whole." [21] But this is not put forward as a justification for interference with free speech by law, and the social penalties which are the natural result of putting forward an unpopular view would in a thoroughly reasonable society be extremely light. People would not regard the affirmation of unpopular views by anyone as a crime deserving social ostracism or interference with his economic career, and the only penalty their advocate would normally suffer would be the slight unpleasantness of finding that most people disagreed with him. He might be thought a fool, but since it is not usually the fool in a society who puts forward unorthodox views, he would be more likely to be regarded as showing intelligence by his originality, even if the latter led him into error. There are even to-day many circles in which the penalties for defence of unpopular views are no heavier than I have indicated. No doubt Professor Hocking is right in saying that what we should maintain is not that there should be no penalties for free speech but that there should be only "relevant" not "irrelevant" penalties; [22] but to prevent his doctrine providing an excuse for social persecution he should have made it clear that really "relevant penalties" are in general very light. There are, indeed, special cases where even in a much more rational society than the present they might prove heavy. A man might have on account of a change of view to resign a post the efficient and honest discharge of the duties of which presupposed certain opinions, as with a clergyman who has ceased to believe in God, or he might

[21] *The Lasting Elements of Individualism*, pp. 75–6.
[22] P. 79.

unintentionally hurt the feelings of somebody whom he loves and might suffer mentally from this. But such occurrences must not be regarded as appropriate penalties, as though the man deserved to be punished for his opinion, but as incidental misfortunes.

Freedom of thought, as opposed to freedom of expression, is in a different position from other rights because one cannot enforce a prohibition to think in a certain way but only to express the thought, but there can be no doubt that the repression of free speech and the adoption of certain types of education may indirectly violate the right of free thought in a very serious degree.

Closely connected with the rights I have just mentioned is the right of freedom to worship as the individual thinks fit. For one who thinks that true worship is mental it is not subject to *direct* interference by the state; but to force one to keep his real attitude in this matter secret or else incur penalties is a grave violation of rights, and for indirect interference by the state through bad education or prohibition of certain kinds of religious teaching there is obviously plenty of scope. Since, however, many think that true worship is essentially bound up with certain ceremonial or religious exercises of an outward kind and for others these constitute the best psychological means of attaining the mental attitude of true worship, interference by the State with religious services must be regarded as an interference with the right to worship. Indeed even if true worship is mental the possibility of its satisfactory maintenance must, for the majority, depend on some kind of religious instruction and preaching, which may be prohibited by an oppressive state. Freedom of worship is an essential right because without it the individual may be debarred from attaining the highest experience of which he is capable. This is not attainable by all men along the same route, and therefore no single route must be dic-

tated for all by the state. In so far as this freedom is bound up with freedom of thought I have already spoken of it. The right is not absolute, because what constitutes a given person's mode or worship may involve gross violations of others' rights, as in human sacrifice; but in a civilised society it is one of the rights which can be regarded as practically absolute, and we can even call it absolute if we add a reservation to exclude cases in which it would be likely to lead to disorder or criminal action. Freedom of worship includes the right not to be required by law to worship outwardly if one does not wish to do so inwardly.

Freedom of association is also an important right, but it cannot be allowed in cases where the ends of the association are such as would be illegal if pursued by a single individual. There are also cases in which what should be allowed in the case of an individual could not be allowed in the case of an association. For instance a government might well agree that an individual should have the right to purchase firearms and ammunition if he liked and yet without inconsistency refuse an association permission to lay in a stock of these since this might constitute a danger to public order; and it is at least arguable that there should be certain legal restrictions on strikes or lock-outs which nobody would dream of imposing on individuals who gave notice to their employers or employees. If the sole purpose of the association is the expression and propagation of opinion, the same principles are applicable as in the case of the individual right of free speech.[1] There is, however, the possibility that such an association may exercise "moral" (or immoral) pressure which really conflicts with individual freedom of speech. This was very markedly the case with the various Nazi parties in states bordering on Germany, who in addition to more subtle forms of pressure threatened Germans resident in those states who showed themselves unfriendly to their aims with the horrors of a

concentration camp if their state were annexed by Germany, and indeed it was the case with the Nazi parties everywhere. Organisations which behave in this way obviously are not justified in appealing to the right of free speech if they are suppressed. On the other hand the state has no right to suppress an organisation merely because some misguided individuals in it use threats. To justify suppression there must be evidence that these represent the policy of the society as a whole, as was the case with the Nazi parties. And even then I should still draw a distinction between the suppression of all propaganda for a view and the suppression of a society which fosters this propaganda by illicit means. Recent events tempt one to make an exception to this in the case of the Nazis, and I have given reasons which would justify the suppression of the Nazi organisation and the precautionary internment of Nazis who seemed likely to add violence to propaganda; but surely it is not too much to expect of a democratic government which is worth its salt that it should be able to refute the propaganda of individuals with Nazi opinions adequately enough to make it unnecessary to prohibit its publication.[23] The effort to refute hostile opinions is not in any case a waste of time and energy, since, if well done, it will make clearer the good points and the weak points of one's own form of government. Associations for economic purposes may require a good deal of state limitation if they are not to interfere with individual liberties and well-being, but, as I have already suggested, the right of property in its usual sense is very far indeed from being absolute.

5. *Rights Connected with Family Life*

The right to marry whom one likes and the right to manage family affairs without state interference are obviously

[23] I am referring to Nazi parties outside Germany and am not discussing the quite special problem of how far to allow free speech in the conquered Germany.

important for individual development and happiness, and should be respected wherever possible, as it is possible to respect them in the great majority of cases. Equally obviously they cannot be regarded as wholly sacrosanct; for instance, the state has the right on eugenic grounds to prohibit the marriage of mentally deficient persons. Further, many so-called "rights" claimed under the above headings have often really been "rights" to interfere with the rights of others. For instance, interference by the state with the propagation of children would usually be regarded as a gross violation of individual rights, yet it should be obvious that it is in a quite different category from interference with individual rights which are primarily self-regarding, since the act in question affects others, namely the children, more than it does the persons who perform it. It is recognised fairly generally now that the individual has not a moral right to bring into the world any number of children regardless of the economic conditions under which they have to live and of their chances of escaping hereditary ill-health, and if so I cannot see any ground of *principle* which should prohibit the state from interfering in such matters by, for instance, compulsory sterilization in certain cases, though I do not wish to underrate the dangers of abuse or the difficulties of working out a practical scheme for breeding a better generation by direct state action of this kind. Indirect interference has of course always been tolerated, even where neither motives nor effect were in the least eugenic in character.

Similarly I cannot see that it is a violation of a parent's rights for the state to take steps to regulate the education of his children unless it carries this so far as to separate the children from him altogether or the education is of such a kind as to strike at family life. An individual has a right to his own opinions, but he has no right to insist that another individual should hear these opinions exclusively or have his

life controlled entirely according to his ideas. That parents will, in any case, have much more opportunity than other individuals of influencing their children's views and lives is obviously a necessary consequence of family life with all its advantages, but they can hardly claim a right to be the sole influence. I do not think that the Nazi government in Germany had a right to educate children in the way it did, but that is because I think the education bad. If a group of people in England or America insisted on educating their children in the way in which the German Nazis did I should consider that the state had a perfect right compulsorily to provide a different education for the children. I am more concerned about the effect of education on the rights of the individual educated than on the rights of the parents. It is obviously impossible to devise a system of education which will not give the individual a bias in some direction or other in disputed questions. This may easily fix his views for life if he is not a person naturally disposed to think for himself much, and at any rate the bias given is an interference with his liberty to make up his mind for himself. Further, there is a danger that state control of education may result in a uniform system of education which will tend to inculcate one set of opinions only and to check healthy diversity. It is for this reason and not because parents have a natural right to educate their children as they think fit that the policy of allowing parents to send their children to what schools they please, provided the education given there does not fall below a minimum standard, has a good deal to be said in its favour. It undoubtedly ensures a certain amount of healthy diversity and enables different educational experiments to be tried simultaneously. Unfortunately, however, it does not affect those children, the majority, whose parents cannot afford substantial school fees. The considerations I have mentioned certainly give strong support to the view that all education

should not be undertaken by the state, but that its action should consist rather in supervising, laying down conditions for the regulation of, and subsidising education given by establishments not themselves run by the state. At least it leads to the conclusion that parents should be permitted to send their children to such establishments instead of the state schools and that scholarships should be made available, from public funds if necessary, to these private schools for those whose parents cannot afford the fees, as well as to the state schools.[24] Even such a supporter of a more or less Hegelian view of the state as Bosanquet says, in general, that "the work of the state is *de facto* for the most part endorsement or 'taking over'—setting its *imprimatur*, the seal of its force, on what more flexible activities or the mere progress of life have wrought out in long years of adventurous experiment or silent growth." [25] In education at least this ought to be the case. The danger to the freedom of thought to which I have referred is avoided in Great Britain by usually not giving school teaching on disputed political questions, but this is bound to involve a considerable diminution in the effectiveness of school training as a preparation for citizenship in a democratic state. No doubt one safeguard would be to arrange that each child had instruction in such subjects from several people of different political opinions or regularly heard debates between such people, and it would not be impossible to combine this with universal attendance at state schools. On the other hand I should not regard what I have said about the right of free speech as implying that the state had no right to prevent the dissemination of certain opinions by education. For there is a difference between allowing a man to express his opinions to adults and allowing him to use

[24] Mill, *Liberty* (Everyman edition), p. 161, strongly opposes universal state education and suggests this course.

[25] *Philosophical Theory of the State*, p. XXXVIII.

the authority which his position as teacher confers to impress them on children who are not given the opportunity of hearing other views. It is a question now of the right to control others rather than of the right to realise oneself. Thus, while I should not prohibit Nazi propaganda, with the reservations I have given above, I should certainly prohibit Nazi schools. But, while the state cannot be denied this right to prohibit education which is plainly and directly immoral in its tendency, it opens up grave possibilities of abuse since most important new movements have been condemned by their opponents as having an immoral tendency. The state has no right to suppress entirely a form of education which those in power think will lead to opinions that indirectly have a bad moral effect, where a great number of other people qualified to judge think they will have a good moral effect. I should draw a sharp distinction between cases where teachers inculcate actions that are generally regarded as immoral and the doubtful cases where those in power think that certain teachings will (as Marcus Aurelius thought of Christianity) indirectly have a bad moral effect. And a state has certainly no right to prohibit all teaching conducive to revolutionary political opinions, though it has a right to see that its own side of the case is stated too. Further, in view of the enormous importance of securing world peace I should approve of the government insisting that positive teaching conducive to this end should be given in every school, and that the use of school textbooks which distort facts out of nationalist motives should be prohibited. The question of religious education presents many special difficulties which I shall not discuss. The right to be educated is one of the most important individual rights. Incidentally the case of education shows that a person may have a right to what he does not wish to have and that the mere fact that he does not wish for it does not prevent it from being a right.

6. *The Right To Work*

The right to work, of which we properly hear a great deal nowadays, is a good illustration of the close connection between social service and individual rights. In the minds of those who insist on it most it is naturally linked up with the right to an adequate allowance of the necessaries of life, decency and health, of which I have already spoken, but the two rights are easily separable. To give a man an adequate living wage without work is not sufficient, though I think this ought to be granted as a second best when work cannot be found. The right to work stands in curious contrast to most of the other rights. Most of the rights are primarily self-regarding and indirectly other-regarding; that is, they benefit directly the individual to whom they are granted, but benefit other individuals only indirectly by making him better fitted to do them service, though both the direct and the indirect benefit must be taken into account in granting the right. The demand for the right to work is on the other hand a claim that the individual should be allowed to contribute to the common good, yet it is demanded more for the sake of the individual than for the sake of others whom his work would benefit. Other men might be found to do coal mining or manufacture stockings, but it is felt that for the individual nothing can replace the loss of the opportunity to do useful work. The right to work is thus in a sense the reverse of most of the other rights. It is a right of the individual to be allowed to benefit society directly, thereby benefiting himself indirectly, not a right to be benefited himself directly, thereby benefiting society indirectly. But it is true both of the right to work and of all other rights that the reason why they are rights lies partly in their benefit to the individual who has them and partly in their benefit to society —to other individuals affected by his action. The opposite

right not to be required to work too much is equally a right, and an important right. Neither can, however, be described as inviolable, since it may prove impossible to absorb all the unemployed or to remove all temporary overwork for everybody without other detrimental consequences. For instance if, as some people think, this could not be done without adopting a totalitarian form of government it would not be worth the terrible price, though the unemployed must be given maintenance adequate for health and for a reasonable human standard of life if they cannot be absorbed into industry. But I do not myself see at all why it should be impossible to devise a system which would remove chronic unemployment without interferences with individual liberty greater than those involved in the present economic system (or rather not nearly so great). But I shall discuss this topic later in connection with the question whether a socialist state need be totalitarian in other respects.[26] Freedom to choose one's work is again an important right, but it is obvious that it cannot be unrestricted or even practically universal, whether the restrictions are imposed by the state or by private employers, since the number of workers required in a given profession will not always coincide with the number of those who wish to do that kind of work.

7. *Conscientious Objection and Rebellion*

Freedom from compulsion to do anything which one thinks morally wrong is an important right. By penalising a man for acting in accord with his conscience the state is inciting him to immorality, for it is immoral to do what one thinks wrong even if one is mistaken in thinking it wrong; and the spectacle of good men being punished for acting conscientiously tends dangerously to dissociate law and morality and weaken people's respect for law in general. But

[26] *V.* below, pp. 96ff.

even this right cannot be regarded as absolutely inviolable. We may admit conscientious objection as a ground for exemption from military service, but no one can admit the conscientious conviction of a sincere anarchist as adequate ground for his exemption from the laws which forbid him to try to blow up public buildings or kill government officials. No doubt a good practical distinction might be drawn between positive and negative action, and it might be said that where the conscientious objector wished to do something positive which was forbidden by law, if it was a good and important law, he usually ought not to be allowed to do it, but where he wished merely to abstain from doing something which was required by law he ought in most cases to be allowed to abstain provided his objections seemed sincere. Various reasons might be given for this distinction: (1) Positive action done unwillingly is apt to be inefficient, an objection which does not apply to mere abstention from action. (2) In general it is much more likely to do serious harm to society if a few individuals perform positive actions forbidden by law than if they merely abstain from performing actions required by law. (3) In many cases the state, without inducing an individual by means of threats to perform an action of which he morally disapproves, may secure the performance of the action or its equivalent by other means. For example, if he refuses to pay his taxes they may be deducted from his salary or the money may be raised by confiscation and sale of some portion of his possessions, or if he neglects to take other measures which are ordered by law they might be taken for him by state employees at his expense, the money being raised as in the previous case. In some other cases, such as the objection of parents to sending their children to state schools, on religious grounds, the conscientious objection may not really defeat the purpose of the law. Thus in this case the purpose of the law is that all children should have an educa-

tion of a minimum quality, not that they should all be taught the same religious views in detail. (4) The claim to do positive acts forbidden by law is a claim to a right positively to interfere with others, and therefore a much less defensible claim than the claim to a right to abstain from action. However the number of questions concerning which the problem of conscientious objection arises in a well ordered state is very small. It is very much greater in states which interfere with the religious observances of the individual, but of the states which have done that few, if any, have recognised conscientious objection as an ethical problem at all.

Where the action enjoined involves a great deal of sacrifice, as with military service, the question is much complicated by doubts as to the genuineness of conscientious objections and by a feeling that it is unfair that the objectors should escape the burden which others have to bear. But in any case equal sacrifice is an impossible chimera, and to argue that one ought to inflict suffering on a conscientious objector simply in order to make his sacrifices equal to those of the soldier seems to me rather like arguing that we ought to have deliberately dropped bombs on the Highlands in order to make the sufferings of the Scotch equal to those of the Londoners. Since a sincere conscientious objector has not done anything morally wrong, any sufferings inflicted on him because of his conscientious objection are in themselves bad, even if we were to accept the retributive theory of punishment. No doubt there is good to be found in the voluntary bearing of suffering for the sake of what one thinks to be right, but it is generally agreed that this cannot justify the deliberate infliction of suffering by us on some other individual.

The only argument for severe treatment of conscientious objectors which I think worth considering is that it is needed to deter people from insincerely pretending to be conscien-

tious objectors; but this offends against the ethical principle which forbids us for deterrent or other utilitarian purposes to inflict punishment on the morally innocent. I must admit that I should not be prepared to apply this principle to conscientious anarchists who murdered cabinet ministers, but obviously it is at least a principle which should be violated only after the most careful thought and with the utmost regret, and in most cases the evil of its violation outweighs any indirect advantages gained by punishing conscientious objectors thought to be sincere.

The difficulty of making sure whether a professed conscientious objector is genuine is no doubt sometimes very great, but it is exaggerated if we assume that to judge an objection conscientious is to judge that it would still have determined the man's action even if he had had no other motives in favour of the action or abstention from action which he conceived to be his duty.[27] Surely for a man to be a sincere conscientious objector, in the moral sense of the term, it is sufficient that he should believe the act to which he objects to be wrong. It is not necessary to ask the further question whether, if his desires had been different, he would have done it even if he had still believed it wrong. For the fact, if it be a fact, that he would under different circumstances not have done what he thought right does not alter the fact that what he thinks right now is, for example, to refuse military service and that therefore if he does not refuse military service he will be acting against his conscience, and therefore immorally. The question for a tribunal to decide should therefore be simply (1) whether the man is telling the truth about his own opinions when he says that he thinks the action he is asked to do wrong, and (2) whether he has thought about the matter carefully and is not merely accepting the first hastily formed opinion that occurs to him.

[27] Broad, *Philosophy*, Vol. XV, no. 58, p. 130.

No doubt if there were a sufficiently large number of conscientious objectors to a given law exemption for them might make the law unworkable; but that would be extremely unlikely to occur unless the law were either a bad one or one which, though a wise measure if taken in abstraction from the particular psychology of the people whom it concerned, was not suited to the stage of development which they had reached and had therefore better not be enacted at all. It must be remembered, however, that no individual has a right to disobey every law which he thinks wrong. If this principle were accepted few intelligent persons would need to pay taxes, because any intelligent person usually can, if he considers the matter, find something to criticise in the way in which the state spends his money. There are so many questions involved in the budget and its expenditure that the odds are against reflection on the subject leading a person who can think for himself to complete agreement on all points with the Chancellor of the Exchequer. To say that an individual is justified in disobeying any law he thinks wrong is to say that he may act as if there were no state at all, and practically nobody in fact does take up so extreme a position. Its wide adoption would mean the end of law and order. Many conscientious objectors would make a distinction between actions which are wrong in themselves, whether the state orders them or not, and actions which are wrong only in the sense of being inexpedient, and say that we ought never to perform the first kind of action but that it may be our duty to perform the second kind if ordered by the state. But I cannot draw this absolute distinction and admit either that any kind of action is always wrong in itself in abstraction from its consequences or that it is not morally wrong knowingly to do what is inexpedient, at least in cases where the inexpediency affects others besides oneself. But no doubt it might be the case that it was inexpedient or wrong for the

state to pass a certain law, and yet neither inexpedient nor wrong for me, once the law was passed, to obey it. It becomes therefore a question of balancing the bad effects of the law against the bad effects of disobeying any law, even a bad one; and unfortunately the philosopher can offer no general rules which will enable a man to decide whether obedience or disobedience is the right course in a given case. All he can do is to point out the various circumstances which ought to be considered and the various questions which ought to be asked in view of the particular case before him. That he can do useful work in that way I have maintained in the first chapter.[28] It is quite certain that to disobey some laws would be right and to disobey others would be wrong even if we thought the laws mistaken, but it is impossible to decide with assurance where the first class of laws ends and the second class begins.

Unless we think all organised use of force wrong, we must even admit the right in extreme and exceptional circumstances to revolt against the state, though this moral right cannot be converted into a legal right like the right to exemption from certain laws accorded to conscientious objectors. As a matter of fact there are a number of intermediate stages between unquestioning compliance with a law and the opposite extreme of armed rebellion.

(1) A man may obey the law fully in letter and in spirit but agitate for its repeal.

(2) He may disobey the law in the first instance as a form of more emphatic protest, but after he has been brought to court once accept it.

(3) He may disobey the law persistently and openly as an individual, but without trying to persuade others to do so.

(4) He may both disobey the law himself and try to persuade others to do so.

[28] *V.* above, p. 6.

(5) He may try to "sabotage" the law by carrying it out ineffectively.

(6) He may try to bring pressure on the government to repeal the law by organising strikes. (I am not referring here to strikes as an incident in wage negotiations with employers, but to strikes undertaken with the political object of changing the government or forcing it to enact some measure other than any directly relating to the conditions of work of the strikers.)

(7) He may organise not only legal strikes but systematic passive disobedience to other laws.

(8) He may organise sporadic acts of violence in order to apply pressure.

(9) He may engage in armed rebellion or call on the armed intervention of another state.

The five last methods are obviously open in varying degrees to serious objections from which the others are free, but we cannot say that they ought never to be employed, because the government may in rare instances be so bad that even a war would be a lesser evil than its long continuance, or an internal rising may be the only means of preventing an external war—as it would have been in Germany in August 1939. It is rather misleading to speak of these as rights of the individual, because no individual could hope to succeed in them without the co-operation of many other men, and because they are never rights unless they are at the same time duties; but this seems the most suitable context in which to say a word about them. In deciding whether it is the grave duty of malcontents to use violence in a given case against a government it is imperative to remember that, once violence has been started, it is quite impossible to forecast its ultimate effects or to foresee any limit to the term of evils that it may bring. This holds even if the government is very bad indeed and has no ethical claim on one's allegiance on its own ac-

count, and it is this consideration of possible consequences of non-resistance, and not any absolute duty to the state, which is the foundation of the usual duty not to rebel. But almost everyone would express his approval of some cases of rebellion in history, though opinions would differ as to which these were. And *a fortiori* one cannot rule out in all circumstances the use of any less violent measures of organised resistance, while remembering that even if non-violent themselves they are likely to bring about grave disorganisation and very likely to lead indirectly to violence, with its incalculable consequences. The use of any of these methods is harder to justify in a state where there are legal means of effecting peaceful change by turning out the government at the next general election than when there are not, but even in the former case I am afraid we cannot say that rebellion could under no circumstances be justifiable. But to make it justifiable four conditions must be fulfilled the combination of which is unlikely: (1) the grievances must be very serious; (2) there must be practically no hope of preventing or ending the evil peacefully by converting the government or the electorate; (3) the rebels must despite their inferior numbers be in such a strategic position that they have a very good chance of success, since an unsuccessful rebellion would almost always be much worse than a continuance of the existing state of affairs; and (4) there must be reason to think that successful rebellion would not result in a disaster which outweighed any oppression they had suffered. There are three possible types of rebellion which might occur under a representative government. First, there might be a rising by a party which believed it represented the real opinions of the majority at the time on the ground that public opinion had changed since the last election, or that owing to defects in the electoral system a majority in the country was represented by a minority in Parliament. Such a rising is from the

nature of the case hardly likely to satisfy the second condition and therefore would hardly be justified unless the harm threatened or being done was such that delay in repairing it was absolutely intolerable or that it would be irrevocable by the time of the next election. Secondly, there might be a rising by a permanent national or religious minority to secure its own rights but not to dominate the majority. This would hardly be likely to satisfy the third condition unless the minority was able to call in the help of another state which would, by invoking international war, make it very difficult to satisfy the fourth condition.[29] Thirdly, there might be a rising by a minority with a view to setting up a non-democratic form of government. This in my opinion would be most unlikely to satisfy the fourth condition. A further point to bear in mind is that, the more modern science develops the means of making war, the greater becomes the objection to rebellion, since this development both makes rebellion less likely to succeed and makes the civil war involved more terrible. More difficult intermediate cases occur if there is a genuine conflict of constitutional law so that it is very difficult to say which side is the rebelling body and which the government, or if a constitution is nominally representative but, being abused in its working, not really so.

There is one case of rebellion where, even under a representative government, the usual objections do not apply with anything like their normal force. This is the case of a rebellion undertaken against a government which has already embarked on or is about to embark on a wrongful war. In such a case it would be futile to wait till the next election, and the chance of success might well be much greater than in peace-

[29] Sometimes, however, that state might effect the liberation of the minority by diplomatic pressure. The case where the minority was so large as to be almost a majority need not be mentioned, because in such a case it would in a representative government have sufficient political power peacefully to prevent real oppression.

time, because, with general mobilization in force, malcontents will be armed and their mutiny might quickly cripple the government. Also the objection that, once violence has been started, the consequences are incalculable loses most of its weight, because violence has already been started by the government and incalculable evils will in any case result from the government's resort to foreign war. Further, the effect of the example of lawlessness, which is a usual objection to seditious action, would here be good rather than bad, for it is desirable that any government which is thinking of embarking on an unjust war should be in doubt whether its subjects can be trusted to obey it and fight, and therefore any examples which raise this doubt are in so far beneficial. Unfortunately, however, the psychology of patriotism is not such as usually to make successful revolt possible till the country concerned is defeated in the field, yet a rising before the military position has become desperate might enable the country to secure tolerable terms, while a postponement of the rising till after there has been crushing military disaster will mean that it has to suffer the rigors of a dictated peace. In any case it is to be feared that with atomic bombs in use there will not be time for rebellion.

The fact that individuals have a right in the last resort to rebel if they are convinced (1) that the government is in the wrong, (2) that the evil can be remedied only by rebellion, (3) that what is likely to be gained by rebellion is worth the terrible price, is not inconsistent with the fact that a government has a right to take forcible measures to suppress the rebellion if convinced that the rebels are in the wrong. A good deal of confusion is caused here by people forgetting that the word "right" is used in two different senses, an objective and a subjective one. No doubt both contending parties cannot be right objectively in their opinions, but in such cases as long as they both think as they do they cannot

be expected to act otherwise and are in a sense acting rightly. If I think it right in the objective sense for me to rebel, it is right in the subjective [30] sense for me to rebel; likewise, if the government thinks that it is right in the objective sense to suppress rebellion, it is right in the subjective sense for the government to suppress it. The same applies to the question of conscientious objectors, only we must remember that, while the government is subjectively right in punishing them if it thinks it objectively right to do so, it does not follow that it is objectively right. A further complication indeed arises here. We must distinguish the question whether the conscientious objectors are in the wrong objectively from the question whether they ought to be punished, for it does not by any means follow necessarily that because an action is wrong it ought to be punished by the state, especially where the person who does it honestly regards it as right.

8. *Paternal Legislation*

Another very important right is the right to arrange one's own life in the way each man wishes, provided he does not interfere with the rights of others. I am referring here to matters like personal habits, recreations, choice of personal possessions, which should give scope for a man's individuality and not be stereotyped by convention. This right has certainly been violated gravely in Italy and Germany, but in most countries the danger lies rather in social pressure than in action by the state. A valuable defence for the individual, as I have already remarked in discussing the right of free speech, is here provided by the code of good manners which forbids the expression of open disapproval of other men to their face except in extreme cases. But for this minorities who were rather different from other people would be liable

[30] What I call the "subjective" sense of right here is the third sense of p. 30n. Both the first and second senses there I should call objective.

to suffer a good deal more. But even in the countries where freedom is greatest a man's choice of occupation is limited and his personal expenditure drastically controlled by social conventions; for example, there are probably a great many black-coated workers who would be happier and more efficient doing manual work but are prevented from doing it because they do not think it "respectable," and a great many people spend more money than they can afford and obtain less enjoyment for it than they could otherwise get for much smaller sums spent in another way because they think they have to live up to a certain social standard. The penalty for not living like one's neighbours or like others in the social class to which one aspires is no doubt usually much lighter than that for breaking state laws, and ought to be faced oftener, but this is a question of degree. At any rate there is a certain responsibility on people who maintain the conventions by social pressure as well as on those who succumb to the pressure where it would be wiser not to do so, and we should all therefore realise that one of our more important moral obligations is not ourselves to exercise the social pressure in question. We must further remember that, where the ability of a man to retain his post or succeed in business depends on otherwise quite unnecessary conventions, he is in much the same position as he would be if the state had fixed severe penalties for the breach of the conventions in question.

This connects with the question of paternal legislation. Most laws are instituted primarily not for the benefit of the individuals whose actions they are intended to control, but for the benefit of others who would be affected by the actions. The former type of law is, however, not unknown and it is sometimes spoken of as "paternal legislation." Sidgwick gives the following grounds for the quite generally accepted view that paternal legislation for adults is usually undesirable in modern civilised societies: (1) Men, on the

average, are more likely to know what is for their own interest than a government is, and to have a keener concern for promoting it, so that even supposing paternal legislation would be generally obeyed, its direct effects are likely to be on the whole mischievous—taking into account the annoyance caused by coercion; (2) even if direct effects are beneficial, its indirect effects in the way of weakening the self-reliance and energy of individuals, and depriving them of the salutary lessons of experience, are likely to outweigh the benefit; (3) such laws are likely to be largely evaded, as the persons primarily concerned do not feel interested in their being observed; (4) even if any little good were done by this kind of legislation, it would not be worth the expense entailed by it both of money and the energy of statesmen needed for other functions; (5) there is a serious political danger in the increase of the power and influence of government that would be involved in a constant application of the "paternal" principle.[31] Other objections to any attempt by the state to regulate the personal details of a man's life are that one man's meat in these matters is apt to be another man's poison, that other things being equal the more diversity there is in a community in non-essentials the better, that such legislation would exclude or limit the possibility of individuals making new experiments in ways of living which might turn out to be fruitful, and that such legislation would interfere with that sense of freedom without which life is apt to lose its zest and creative work to become impossible. But all this does not apply to minor instances of paternal legislation. Examples of mild paternal legislation of a kind which most people, including Sidgwick himself, think justifiable are laws against drug-taking and the laws which forbid anyone to do certain things which involve undue risk to oneself, as bye-laws forbidding one to bathe in certain places. Extremer

[31] *Elements of Politics*, pp. 40ff.

examples more open to Sidgwick's objections would be laws imposing compulsory physical drill on adults with a view to improving their health (unless these were imposed for military purposes, in which case, right or wrong, they would not be "paternal"), laws prohibiting amusements on Sundays (except so far as the motive of these was the benefit of the workers who would be employed), and puritanical or sumptuary laws. It is, however, extremely difficult to separate paternal legislation from other kinds, since any actions of mine which produce serious effects on myself will also affect others indirectly, if only through making me less capable of fulfilling my duties toward them; and most laws which would commonly be put under the heading of paternal legislation have in fact been passed rather because of their effects on others than because of their effects on the individual concerned. Advocates of prohibition have not indeed ignored the evil effects of excessive drinking on the drunkard, but they have thought even more of the evil effects on his family. But this fact does not remove the dangers above mentioned, which at least lead one to the conclusion that the most the state should try to do is to rule out certain causes of danger which experience has clearly shown to be very definitely harmful to the individual who exposes himself to them or to others, and in fact few states have attempted more except in the case of actions having a direct political reference or actions regarded as sacrilegious. Mill, who so strongly opposes interference with individuals for their own good, has in mind social pressure more than actual legislation. Most of what he says in *Liberty* on this topic is very valuable, though it is no doubt not so easy to separate action which concerns oneself from action which concerns others as Mill sometimes seems to imply.

Freedom to travel and freedom to live and work where one chooses are also obvious, though not absolute, rights.

A very important right, because a necessary safeguard of the others, is the right to sue government officials or the executive government as such itself for breaches of legal right. That the executive should be subject to the laws and should proceed according to ratified and published laws is perhaps the most important element of truth in the doctrine of division of powers, whether the executive controls the legislative or not.

The general rights to liberty and to the pursuit of happiness are, I think, covered adequately by the discussion of the more specific rights which I have mentioned.

9. *Socialism and Rights*

An objection which will be raised against all that has gone before is that I have not paid sufficient attention to the economic factor in discussing rights. So I must emphasize the point that any of the above rights are violated if the individual is not left free to exercise them as a result of economic pressure just as much as if he is restrained by penalties imposed by the state. This is a strong argument for the reform of the economic system in the direction of socialism; but we must remember that a socialist system would not end the possibility of abusing the power to exercise economic pressure, but would transfer it from the individual business to the state or employees of the state. Perhaps the most important internal political problem of the coming years will be the combination of adequate state control in economic matters with adequate respect for individual rights, but I can see no obstacle to achieving this provided—and this is a very important proviso—the people as a whole want individual rights to be respected and governments are consequently aware that their tenure of office depends on respecting them. It is contended, for instance, by Lippmann that socialism, or indeed any large-scale economic planning, must be incompatible

with individual liberty because no system of economic planning can work unless it can control consumption; and this involves dictating to individuals what they should buy.[32] That it would involve a limitation of the liberty of the individual to purchase what he likes is clear; but planning would at any rate safeguard the liberty of the poorest to purchase necessaries and the most modest comforts, and this would be well worth some limitations of the liberty of people to purchase the particular brand of luxury articles they fancied in cases where it was found that the state, through failing to anticipate demand correctly or because the labour was more urgently needed elsewhere, had not produced enough of that article to satisfy the demand for it. There might be times when people could not have new motor cars as quickly as they wanted, but this is better than that there should always be people who cannot have decent houses or enough healthful food, and even Lippmann admits that planning could be applied to the production of necessaries because we can calculate in advance the amount that will be needed of these, while we cannot predict the varying tastes of people in non-necessaries. However, it is altogether misleading to speak as if people now have liberty to purchase whatever they wish and this would have to be taken away from them if the state controlled the economic side of life. Except for a few of the very richest the liberty of all men in this matter is already drastically limited and must be so under any economic system. That the limitation is effected by lack of financial resources and not by law does not make it any the less an infringement of freedom. The state, however, could, like private capitalism, normally control consumption in peacetime, without laws forbidding people to buy certain articles, by the device of raising the price where demand exceeded the supply and lowering it for those goods for which there was

[32] *V.* Lippmann, *The Good Society*.

less demand than had been anticipated, and, I should have thought, would have at least as much capacity for adjusting production to varying demand as has private enterprise. Some experience, during wartime, of the civil service which administered the clothes rationing order in Britain showed me the readiness with which government departments could alter plans which they found to be working unsatisfactorily. Similar remarks apply to limitation of freedom to choose one's own occupation. Sir William Beveridge, though he does not accept socialism, thinks that consumers' freedom of choice would be about as great and freedom of choice of occupation greater under socialism than under the present system.[33] However, there is a certain amount of divergence of view on the subject among experts.

It is further alleged that a socialist state would have to interfere drastically with individual liberty by imposing compulsory labour, and that without grave interference with individual liberty no state, socialist or non-socialist, can hope to deal effectively with unemployment. But we must again remember that the present economic system already attaches in effect severe penalties to the neglect to work, so that the restriction of individual liberty need not be greater. The principal difference is that the present penalties are not fair in their incidence and fall on vast numbers of people whose predicament is not due to laziness. After all, society has a right to expect some service from any able-bodied individual, and the exaction of this service, unless it is carried out in an objectionable way, can hardly be regarded as a violation of the rights of the individual. Unfortunately long-standing unemployment could hardly be abolished without requiring the removal of workers for whom there was no work to different parts of the country, and this is often a considerable hardship, but after all it is common enough for people of the "middle

[33] In *Planning Under Socialism.*

classes" to move to a post away from their home town without any special feeling of grievance, and such a move would be much less an evil than the misfortunes which the unemployed now suffer. With most long-standing unemployed, even if they could have adequate maintenance without work, moral pressure would be sufficient to induce them to move rather than remain for years without work, at least in a society in which it was felt that men were working for the nation and not merely for capitalists' profits. Even if compulsion were thought necessary it would be much less an interference with private liberty than that which now results for employees from the power of dismissal without adequate maintenance, and it would be needed for only a small minority of the population. If even that amount of compulsion were thought undesirable, the small number who would not work might be left workless if they preferred it without great harm except to themselves through their own choice. Most of them at any rate would not feel too comfortable in the company of working neighbours. I am thinking here of long-standing unemployment; it would be less practicable to abolish short-period unemployment, but this, if combined with adequate maintenance, would not be a great evil and might even be a considerable good for workers who had "hobbies."

A more serious danger to individual liberty in state socialism lies in the fact that the state would then have the power to penalise unorthodoxy, not indeed by letting the unorthodox starve, for maintenance for all is part of the socialist creed, but by blocking their promotion or by refusing to give them the kind of work they needed for the exercise of their talents. This would be a great evil, and there would be nothing to prevent it but public opinion. If public opinion and the whole spirit of the people are against such practices, they will not happen to any large extent, at least in a demo-

cratically governed state; if they are not, no law can prevent the abuses in question. And there is a danger that, as the power of the state increases in economic matters, it will tend to arrogate to itself power in other matters where it is more desirable not to interfere with the individual's liberty than it is not to interfere with the business conduct of capitalists. But, on the other hand, with such an economic system as socialists contemplate it will also be more strongly realised that the state is only the servant of the individual citizens, and this should serve as an antidote. The difficulty that, if the state controls the printing industry, any books whose political unorthodoxy passes certain limits would be in danger of being excluded from publication, however great their merits, might be met by devices such as leaving the decision which books should be published to a committee of experts selected so as to represent all the main sections of opinion and making it legally obligatory to publish any book which was supported by the vote of a single member of the committee, but no doubt devices and precautions will fail if there is not a genuine spirit of tolerance in the land. But so they will under any regime. On the whole I do not see any reason why individual liberty should be more restricted under a socialist regime, provided the state was still democratically governed and socialism did not come by a revolution, than under the present system, and there is a good deal of reason to hope that it would be less.

The question I have just been discussing is very important because it is plain to all who have eyes to see that we must maintain even in peacetime a position much further in the direction of socialism than had been done prior to 1939. But whether all the chief industries ought to be nationalised and run by the state, or whether it would be better to allow private capitalists to run industry but limit their activities by state regulations, or to have socialist and capitalist organisa-

tions side by side, as suggested by Professor W. P. Montague,[34] is a question on which in the absence of expert knowledge of economics and of the running of businesses I hesitate to dogmatise. The most influential argument for socialism is the existence of the great evils of poverty; but it is by no means clear that these could not be removed by state action of a kind which left the main structure of the capitalist system intact in countries where enough food for the whole population can be either grown or imported, and in countries where this is not possible socialism would not prevent want. Increase of present relief scales and pensions to a point at which they provided really adequate maintenance, family allowances, schemes for slum clearance and for the provision of certain especially important foodstuffs like milk at wholesale prices, might remove almost all real physical want and would hardly involve an amount of taxation or other complications sufficient to cause the capitalist system to collapse. It may be argued that, once these acute evils have been removed, a greater degree of equality, though abstractly desirable, would not be worth securing at the price of the risk, dislocation and bitter opposition which such a fundamental change of the whole economic order as would be involved in full socialism[35] would bring, especially as the rich are likely even under peacetime conditions to continue to have to surrender a large part of their income to the state. But there remain three powerful arguments for the view that socialism would be ideally a better system, whether or not it could be carried out in practice. First, it may be plausibly argued that the present peacetime economic system is based on the principle of selfishness, its mainspring is the motive to get as much profit as one can for oneself or one's

[34] *The Ways of Things*, pp. 612ff.

[35] I mean by "full socialism" not the nationalisation of every form of work but that of all the industries which employ capital sufficient to make much difference.

family, and a system that is based mainly on selfish motives is likely always to work badly and is at any rate morally harmful. Secondly, socialism by making all work for the community would give a meaning to a man's labour such as most people are now keenly conscious of only when there is a war, and do so without the disadvantages of war. Thirdly, socialism would exclude the influence now exercised by private economic interests on political decisions and would prevent government policy being jeopardised by the uncontrolled action of private concerns, as in lending money to a country which is arming against our own or in obtaining monopolies of particular products. I cannot help feeling strongly the weight of these arguments. It must be remembered, however, that whether the benefits in question were conferred by socialism would depend on the particular way in which the socialist system was run. It is possible to conceive socialist states in which all these evils were even more prevalent than they are to-day, since you can hardly eliminate selfish interests, economic or non-economic, by nationalisation; and whether a Parliament subject to the vicissitudes of party would provide regulation adequate for the government of industry without misguided interference in points where the experts ought to be left in charge is a question that must give rise to uneasiness, especially as full socialism could not be adopted as an experiment but once set up would be, without a revolution, practically irrevocable. We cannot argue with confidence from the analogy of wartime control, because in war party strife is in abeyance and a wartime executive is much more immune from parliamentary interference. However the relative success of parliamentary governments in steering democratic nations through two major wars under extremely difficult conditions without intolerable hardship or dislocation is, as far as it goes, an argument either for socialism or for extensive government control of industry.

Whether socialism is desirable or not, it is certainly ridiculous to talk as if it would remove all evils. There are always many individuals in non-socialist societies who do not suffer from poverty or serious economic insecurity and whose state in this respect could hardly be bettered under a socialist regime, yet they by no means always enjoy great happiness or anything like it but may be outclassed in this respect by many a poverty-stricken peasant. While it is true that, since the productive power of man is even to-day extremely limited, socialism would not remove even all economic evils, it is still more important for the socialist to remember that all evils are not economic and that as long as men are men the problem of safeguarding the rights of the individual will under any system require anxious care. Assuredly, the increased power of the state will encourage new forms of oppression against which the only safeguard is a genuine and widespread concern for the individual man as such and his freedom.

10. *The Good and Evil in Totalitarianism*

Let us now consider whether there are any good points in the totalitarian type of view at all, meaning by that the view which drastically subordinates all individual rights to the state without necessarily saying that the state can do no wrong. It is superfluous at the present day to point out the evil effects of this view when the state is ruled by men whose thinking is almost entirely in terms of military force and absurd racial fanaticism and for whom any means, however evil, are justifiable if they seem to further the military power and glory of their country, this glory being conceived in terms of undiluted imperialism. But in order to deal adequately with the problem of individual rights we must consider not only totalitarianism at its worst but also totalitarianism at its best. We must ask not only whether the individual

has no rights against a state governed by a Hitler, but whether he would have any rights against a state governed by the best and wisest men of whom we have ever heard, unlikely as it is that such men would ever become rulers of a totalitarian state, though in finally judging the merits or demerits of totalitarianism we should bear in mind the likelihood of the rulers being bad rather than good. We must indeed add that one of the principal arguments against totalitarianism in general is that perhaps no body of people, even the very best, and certainly not the class of people who would in practice exercise control, can be trusted with such vast powers. It is unfair to totalitarianism to compare an average liberal state with a totalitarian state in which the government happens to be quite exceptionally evil, but it would also be unfair to compare an average liberal state with an imaginary totalitarian one in which the government was carried on by ideal men. The question cannot be adequately discussed without considering whether there is the remotest chance of establishing as totalitarian rulers these ideal men. On the other hand, it is important to ask whether the objections to totalitarianism are dependent on the nature of the doctrine or on the impossibility of finding men good enough to be trusted to carry it out.

Nor must we confuse the question with that of political democracy. A totalitarian regime may be supported and even actively approved by the majority of the population, and even a democratically elected parliament might pursue a totalitarian policy in regard to individual rights. That political democracy could maintain itself for long in the same state together with thorough totalitarianism, I do not believe; and I think this one of the objections to totalitarianism. I am not, however, including a discussion of the right of the individual to take part in the government of the state, which is reserved for a later chapter, but only of his other rights.

Now it seems to me that the objections to going too far in the direction of individualism and the considerations which have sometimes inclined even some tolerably rational people in favour of totalitarianism are as follows: In the first place, the individual has too often forgotten that it is not only state interference but equally interference, direct or indirect, by other individuals which is a menace to liberty. This is particularly the case in the economic sphere, where state interference often gives more liberty than it takes away. When the state limits the working day by law it takes away from the liberty of employers, but it adds to the liberty of the far more numerous employees. As a matter of fact it may even thereby increase the liberty of most employers, for most employers may have wished to reduce the hours of work but could not do so for fear of competition. Though the days of laissez faire are long past, it is likely that non-totalitarian states still often do not go far enough in the kind of restriction which really increases liberty. We certainly must condemn the view according to which "the self in society is something less than, if it could so exist, it would be out of society, and liberty is the arrangement by which, at a sacrifice of some of its activities, it is enabled to disport itself *in vacuo* with the remainder."[36] We must not think of all state action as involving a subtraction from the liberty of individuals. The individual would be less free, at least than he is in England or the United States even in wartime, and not more free, if there were no state. There are two reasons for this: (1) because he would have no protection against the interference of the most aggressive and powerful among other individuals, (2) because he would be in a far less favourable position to obtain what he desired. The state's work is not merely one of coercion: even if coercion by penalties were unnecessary, some organisation like the state

[36] Bosanquet, *Philosophical Theory of the State*, pp. 115–6.

would be indispensable as a means of fixing the rules which the individual would then voluntarily follow and effecting the vast positive organisation necessary under modern conditions for a satisfactory life. Not only does much state regulation enhance the liberty of many at the expense of the liberty of the few, for example, give to the peaceable majority freedom to walk where they will unmolested at the expense of the liberty of the few hooligans who would wish to attack them. It *may* in a sense actually enhance the liberty of the person himself whose action is checked by the state's rules. It has been contended by Hegel and those influenced by him that liberty is not adequately conceived in a merely negative way as absence of constraint either by the state or by others but only positively as the power to achieve what is really best for one. This is a dangerous argument, but it must be pointed out that there often is a conflict between a man's freedom to do what he chooses at a particular time and his freedom to attain what he desires most. The moments in which a particular man chooses to drink to excess or to give way to an outburst of passion may constitute only a small portion of his life, yet his endeavours to achieve what he wishes during the whole remainder of his life between these rare moments may be fatally checked by these occasional abuses of his freedom, so that one cannot help thinking that he would have been more free on the whole if he had never been allowed, for example, to indulge in alcoholic drink. Is a man less free because he is prohibited from selling himself as a slave, even supposing that under some temporary stress he once wished to do this? Is he therefore less free because he is prevented by wise laws from enslaving his liberty in the future to his liberty in the present by foolish acts? It is not clear that he is. We cannot indeed with certain enthusiasts conclude from this that freedom consists in obeying laws, at least any except self-chosen laws, because, though restraint in some respects

may actually increase one's liberty in others, this presupposes that one really has freedom of choice in the other respects. To say that true freedom consists in obeying the state is at best a misuse of words and perhaps something very much worse. No state should have such an extended sphere of action that obedience to it covers all or most of life. No state is infallible so that we can say that obedience to it, even in the sphere where it is normally entitled to command, will always be a duty. Further, even where the action commanded by the state is right, virtue is apt to lose in value by being made compulsory by the state. It is only if we both identify the state with society as a whole, including all the social institutions which are intermediate between the state as a political organization and the individual, and also treat it as an ideal society, that we can equate state service with goodness or identify the state with "the Real Will of the Individual in which he wills his own nature as a rational being" [37]; and even then it would not be good or his real will unless his service of it were voluntary and not constrained. Some individuals find their highest freedom in devoting most of their leisure to social service, but it would be a very different matter if they were compelled by law to do what they now do voluntarily. It may be a noble act of an individual to sacrifice rights voluntarily which it would be wrong to make him sacrifice.

Secondly, a totalitarian is not mistaken in holding that the individual has no rights in complete independence of the

[37] *Id.* p. 143. I do not mean to deny that Bosanquet in other passages shows that he appreciates the danger of coercion and recognises a distinction between the actual and the ideal state. He even admits that "every act done by the public power has one aspect of encroachment, however slight, in the sphere of character and intelligence, if only by using funds raised by taxation or by introducing an automatic arrangement into life. It can therefore only be justified if it liberates resources of character and intelligence greater beyond all question than the encroachment which it involves." (pp. 178–9.)

common good; that is, the effect of the exercise of alleged rights on the common good either completely or (on the *prima facie* view of right) at any rate to a very large extent determines whether the alleged rights are real rights. This truth has again been ignored especially in the realm of economics, where men have so often taken the attitude that a state has no right to interfere with individual property, only to protect it. It is now generally recognised in democratic and not only in totalitarian states that this is wrong and that the individual has no right to do what he likes with his own irrespective of the common weal. But in practice property owners still possess too much power to use their property without considering the interests of others, even in cases where, as with the banks, the mines, or the great industrial and commercial organisations generally, the use of this property gives them in fact enormous power over the lives of others and even to some extent over the community as a whole. The "Right of Property" is specially open to this abuse, which was one of the chief causes contributing to the totalitarian reaction; but it is true also of the other rights that they are not rights independently of their effects on the community, and at least the principal, if not the sole, reason which makes them rights is their conduciveness to the common good. No doubt the case for a "laissez faire" policy was itself largely based on a consideration of the common good, but the arguments for it on this basis depended on mistakes as to its likely effects, which experience has now adequately refuted. The precise degree to which the state should interfere with property rights is no doubt highly disputable, but it at any rate exceeds the degree contemplated by anybody in the nineteenth century except confirmed socialists. We must, however, remember that the kind of state interference in industry to which the early advocates of "laissez faire" objected and which they had largely in mind was on

the whole itself directed more to the defence of vested interests than to the general good, and also that the kind of interference which the German and Italian governments practised had as its primary aim something quite different from the alleviation of the lot of the poor. But while the ends actually pursued by totalitarian states have often been very bad, surely, granted the goodness of the ends, there would be something very fine in the idea of organising all the citizens of the state to act together for the common good in peace, and not only in war, instead of leaving them, as in the state of the "laissez faire" type, to compete for the sake of their own individual good in the hope that the clash of conflicting wills may somehow benefit the whole? The former idea surely gives the state a better moral basis than the latter. There remains, however, one fact which limits the attainment of this ideal by totalitarian methods: the citizens must be real individuals. If not, we shall be without the material to build any good community. The state will be like an elaborately constructed milling machine which has only chaff to grind and not wheat, or like a wonderful safe which contains nothing but dust and ashes. And how far they can be real individuals under a system of rigid coercion may be questioned. By "real individuals" I mean beings with freedom, intelligence, initiative and responsibility. That men should possess these attributes is either an end-in-itself or at least a necessary condition of the attainment of much that is an end-in-itself in life. Secondly, the end of the state must be good.

I do not think, however, that all the "rights" are in the same position relative to the state. This brings me to my third point, which is that it may well be that the totalitarian view is not far wrong in one sphere of life, the sphere of economics, but altogether wrong in regard to questions like those concerning the right of free speech. I do not mean that the selfishly nationalist economic policy that has been pur-

sued by most totalitarian states is a good one. Nor do I mean that we should necessarily have a system of state socialism in which the state runs all industries. Such a system has indeed not been imposed by most totalitarian states, and it may be that it would not make for the greatest good; but whether it or some other less socialist economic system should be adopted must be a matter of expediency to be decided by complex economic and psychological considerations, including the general repercussions of such a system on individual liberty and other non-economic rights. What is clear is that the profit-making activities of individuals and associations must be at least strictly controlled, if not superseded, by the state, and the alleged right "to do what one likes with one's own" must not be allowed to stand in the way of such regulation for the general good. There are difficulties about partial control without complete state ownership, but even complete state ownership does not necessarily imply complete state control, and it is obvious that in the two world wars, just when the need for efficiency was greatest, industry has been subjected to a very large measure of state control without the establishment of state ownership or of anything like a complete socialist system. This has worked, if not with complete efficiency, at least with sufficient efficiency under conditions of unprecedented difficulty, as we have now seen demonstrated, to win two wars against an extremely powerful state, which, whatever its faults, was aided likewise by a system of state control, by universal admission extremely efficient. In Germany similar control falling short of state socialism was practised in peacetime and, bad as the economic condition of the German workers was under it, this was not because of state control as such but because state control was directed mainly to securing armaments for aggression instead of more genuinely useful commodities. Indeed the economic feat of Germany in financing her rearmament, deplorable as were its

motives, must be regarded as a most remarkable accomplishment which, had it been directed to peaceful aims instead, would no doubt have raised the German standard of living enormously. Thus, as I have said, one of the most important problems which politicians have to solve is the combination of something like totalitarianism in the economic field with individualism in regard to such rights as freedom of private life, speech, literature, and association. I do not see why this cannot be done, *provided* there is a general desire to respect these rights; and if it cannot be done in regard to a particular brand of socialism, that would be to my mind a fatal objection to adopting the kind of socialism in question. Even if we grant economic totalitarianism in the sense that general economic welfare must not be held up by the assumption that a man, provided his behaviour is not actually criminal, has a right to do just what he likes with his own property, this is not to say that economic welfare is the only thing which matters. One of the chief criteria for deciding how far socialism is desirable should be its indirect effect on individual liberty. That rich property-holders should be treated justly as well as other people, that it may not be desirable to establish what would be an ideally fair system in the abstract when its establishment would involve the grave disturbance of a sudden revolutionary change, that within certain limits it is, other things being equal, a worse hardship to be deprived of a standard of life to which you are accustomed than not to have your accustomed standard raised, are mitigating considerations which, however much they have been overstressed in the past, still deserve some attention. But what I want to emphasise is that the individual's "right of property," except in so far as it means the right to the minimum needed for a decent human life and for reasonable liberty to express one's tastes in one's personal possessions, is in a very different position from a right such as that

of free speech. This would still be true even if we decided that anything at all like a socialist system should be avoided because it interfered with rights other than property or because (as some persons contend) it would mean that there was so much less wealth produced as to outweigh the advantages of its more equal distribution.

Here it may be objected that it is arbitrary of me to distinguish some rights from others in this way, but the objection can easily be met by pointing to a quite simple, fundamental distinction between the rights the value of which I stress and the rights in dealing with which I am more inclined to adopt a totalitarian view. The difference is this: The rights whose value I stress are rights to control one's own life; the rights or alleged rights of which I am suspicious are claims to control the lives of others in greater or lesser degree. Though under any political or economic system we must to some extent allow ourselves to be controlled by others, I cannot possibly regard anybody as having an inherent right *per se* to exercise such control. Other things being equal, it is much better that an individual should control his own affairs than have them controlled for him; but, other things being equal, it is better that his affairs should be controlled by the state than that they should be controlled by other individuals mainly with a view to the interests of the latter. What is property? In the form of money, land, or industrial capital, or indeed in any form except that of goods actually consumed by their owner or his family or articles for their personal use, it is the power to control the labour and economic position of other men. This is a power which on grounds of expediency must be given to all adults to some extent but which from the nature of the case they cannot be allowed to exercise indiscriminately. Indiscriminate control of the labour and economic position of others is for the others slavery.

Individuality and individual freedom are sacred things; but for this reason we must put a check on so-called rights which are really claims to interfere with the individual freedom of other men and distinguish them from rights which only involve a claim to express one's own individuality and control one's own life. No doubt we must not press the distinction too far, since I cannot alter even my own individual character without affecting others indirectly; but still there is a very clearly marked difference between the claim for what is *primarily* a right to manage one's own life and the claim for what is *primarily* a right to control the labour and so the lives of others. No doubt the right of free speech, for instance, is or involves the right to try to influence others, but since they need not listen or agree, it is not a right to control others. Where they are compelled to listen, the right becomes subject to certain restrictions as in the case of education. No doubt by exercising the right of free speech a man may in a sense indirectly interfere with the liberty of others, since he may lead them to adopt foolish opinions or incite them to foolish actions, and if a person has foolish opinions or has acted foolishly his liberty in subsequent actions may in consequence be diminished. But there is a radical difference between influence, which it would be impossible to avoid except by making every man live like Robinson Crusoe, and coercion by state penalties or by fear of economic harm due to the exercise of the property "rights" of individuals. Further, in so far as freedom depends on right opinion, it seems true that free speech will on the whole increase freedom by making it less difficult to arrive at right opinions. That it helps toward this end was in fact the chief argument used in its favour by the individualist Mill, and he used it with great cogency. It gives men chances of deciding freely which they otherwise would not have had, since they could not have heard both sides. No doubt among the rights which

concern primarily oneself is the right to that minimum of property which is necessary for a decent, fully human life; but this is very different from the so-called right to the use of large possessions irrespective of the common good, though it may shade off by imperceptible degrees into the latter.

A further point arises here: there is a sense in which all possession of money implies a control over somebody else's labour, but a poor man has usually no control over any specific person's labour (outside his own family, at any rate) except in a degree too small to give him much power over others. If I buy a loaf of bread it would be absurd to say that I had thereby interfered with the liberty of the farmer who grew the wheat out of which it was made; but it would not be absurd to say this of a millionaire who bought up a large proportion of the wheat grown in his country. Yet the right even of poor purchasers may have to be limited to some extent for the same sort of reasons as those which limit the property rights of millionaires, as by rationing, or by forbidding them to purchase goods which did not conform to certain conditions, though the prohibition might not be imposed on them directly but only indirectly by forbidding a shopkeeper to sell them these goods. Or it might be desirable to prevent everybody, including quite poor people, from investing what money they had in certain ways that were harmful to the nation. The general principle may be put like this: rights of the individual to control his own life should be respected as much as possible, alleged rights to control the lives of others should be admitted as little as may be. The first constitutes a good, the second an evil, if sometimes a necessary evil. The former rights are indeed rights mainly because it is for the general good that they should be respected; but *primarily* they are self-regarding in the sense that they benefit others chiefly because they first benefit directly the individual who has them. (If they were not self-

regarding in this sense, they would more naturally be called not rights but duties, even though from another point of view to do one's duty might be regarded as a right.) Owing to its peculiar character as indirectly controlling the labour and earnings of others the property right is most apt to pass into a right of the second kind, but it is not the only case of such. Thus control of one's family far beyond what is for its good has very often been claimed as an individual right, not so much at the present day in Britain or America but a great deal in other lands and ages. Mill was actually driven to say, "One would almost think that a man's children were supposed to be literally, and not metaphorically, a part of himself, so jealous is opinion of the smallest interference of law with his absolute and exclusive control over them; more jealous than of almost any interference with his own freedom of action; so much less do the generality of mankind value liberty than power." [38] The right of free speech has indeed itself been opposed on the ground that it hurt the feelings of people to know others were propounding views which they thought abominable; but I should agree with Mill's reply to this: "There is no parity between the feeling of a person for his own opinion, and the feeling of another who is offended at his holding it; no more than between the desire of a thief to take a purse, and the desire of the right owner to keep it. And a person's taste is as much his own peculiar concern as his opinion or his purse." [39]

Finally, there is a sense in which the absoluteness of the state must be admitted, though it is a sense which comes much nearer to being a trivial tautology than the totalitarian would allow. By definition, it may be said, the state is the sole supreme authority, for whatever organisation decides any question is either acting illegally or acting on behalf of

[38] *Liberty*, p. 160 (Everyman ed.).
[39] *Id.*, p. 140.

the state or at least in accordance with the permission of the state, which the latter could revoke any time it chose. No doubt in any state a vast number of particular questions are left for individuals to settle by agreement or by an informal exercise of tact, and others are settled by non-governmental associations within the state; but who decides which affairs are to be thus left except the state? As we have seen earlier,[40] it is true that the individual might have legal rights against what would usually be described as his own state; but this is only because his state might be legally limited by another state. For an international government which enforced laws on the nation states would itself be a state. It may be the case that the organisation which decides what is to be done in certain spheres of life is different from the organisation which decides what is to be done in others and does not even owe its authority ultimately to the same organised community. Thus in a federal state with a written constitution the individual will be subject to the federal government in some respects and to the local government in others. In time probably no nation state will have supreme legal power over its subjects as it has now, but will be limited in certain respects by the decisions of a world government, while this institution is likely also to be prevented from being legally absolute by a written constitution which forbids it to interfere in certain internal affairs of any state without the consent of that state. But it remains true in a sense that, as long as there are states at all, every part of life must be subject to the control of a state, though not necessarily of the same state. This does not mean that the control ought always to be actively exercised or every part of life regulated by laws; there are many spheres of life where state interference would generally do much more harm than good. The absolute power of the state is in most cases—thank good-

[40] *V.* above, pp. 24ff.

ness!—an academic legal conception rather than an ideal of ethics or a statement of actual fact. But in the *verbal legal* sense it is hard to deny, if it merely means that, since all *legal* rights are derived from a state, nobody can have *legal* rights against his state (though he may well have legal rights against the executive government) unless the legal rights are derived from some other, perhaps a supernational, state. The state decides what the laws shall be, and therefore it can do anything without illegality except in so far as it is in some respect legally subordinate to another state. But this abstract academic point does not alter the two plain facts that it may do monstrous wrong and that in actual practice it may be quite impossible for it to enforce its laws. Further, it does not even rule out the possibility of the individual being under two states at once, which, in different spheres of life, both fix what is legal, unless we, in dealing with such cases, prefer to give the name of "the state" to the *two together* as organised politically in such a way as to decide which sphere of control belongs to which. Nor does it imply that in every existing state there is or necessarily ought to be any single body which is sovereign in the sense of being the ultimate recognised authority on all points that concern the state. And it can only be squared with the fact that in some states there are fundamental constitutional laws which there are no legal means of altering by making "the state" equivalent to "society as politically organised" and including these laws in the "political organisation," though they may be the work of a legislative body all the members of which have long since died. We must be quite clear above all that the fact that it is the job of the state to decide does not mean that what it decides is necessarily right, for the state may, like an individual, fail to do its job well. The sense in which the state is absolute is therefore far less important than the senses in which it is not absolute.

Those who, for example, defend the rights of the church against the state are maintaining either that the state should make it a law or unwritten principle of policy never to interfere in church affairs, or that the church should transform the existing state by bringing it under its influence. It is, if one sees the issue clearly, not the legality but the morality of the state laws which affect the Church's interests adversely that is at stake. For the "laws of God" to which the church appeals are only laws in a different, though "higher," sense of the word from the laws to which lawyers as such appeal. The conception of "natural law" as opposed to that of political law I cannot understand except in so far as it means the ethical principles which ought to govern law-making, as opposed in many cases to those which actually do. It seems to me that the use of the same word "law" to cover political laws, moral laws, and causal laws, is not founded on any relevant community of character and is a linguistic misfortune.

To turn now to the individualist side of the case, the first point that will occur to most is that the forms of totalitarianism against which we have been fighting have sacrificed individual rights not for the sake of real goods but for the sake of the pseudo-goods of successful aggression. It cannot be held that this is a necessary concomitant of totalitarianism; there are indeed examples to the contrary. But a totalitarian state will be more likely to fall into this criminal error, both because the class at the top is much more likely to have a strong desire for military glory than the mass of the population, and because the plea of military necessity is such a useful excuse for the imposition of a strict and ruthless discipline and provides such an effective platform appeal to distract attention from grievances against the government and to brand dissentients with the stigma of lack of patriotism. Hobbes's principal argument for a totalitarian state was the

need for security, but the tendency of modern totalitarianism to produce war of a kind which threatens the security of everyone, incomparably more than most wars of Hobbes's day, renders such an argument nugatory at the present time except when war has actually broken out or is immediately threatened. This brings me back to the question whether there is any chance of rulers being appointed who are good enough to be safely trusted with the vast powers possessed by a totalitarian government, a question to which much of what I shall say in my chapter on political democracy will be relevant; but it is important to ask whether the objections to totalitarianism are dependent on the nature of the doctrine or on the impossibility of finding rulers fitted to carry it out in practice. So I shall confine myself here to making points which would have to be made, however good were the rulers of the totalitarian state.

Now, however good the totalitarian rulers were, it would remain true that the good of the state is the good of the individual in the state. I shall contend in the fourth chapter that there is no reason whatever to think of the state as a kind of person or super-person; but even if there were I do not see what possible reason there could be to think of the good of that super-person as different from the good of the individuals in the state. It may be the duty of an individual to do what is commonly called sacrificing himself for the state; but what he is really doing is sacrificing himself for the good of other individuals in the state, though it may be impossible to specify definitely which individuals will benefit by the sacrifices and how much each will benefit. If a particular aviator by a heroic sacrifice of his own life brings down two aeroplanes of the enemy it is impossible to say which of his countrymen will benefit by this, since we do not know whom the hostile aeroplanes would have killed or injured. His action may contribute toward victory in the war, which

will benefit almost everyone who survives, but we cannot either say that his not sacrificing himself would have altered the ultimate result of the war or fix a proportion of the good accruing to each man from victory which can be placed to the credit of the aviator. The same applies to many peacetime activities; for example, we cannot say which people would have fallen ill if there had been bad drains. We can thus see clearly that both in peace and in war there are certain activities which as a whole contribute to the good of the individuals in the community without its being possible to point definitely to a number of individuals and say that these are benefited. Further, just as it is a commonplace of ethics that the individual cannot attain even his own true good by ruthless and selfish aggrandisement at the expense of other individuals, so it must surely be with the state relatively to other states, whether the state is just an organised group of individuals or has a kind of personality of its own.

Having realised that the good of the state is the good of the individuals in the state, we must remember, when a man is asked or ordered to sacrifice his rights for "the state," that among the individuals who make up the state is the individual in question himself. This is very important because in most, though not all, cases of a law regulating action it is the individual whose actions are regulated who is affected most, though the bad effects, if any, on his interests may be outweighed by the good effects on the interests of others. He must count as one, though not as more than one; and if all the individuals were completely sacrificed, the good of the state would be completely annihilated.

But not only are individual rights valuable to the individual who has them, they are valuable also to the community—that is, to other individuals. An individual whose individuality is developed has a better chance of serving the community, for even an unskilled labourer serves the community or

otherwise not only by turning a machine so many times a day, but by his social relations toward all those with whom he comes in contact. If his individuality is developed properly, he will be a better friend, a better husband, a better parent, a better fellow-worker, trade union or church member, etc. Now for his own individual development a man needs security, fair treatment, at least a decent minimum of property, freedom to manage his own life, education, freedom to form his own opinions, freedom of worship, and the opportunity of useful but not excessive work. On these needs are based the rights which I have discussed. And since adequate individual development is necessary if the individual is to serve the community well, they are needed by the community also. If through a shortsighted estimate of its good the state goes too far in sacrificing individual rights for what it takes to be the good of the community, it is not only the particular individuals wronged who will pay for this violation of rights but the community as a whole. As I hope our survey has made clear in detail, individual rights are based partly on the good of the individual who has them and partly on the good of those whom he affects (though, when we are considering rights in general as distinguished from the rights of a particular individual, these are not different people, since all have rights and all are affected by the exercise of these rights by other individuals). The individualist is apt to err through overemphasising the former aspect, the totalitarian through overemphasising the latter. Further, the individualist is apt to forget that the individual can only find his own best individual development in striving to benefit others, and the totalitarian that in order to serve others well he needs to be well developed as an individual himself. The individualist is apt to treat each individual only as an end-in-himself, the totalitarian only as a means; in fact he is both end and means, and he cannot be a really good means without

being satisfactory as an end-in-himself or a satisfactory end-in-himself without being a good means. (Kant's famous principle is not that a man should never be treated as a means, but that he should never be treated *only* as a means.)

But, when all is said and done, we must remember that it is not only oppression by governments or general conscious interference by others which keeps men in bondage. When we discuss political matters it is difficult to avoid falling into the error of speaking and thinking as if the establishment of a good constitution and the making of good laws were itself the whole battle, but in fact these will be of little value if the individuals who work them are not good. Complete respect for individual rights as a merely political fact will not by itself make men free in any worthy sense of the word. President Roosevelt's four freedoms depend not only on the removal by law of external menaces to them but on the conquest of self with its ill-regulated desires and prejudices. In the absence of the latter people will still go on suffering in some way or other from fear, want (unsatisfied desires), and lack of freedom in speech, thought and worship. This means only that the whole of life cannot be redeemed by politics, not that what the politician can do is unimportant. "Conventional beliefs," Dr. Delisle Burns thinks, "hold men enthralled so completely that probably not half of the abilities of common men are 'in play' in the ordinary conduct of life. . . . The 'instinct' of admiration or of fear may be natural; but what to admire or to fear has to be learnt, and, as most of us have learnt from our grandmothers, most of us are wrong. . . . There are traces of forces not operative in ordinary life which come to the surface in crises, for example devotion to public service in war. And, again, modifications in government have actually brought into play abilities hitherto unsuspected. The conclusion from much evidence of this character is that the available supply of personality is much

greater than the amount we already use, and that infinitely more can be made available. But perhaps some of the chief obstacles to liberty are psychological, 'within' the minds of persons, if one may use that metaphor. Men are in reality freer than they think they are, but in thinking themselves unfree they enchain themselves." [41] Considerations of this nature should be borne in mind by all who believe that the common man is unfit for real individual freedom or for democracy. It is his chief right to be made fitter.

[41] *Journal of Philosophical Studies*, Vol. III, no. 10, pp. 196–7.

CHAPTER III

DEMOCRACY

1. *Introductory*

HAVING DEALT with the rights to individual freedom, let us turn to political rights. At the moment the strongest argument for the form of government we call democracy is Hitler. I mean that the main alternative which has recently flourished in the world is so completely anti-ethical and disastrous in its nature that the advocate of parliamentary government, or as we are apt to call it now, democracy, has his task immensely simplified by being able to point to recent examples of the terrible evils which existed in those highly developed states that had deserted democracy. His task is, therefore, much easier than it was twenty years ago when people knew by experience the defects of representative parliamentary institutions but did not know so well the defects of other forms of government or had partly forgotten what they knew of them. It is also true that the rise of democratic forms of government in the nineteenth century was due much less to the theoretical case for democracy as such (though this has played some part) than to the abuses of existing anti-democratic governments. But it would ill become the political philosopher or, for that matter, the practical politician, to rest his case for the form of government he approves mainly on the abuses of which its most prominent opponents are guilty. Granted that Hitler governed worse than the American President or the British Parliament, might not a dictator who was really qualified morally and intellectually for his post govern better than either? We must

therefore turn to the main positive argument for a predominant democratic element in government, in order to arrive at a satisfactory conclusion.

Now it may be objected that if "democracy" means government by the people it is a misnomer to call Britain or the United States a democracy. The voters do not govern, they do not themselves frame or carry out a policy, they merely decide between very general outline policies presented to them and choose people to govern them. If the word "democracy" is used strictly, the most that we can say of any modern state is not that it is a democracy but that there is a strong democratic element in its system of government. The nearest approach to pure democracy is to be found in Athens and some other Greek cities in classical times. These cities did not elect a parliament; every citizen had a right to sit in the assembly which constituted their only parliament and which decided all matters of importance, even matters that no statesman would dream of referring to the discussion and vote of a modern parliament, such as the number of troops that should be sent to a given battle front. In order to see that the people did really govern themselves they even went so far as to select most of their executive officials by lot, so that no man having influence or even special ability should have any advantage over any other and that all who wished should have the chance of holding office in rotation, since appointments were only for a short period. Anything else would to their minds have been undemocratic, though it is interesting to note that the Athenians did not apply this principle in the case of generals, who were elected by vote and not by lot. After all their lives might depend on having good generals. One Sicilian democracy seems to have been more consistent and to have applied this strange method to the election of generals. It is not known what the results were. Aristotle laid it down as one of the two principles of

democracy that everybody should rule and be ruled in turn.[1] (He did not agree with this principle but mentioned it as one of the two admitted principles on which democracy was founded.) Now such a form of democracy does not occur in modern times; it would obviously be impracticable except in a very small state, and it presupposes for its effective working that most of the citizens have the time and inclination to make politics almost their chief interest and occupation in life. These conditions were realised in classical Athens; but they are not likely to be realised in any modern state. Our democratic principles express themselves in the much more moderate course of deciding who shall govern us and thus the very general principles according to which we shall be governed, leaving anything more detailed largely to professional politicians and civil servants. For the sake of convenience I shall use "democracy" in the weaker modern sense.[2]

2. *The Argument for Democracy from the Principle of Consent*

As I said earlier, the rise of modern parliamentary government has been no doubt due much more to the abuses of its predecessors than to any theoretical reasoning about the virtues of democracy. But we may nevertheless trace three lines of argument, each of which played a great part in strengthening the modern democratic movement and providing the intellectual background for it. There is, first, the idea of government by consent, that a man can only be under

[1] The other was that everybody should live as he liked. This is interesting as showing the connection in Greek minds between individual liberty and political rights. I think that the totalitarian character of Greek city states has probably been very much exaggerated.

[2] A precise definition is not practicable, at least at this stage; but we may say that a state is more or less democratic in practice as the people have more or less share in controlling their government. I give the fundamental principles without the observance of which we cannot speak of democracy at all on p. 154.

an obligation to obey the state if he has explicitly or implicitly himself consented to be ruled by it. The wide prevalence of this idea is shown by the fact that even anti-democratic theorists have usually thought it necessary to base their argument in some indirect way on consent by introducing the notion of a contract or claiming that their government is the expression of the "real," if not the ostensible, will of the people. Even the most authoritarian governments indeed usually claim that not only the real will but the actual consent of the bulk of the people is behind them, thus doing even fuller homage to the democratic principle of government by consent. We may instance the frequent plebiscites of Hitler. I think, however, that anti-democrats would pursue wiser tactics from their own point of view in theoretical argument (though perhaps not in the hurly-burly of practical politics) if they flatly repudiated the principle of consent and contended that what mattered most was that people should have the best government, not the government they thought best. For if the government owes its authority to consent at all as an ultimate principle, it must surely be the consent of its living subjects, not their remote ancestors, and the actual consent or will of its subjects, not their implicit consent or "real will." (To base the government on their real will as opposed to their actual will can only mean that they would have consented if they had been really wise and good, not that they in fact did so.) Logically the principle of consent surely leads to democracy, and the extraordinarily large extent to which the principle has been used by people with all kinds of views about political government is a measure of the extent to which democratic ideas are rooted in the human mind, however ill thought out they may too commonly be.

It may be objected to my assertion of the democratic character of the principle of consent that the bulk of the

people may consent to a dictatorship, but the reason why such a government is not democratic is because the people, even if they consent to the one decision to support the dictator, thereby forfeit the power to make the government ever afterward subject to their consent. Consent is not sufficient to make a government democratic unless it is dependent for its existence on this consent. It has often been asserted that all governments, and not only democratic governments, are dependent on consent, because, if the bulk of the population were violently opposed to the government and did not at least passively acquiesce, government would become impossible; but mere passive consent to a government in order to avoid greater evils is no more like active consent than giving my purse to a robber who demands my money or my life is like freely buying some article for my own pleasure. Concentration camps cannot be said to be governed democratically because the inmates submit to the commander peaceably for fear of being tortured if they do not.

The trouble is not that the principle of consent could legitimately be used to justify any existing government—it cannot—but that if carried to its logical conclusion it would be incompatible with any form of government whatever. For there is always liable to be a minority which does not consent to the decisions of the majority. Has the majority therefore no right to compel them to obey the laws with which they disagree? It may be said that, though they may object to a particular law, they at least consent in general to obey the decisions of the majority. But suppose a minority who disagree with the principle of majority rule altogether. They have not consented to the rule of the majority and therefore according to the principle of consent they are not bound to obey it. Has the state no right to coerce them under any circumstances, however lawless and objectionable their behaviour? Perhaps it may be rejoined that they ought

to form a new state of their own, but this solution is not always practicable. Not all discontented minorities can form separate states, especially if they do not constitute territorial units but are scattered all over the country, as is more usually the case. Emigration is not always possible. It may however still be contended that, while no government can ideally satisfy the principle of consent, at least the nearer it comes to this the better, and that a democratic government is one which comes as near to the full realisation of the principle as could reasonably be expected.

Now government by consent is no doubt a good ideal as far as it goes. It is degrading a man to say that he shall have no share at all in deciding who is to control his life as far as this is controlled by state law. If he is at all capable of rising to a share in self-government, the permanent refusal of this is likely to have a bad effect on his character, his intelligence, his self-respect, his happiness and his sense of freedom and responsibility. Again, government by consent increases the scope for government by discussion as opposed to government by force; and men are more apt readily to obey laws which they have had some share in passing. It would however be very difficult to maintain either that it was self-evident that no person ought to be governed except by his own consent or that this principle ought to override all considerations of utility. We have seen that it could not under any government be carried out with complete consistency, and few would maintain that all people, however uncivilised, have a right, irrespective of consequences, even to that amount of democracy which we enjoy in this country. It may be good to be governed only by one's own consent; but, if government by consent of the governed in a particular case does mean thoroughly bad government, it may be desirable to make the sacrifice of liberty involved, though it would still be a serious sacrifice. And there are people who

have argued that democratic or parliamentary government must always be bad government.

The assertion of a natural right not to be governed against one's consent is therefore by itself no adequate basis for democracy; but the desirability of full consent by the governed certainly does constitute an argument for democracy, as far as it goes. The argument is seen at its strongest when we reflect that a government may at any time ask its subjects to risk their lives and undergo the horrors of war and that even in peace its economic policy, if ill-judged, may destroy the livelihood and happiness of hundreds of thousands. Surely it is a denial of human rights to ask people to face these perils without giving them the opportunity of expressing agreement or disagreement with the policy on which their whole welfare depends.

3. *The Argument for Democracy from the Need of Representing All Views and Interests*

A second argument for democracy is that which was made a mainstay of Rousseau's political philosophy. Rousseau thought that, if all citizens had a vote, since all points of view and all particular interests would be represented, the different interests would cancel each other out and the different points of view supplement each other, thus giving the point of view which really suited the interests of the community as a whole. That seems to have been the reason why he supposed that in democracy voting would tend to give us, not merely the will of all, but "the general will," as he put it, the will which really expressed the needs of the community. And he seems to have assumed that in a democracy there would be no risk of oppression or violation of individual rights, because a people could not oppress itself or violate its own rights. Had Rousseau written now, and not, as he did, prior to any experience of democracy in the modern

world, he could not have been so optimistic. A man will not deliberately oppress himself, but both a man and a collection of men voting in a democratic state may make a mistake as to their real interests and so involuntarily harm even themselves; and the majority might well support unjust treatment of a minority. The fact that the latter may become a majority or may at some later time hold a key position for determining who will form a government, as did, for example, the Irish Nationalists in Britain between 1910 and 1914, though a valuable safeguard, is no complete protection, especially in the case of permanent racial minorities; these will no doubt be very much better off under a genuine parliament with a free press than under at least the modern types of autocracy, but we cannot count on justice always being done to their interests. This is not a criticism of democracy, for no government can provide an absolute security against oppression; but it suggests the importance of distinguishing between political and civil rights. The possession of the first is no complete guarantee of the second, both because people do not always realise their own interests, and because what is slightly to the interest of the majority may do harm to a minority that immensely outweighs the slight advantage to the majority. On the other hand, as we shall see shortly, there is a close connection between political and civil rights; and Rousseau's argument possesses a considerable validity if not carried to the extreme.

It does remain one of the strongest arguments for some form of democracy or representative government that under such a constitution all points of view and all different interests are represented in some degree. Any non-representative form of government is government of the whole by a class (whether that class has grown up in the natural economic development of the country or has been artificially organised by politicians as with the Nazi or Fascist parties in Germany

or Italy), and history gives the most impressive evidence that we cannot trust any class adequately to look after the interests of other classes who have no share in the government. It is not only, or even chiefly, that they will deliberately further their own interests at the expense of those who have no voice in the matter—though there is no doubt quite enough of that and to spare—but they will unconsciously forget the interests of these other classes or will fail to see where their interests lie through want of experience of their point of view. Recent psychology in its insistence on the unconscious influence exercised by desire on judgment and on action even against reasoned conscious effort thus strongly supports history in pointing to the dangers of class government. As long as the government of countries was under the control of an exclusive aristocracy and the working class neither had votes nor seemed within a reasonable distance of obtaining them, there was little talk of "social reform." If a class cannot express its point of view, that point of view will be overlooked, and attention will be engrossed by the claims of those who can express theirs, for on their support the government depends. And if all classes and all points of view are represented, the chance will be much greater that as a result of discussion and interplay between them there will be evolved a better policy than any single class could by itself have produced. This is quite apart from any mystical notions of the "general will"; but when we realise how at the best in a good committee or a gathering of friends new ideas may emerge which were not contributed by any member alone and could never have taken shape or been suggested but for the constructive work of discussion,[3] we can understand how enthusiasts might entertain ideas of a will that is different from and superior to the individuals that make up the community. Certainly if there is anything that can at all

[3] For an inspiring account of this process *v.* Follett, *The New State.*

appropriately be described in this way, it is to be obtained by the free discussion which a liberal regime affords and not by slavish subservience to a dictator, even one of infinitely higher mental and moral calibre than Hitler or Mussolini; but one must not overlook the possibility that discussion may be conducted in a different spirit and may result in a compromise which combines rather the disadvantages of the different conflicting proposals than their advantages. But it may be contended that the best chance of the former type of decisions is given by a representative government, and that the latter is equally possible under other forms.

It is also true that, if a line of policy is to succeed, it should be in harmony with the spirit of the people, and the likeliest way, though far from an infallible way, of finding out whether it is would be by voting on it. An essential part of the laws is their carrying out, and they will not be carried out in the best way—I am not referring merely to the risk of open defiance—if most people are opposed to them. Even where the majority in favour of a measure is very small, so that almost half the people are against it, and yet it becomes law, it is almost certain that, before it has gone through parliament, it will have been amended in such a way as considerably to mitigate the effects which the opposition think undesirable and so make it less difficult to carry out the measure.

This line of argument again cannot prove representative government to be right for all countries under all circumstances. If intelligence, political interest or good will are too low, a wise man or a wise class may produce for the time at least a better form of government.

4. *The Argument for Democracy from its Educational Value*

I said "for the time," and this brings me to the third line of argument used for a democratic type of government, that

of John Stuart Mill.[4] He argued that, even if we suppose an autocracy or oligarchy in which the rulers were ideal men and set it against a democracy composed of ordinary, fallible human beings as they are today, the autocracy or oligarchy would still be the worse form of government. For by preventing the people from exercising their liberty despotism must sap their self-reliance, their energy, their character. No man can develop his character, no man can really be a man unless he has liberty, and if this is taken away from him or never bestowed on him in such important matters as those with which political government deals, the results for his development must be very serious. It is the active, not the passive, type of mind which can alone improve conditions and make the best of life, and activity can be fostered only by freedom. A people may misgovern themselves, but it is better that they should do this than that they should be well governed by somebody else. For, just as a child would never learn to walk if it were never allowed to try for fear it should fall, so a people can learn to govern themselves only if they are given a chance of trying, a chance which they are sure to abuse at first in some respects. "It is not the executions and orgies of a Nero," Mill says, "it is not the excesses of the tyrant of old-fashioned history books and children's stories that constitute the main argument against despotism. When these do occur they only affect a few individuals. It is the subtle but inevitable sapping effect on the virility of spirit, intellect and moral energy of those ruled by it that affects the whole people." Mill goes so far as to declare that in a country at all advanced in civilisation a good despotism, unless strictly temporary, is really worse for the people governed by it than a bad one because it deludes them into thinking that all is well and so passively submitting, while a bad one goads them into revolt. The only good despotism

[4] *Representative Government*, ch. III.

would have to be a despotism which by increasing the political liberty of the citizens governed by it prepared the way for its own extinction as quickly as possible.

Undoubtedly this argument would be conclusive if democracy meant liberty in all spheres of life, but it may only mean liberty in one sphere, politics. The importance of that particular liberty must not indeed be underrated. Apart from its effects in the direction of good or bad government, it is certainly true that political activity for the individual himself who engages in it in even a moderately unselfish spirit serves a very valuable purpose by bringing him into touch with wider interests and issues than those of his personal affairs, by leading him to think even for a short time of something bigger than his immediate family circle. But while for some people interest in politics no doubt provides almost the only opportunity they take of doing this, almost their only intellectual interest, perhaps their only occupation beyond their daily work which has a value beyond that of mere amusement, it need not be so. There are other ways in which a man may transcend his private interests, if his education has not been grossly neglected. A non-democratic form of government that encouraged education and liberty in every sphere of life except politics would be better than a democracy that encouraged them in politics only. Further, in modern "democracy" political activity for most men means little more than voting, and the vote is not so valuable an exercise in liberty that it is worth while sacrificing for it the advantages of good government. Certainly, if democracy could be shown to be very much worse than other kinds of government in all other respects, that would outweigh Mill's argument: liberty in this particular sphere of activity, though important, is not such an altogether enormous advantage as to outweigh a very great amount of misgovernment. Mill argues that "leaving things to the government is synonymous

with caring nothing about them," and that if men engage in no political activities they will usually have nothing to take them out of their narrow circle of family interests and will have no sense of community because they will "have nothing to do for their country." But modern autocracies have insisted more strongly than democracies on the corporate sense and have been more successful in arousing it, though in very undesirable forms. Whatever accusations can be brought against Nazi Germany, that it left the individual no opportunity "to do anything for his country" is not one of them. No doubt it is better not to have a corporate sense than to have one which leads you to commit the atrocities that the Nazis have committed, but the instance shows at any rate that it is possible that a non-democratic government may arouse as strongly as a democratic one the patriotic devotion of its citizens. This is, if anything, even more clear in the case of Russia. What it does not commonly allow is the full direction of their intelligence to the service of the state.

No doubt we may grant that loss of liberty in the political sphere is apt to infect other spheres of life and make all other liberties insecure. We may grant that freedom of speech and the other essential civil rights are more likely to be respected in a relatively democratic than in a relatively undemocratic form of government. We may further grant that a community the members of which habitually think of themselves as under the control of a government over which they have no power and for whose actions they have no responsibility is a community much less likely to display freedom, initiative and intelligence in any sphere of life, even where this is legally permissible and even where civil rights are respected by the government, than is a community in which the democratic spirit is even to some extent prevalent.

I do not say that a democratic government necessarily leads to greater achievement by selected individuals in the

cultural field, though it should increase the area of selection from which these can be drawn and therefore the likelihood of their appearance. Its chief cultural value should rather be found in its effect on the mass of the people. This effect is exceedingly difficult to measure, since far less than one per cent of the population will succeed under any conditions in attaining the pre-eminence which would enable them to rank among the geniuses by whose achievements history commonly assesses the cultural level of peoples. Yet it is even more desirable at any particular time that the masses should attain an intellectual and aesthetic level adequate to appreciate the great works of the past in literature and art than that a very few should attain the much higher level required to emulate the works; and there seems little doubt that a relatively democratic form of government is more likely than a non-democratic one to secure the first at least, while, as far as I can see, not any less likely to secure the second. But when we have said everything that can be said about the educative value of political self-government, we must admit that the advantage of this, great as it may be, might well be outweighed by other drawbacks if the resulting misgovernment were great.

5. *Discussion of the Argument Against Democracy that Democratic Government Means Government by the Unskilled. The Rôle of the Expert in Politics*

A democratic form of government thus has great advantages because (1) it is the nearest possible approach to government by consent, (2) it is the only form of government in which all classes, interests, and points of views are represented, (3) the political liberty which is enjoyed under such a government has a beneficial effect on character and is in some respects a valuable education. But these arguments do not of themselves prove that democracy is always or ever

the right form of government for men. They show that it carries with it great advantages; but it might be retorted that it carries with it still greater disadvantages. The principal argument against democracy is too obvious to need much explanation. It may be simply stated in these terms: Democracy means government in which everybody has a share. But government is a highly specialised and difficult science, and most people have neither the leisure, nor the inclination, nor the special knowledge and ability to become masters of this science any more than they are capable of being, say, masters of the science of medicine. Therefore democracy means government by the unskilled; and this may be held to be as unreasonable as if the proper medical treatment for a given disease were fixed by a general vote in which the doctors had no more voting power than anybody else. For is not a whole state with all its interests an even more complicated thing and one even more difficult to handle than a human body, and therefore requiring even more special knowledge and skill? In ancient times it was Plato's chief charge against democracy that it thought everybody had a right to a political opinion and took no account of the need for special training, knowedge and skill; and there has been in recent years no lack of men who pressed the claims of government by experts as opposed to government by the people, though this is not the main argument on which anti-democratic governments that we have fought based their case. I think it is the most formidable argument with which the defender of democracy has to deal. The experts are conceived sometimes as scientists, sometimes as magnified civil servants or businessmen; and it would be generally agreed that we need both classes in government, even if the former are employed only in an advisory capacity. The expertness of the two classes differs in character in so far as the qualifications of the latter are to be found rather in their practical experi-

ence, of the former in their knowledge of general causal laws. There can be no question as to the necessity of both in a modern state; the question is: What sense is there in leaving any share in the government to anybody except experts, since experts will naturally do what they have to do quicker and better than the inexpert? Cabinet ministers resemble rather the latter class: they can be described as experts in so far as they have had long experience of handling political questions; but they are almost always less expert in the business of their particular department than are the principal civil servants under them. A reason which might be given to justify this will be mentioned later.[5]

I think indeed that the argument is fatal as against full democracy such as that practised in some cities of ancient Greece where all citizens acted as members of a modern parliament and really tried to do the business of governing themselves. But in the modern states called democracies the people do not claim to do the governing, they only appoint others to do it for them. It may indeed be objected that for this very reason they ought not to be called democracies, but the term has now come to be so commonly applied in this way that it is perhaps better to fall in with the general usage than to keep to the etymological meaning, just as it would be pedantic to decline to speak of "atoms" because it has been shown that they can be divided into electrons. No doubt the fact that the governing body, directly or indirectly, owes its authority to the voters is of enormous importance, for it does give the people indirectly supreme power to decide general principles if they choose to exercise it; but it does not mean that the people by their vote decide anything but these general principles. To carry the principles out is left to men who are, at least comparatively speaking, experts, subject only to the check that, if particular details diverge too much from

[5] *V.* below, p. 140.

the general principle or are offensive for some other reason, they may have to revise them owing to popular clamour. What a voter ought to decide, and what normally decides his vote, is chiefly the general spirit in which he would prefer the affairs of the country to be handled. Is a man so impressed by existing economic evils and social inequalities that he desires drastic changes strongly even if it may be somewhat risky, but not to the point of wishing for a revolution? Then he will vote for the Left. Does he value mainly stability and order and fear that, if we tamper much or rapidly with existing institutions, something very precious which is contained in the continuity of life and the traditions of our ancestors will be destroyed? Then he will vote for the more conservative party. I shall not try to formulate here the outlook of the Liberal, Communist, or Fascist; but they certainly seem to me to represent three other decidedly and genuinely different schemes of value. The economic factor operates mainly through affecting a man's general scheme of values.

This is the clue to the function of the party system in representative government. The ordinary elector is not on the whole a satisfactory judge of the merits of the individual candidates, and certainly not of the technical details of government policy; but he is given a kind of general control of the government through being able to choose between different parties, each of which is supposed to represent a distinctive general spirit of government and set of general ideas. I do not say that these can be expressed adequately in a precise formula, but the voter can at least go by his general unformulated impression. And this is, I suppose, what most voters do, more or less intelligently.[6]

One might imagine an ideal party system in which each party represented a certain general conception of the end of

[6] If, on the other hand, a sharp distinction in outlook between the parties is lacking, democracy works through each, inserting in its programme those measures which are thought to be supported by most voters.

the present policy of the state, and the voter would vote according to which end he thought better, but would in voting not consider the question as to what were the most effective means of carrying out this end, except in so far as the means involved evils, such as war or heavy expense, that had to be weighed against the advantage of attaining the end, or goods that had to be added to it. Experts, including both scientists and civil servants, would prepare a schedule of the important effects of any proposed measure, and the speakers in each party would dispute mainly, not about empirical facts, and likely consequences, but about the goodness or badness of these effects, emphasising respectively the advantages or disadvantages of the measure, according to which they thought more important. The voters would accept the experts' opinion of the facts and likely effects and vote according to which series of effects was more in accord with their ideal for their country or their sense of values. All disputing about facts would be done by the experts. This suggestion is based on my belief that, while scientific experts are naturally the best judges of means and forecasters of consequences, the decision as to ends is one which the individual cannot be rightly asked to surrender to experts. No doubt such a complete separation of questions of ends and means is not possible in practice, but we might come a good deal nearer to it than we are to-day.

It has indeed been said that democracy will work only if parties differ as to means but not as to ultimate ends. The truth contained in this statement is that, if parties differ too much about ends, or at least if either party thinks it more important that its own views as to ends should triumph than that democratic principles should be maintained, democracy is likely to break down, but some difference as to ends there is almost sure to be. For, though both parties may value the same things, there will almost certainly be a widespread dif-

ference between people in their estimate of the relative importance of their ends, and this difference, even if it does not correspond exactly to the division of parties, will affect the party struggle.

It is, however, most important in discussing this whole topic to realise the very limited extent to which a large modern state is or can be democratic, and the very great extent to which it depends on people selected to be whole-time experts in the work of government, such as cabinet ministers and civil servants. It is less true to say that the people of a modern democracy govern themselves than it is to say that they utilise experts (or supposed experts) to govern them. But it may not unreasonably be retorted here that my defence of democracy against the argument based on the need for special skill in politics has amounted to nothing but the assertion that the modern state is democratic only in a slight degree. This shows, it may be urged, that the evil—government by the unskilled—is present in a lesser degree than is sometimes thought; but it still must be admitted that it is present, since there is no doubt that the wishes of the electorate play at least some—I have admitted a very important—part in determining how they shall be governed. Now, since the decisions of the unskilled will always be less likely to be right than the decisions of the skilled, would it not be better to eliminate this interference by the unskilled altogether, or rather reduce it to the minimum which it assumes under an autocratic state, since even there the government cannot go too completely against the wishes of its subjects? Such an argument does not involve the denial that the good of the subjects, and all the subjects, is the supreme consideration in government. Those who use the argument may well believe in government for the people, but not in government by the people. They would say that, just as it is better for me for my own sake to obey the doctor than to decide for

myself what to do in matters where decision requires a technical knowledge of the science of medicine, it is better for the people for their own sake just to obey the experts in government, since they cannot possibly hope to be as skilled in the matter and therefore as likely to make right decisions as the experts.

That there is some force in this argument almost anyone who has lived through a general election will, I think, admit. A friend of mine once said that he found it much easier to prepare his logic lectures when there was an election campaign in progress, because he could easily find as many examples of fallacies as he needed by perusing election speeches. But it may well be that, while a complete democracy, in which the people as a whole tried to do all the work of government by mass meetings without experts, would be so hopelessly inefficient as to outweigh the advantages I have attributed to democracy, these advantages are purchased cheaply at the price of any relatively slight lowering in efficiency which may result from the presence of the limited democratic element in the states we call democracies to-day. Further, the question how experts in government are to be selected is usually left unanswered by these critics of democracy, and till it is seriously tackled their position is a purely academic one. If the experts are elected by the people as a whole we still have the democratic element; if they are appointed by a hereditary monarch, we cannot be sure that the latter will always be a suitable expert himself, and the dangers of giving such power to a single person are greater than those incurred in giving it to the people as a whole; if they are appointed by other experts, who is to select these experts? If a dictator is to provide the solution, is he any more likely to be a real expert than is a president or prime minister? One of the stock complaints against parliamentary government is that it is party loyalty rather than real merit which counts in

promotion to important posts; but if this charge is to some extent true of most parliamentary states, it was far more true of Nazi Germany and Fascist Italy. Worse still, there seems no way of putting the original experts in power or, if they prove unsatisfactory, replacing them by a new lot of experts, except a violent revolution. Again in politics experts usually disagree, and then what are we to do? From the fact that experts are better qualified than non-experts to decide, it does not necessarily follow that, when the experts themselves are divided, we ought to follow the majority of experts. For on whichever side the majority of the citizens vote in an election, they will almost always be on the side of some expert. The majority of experts have commonly enough opposed stubbornly the most valuable new developments in the subject in which they were expert. Again, it is contended that we can, even if not expert ourselves, judge of the experts by results. It is not necessary to be an expert in cookery in order to judge that a cook is bad; it is sufficient to be able to taste her dinners. Obviously this test is more difficult to apply in politics than in cookery because, while it is known that it is possible to cook good dinners, it is not nearly so clear in most cases whether a government could have averted a given evil without incurring worse evils; but it cannot be denied that it has some application. It does not take any expert knowledge to recognise the badness of most of the governments of the past which have been really very bad. Further, and this is a very important point, it is as good a psychological generalisation as any that irresponsible power corrupts, and so our experts after they had been in power some time would deteriorate.

But we should go deeper in reply to the objection. The analogy between scientific experts and experts in government breaks down at one vital point. It is admitted that scientific experts are better than unskilled persons at determining the

means to a given end, but this is not all that a government is required to do. A government has also to exercise selection in regard to the ends, and it is not so clear that this should be exclusively the task of experts. In what sense are scientific and practical experts expert? In the sense that they can find the best means to a given end. Knowledge as to what ends are good is reached by a different route and does not fall within the sphere of the natural sciences. There is no reason to suppose that a scientific or administrative expert will be better than an ordinary person at choosing the right ultimate ends at which to aim. Yet to know the best means is useless or worse than useless, unless right ends are sought by them. It may be objected that we cannot make a sharp separation between end and means; but in so far as this is true at all it only increases the force of my point, since it shows that experts in government are throughout dependent on judgments of intrinsic value, not only as to the ultimate end of policy, but as to every step they advise, in so far as every step is liable to be not only a means to something else, but good or evil in itself.

Now in the cases where we submit our will to the decision of the expert, which I quoted as analogies telling against democratic institutions, we do so because we take it for granted that a certain end should be pursued. We do not consult him *qua* expert about this, but merely wish to know the right means. We do not usually ask the advice of the doctor in order to decide whether it is a good thing that we should go on living and being healthy, or of the plumber whether it would or would not really be better if our burst waterpipes were not mended. Decisions involving valuation of ends, as whether we can "afford" to pay for the services of a given expert, which means whether the money could not be better employed by us for some other purpose, we do not usually delegate to experts. But in the case of political

decisions, it is not so easy to separate means and ends; and certainly the government has to make decisions about the latter as well as about the former. Now, while it is only reasonable to submit to the decision of the expert as to the best means to a given end, if he is a well authenticated expert, it does not follow that it is reasonable to allow him to decide for us as to ends. Yet that is what we are asked by the anti-democrat to do. In most political controversies differences of opinion as to the kind of ends which should be sought and differences of opinion as to the likely effects of certain courses are mixed up in very considerable confusion. For, even if almost everybody in a country is agreed that certain things, as economic prosperity, greater equality, improved education, order, liberty, peace, power, security are good, men will differ very much as to the relative importance they ascribe to these ends; and these differences will have a great share in determining which side they take in a given controversy when the different ends clash, as they must do to some extent, if only because of the limitation of resources.

If then we are to be governed by experts, they must be experts not only in the choice of means but in the choice of ends. This is where the modern appeal for a government of experts differs essentially from the appeal of Plato. The person who uses such an argument to-day will probably be thinking in terms of "scientific" experts (or perhaps businessmen), who would be good at finding out the right means to given ends. Plato does not indeed ignore the importance of means—the examples he gives are drawn from cases where this is what the expert claims to find out—but he realises that government requires knowledge of the good as well as of the causal laws which dictate suitable means toward attaining what its good, and he therefore looks for persons who will be experts in the good, in ends primarily, though no doubt also in means. Now the people who make a special study of

the good, more or less scientific, are moral philosophers; and Plato therefore says that philosophers ought to rule the state. But he no doubt overestimated the amount that can be settled in ethical questions by logical thinking. The contribution of the philosopher is much more modest. He can help in deciding, but as philosopher he cannot himself decide what ought to be done in particular cases. He supplies one factor where the purely scientific expert supplies another, and the good judgment of the practical man who has insight into the particular case a third. For ethical judgments require alike grasp of general ethical principles, empirical knowledge of the likely consequences of the action considered, and the insight into the particular case which enables one to bring it under the right general principles. One may indeed have even the first without being a philosopher, so that the contribution of the philosopher is of less value as to ends than is that of a scientific expert as to means; but this is not to say that it is of no value at all. Even if, as on some views, its value lay merely in removing confusions which prevent good judgment, the ease with which even intelligent people fall into confusion renders this a contribution of much importance. Only I think that what has been said points rather to the conclusion that the rulers should among other subjects study some philosophy in the course of their education, than to the conclusion that philosophers should have themselves a share in ruling. We need to carry the principle of specialisation further than Plato himself carried it and realise that the man who supplies the general philosophical principles that influence government need not, and in most cases should not, himself try to govern. To rule is so absorbing and exacting an occupation that it can hardly be combined with very much of the at once thorough and unhurried thinking about the most general abstract principles required of a philosopher.

Others have regarded not the philosophers but the "saints"

as the experts who ought to rule. And (except where they are guilty of a narrow fanaticism due usually to religious rather than ethical preconceptions) saints should have a better claim to the title of experts in judging the ethical character of particular actions than have philosophers. But their ability to decide what was right for themselves would not necessarily qualify them to decide how much should be enforced on others and what liberty others could be wisely allowed, and might even lead them to neglect many other humble matters which were yet of great importance to the ordinary person, or to pass unworkable laws. However, in view of the extreme unlikelihood of either saints or professional philosophers being asked to constitute the governing class of a modern state, it is perhaps superfluous to pursue the question further.

But it is not only the difficulty of finding experts to decide such questions which makes one much less inclined to leave questions of ends to experts than to leave questions of means. Another reason is that the leaving of questions of means to experts increases our liberty more than it restricts it, because it puts us in a better position to attain what we desire, since we thereby gain a better chance of using the right means. But if we leave the choice of ends as well as means to experts, we are asking them to decide what we shall seek, and not only the means which are the most efficient for securing it; and if anything is a surrender of liberty, this is. That does not indeed altogether settle the question, because the anti-democrat may say that the experts will know better what it is good for us to seek than we do ourselves. But I should need to have a very great deal of faith in the expert to believe this, when he chose for my benefit something which I did not want, unless he could show that I had overlooked the fact that it was the best available means to the attainment of something which I did want. Of course even the most totalitarian gov-

ernment does not decide all the ends which everybody is to pursue; but in so far as there is government control at all, as there must be to some extent in any state, it affects the ends people can pursue, if only by limiting the means at their disposal toward those ends, and therefore the relative desirability of ends is very relevant.

The main reasons why it is a much graver step to entrust one's ends to the decision of experts than one's means seem to be as follows: (1) It is very much more difficult to find real experts in the selection of ends, especially for other people, than to find real experts in the selection of means. The ordinary decently moral educated man may well be a better judge for himself in this matter than is the expert for other people. (2) Few people can be trusted to carry out with the fullest efficiency measures that conflict with what they regard either as to their interest or as good in itself, except under the fear of penalties, and still fewer to carry out what they think conflicts with both at once, as people generally will think, rightly or wrongly, if they hold that it conflicts with the former. If I agree with the end toward which a measure is directed, but think it ineffective as a means, I am much more likely to try my best to further the end with what means are allowed me, though I should prefer others, than if I disagree with the end. In the one case, the better I do the more I in general further an end which I desire fulfilled, though I think myself prevented by the means at my disposal from furthering it as much as I should wish; but in the other the harder I try the more I go against what I think best. Further, ordinary non-expert men are far more likely to have confident opinions in opposition to a law in so far as it is a question of ends than in so far as it is a question of means. Whether it is good as a means or not is usually much more difficult for them to decide. (3) If you choose for a person the ends he shall pursue you are degrading him below

the level of free personality. Carried out to the full this would mean complete slavery; a slave may be happy, and his master may consider his interests and order him to pursue good ends, but he will still be a slave for all that. Yet, if we once admit the argument that our ends ought to be settled by the judgment of experts, there is no point at which we can draw the line short of slavery. If here, as with means, the expert knows best and no account is taken of the argument that it may be better for me to choose inferior ends myself than to have the pursuit of superior ends forced on me against my will, the only good reason for not submitting to the expert any part of my life or any end of mine would be that a particular question was not sufficiently important to justify the sacrifice of his time or of the money paid for his services. These considerations support both the view that the government should, as far as possible, see to the distribution of means rather than to the compulsory pursuit of ends, except in so far as this is necessary to prevent direct interference with the ends of others, and the view that in so far as the question of ends has to be decided it should be decided by reference to the views of all citizens. They are thus arguments both for individual rights and for democratic control of government.

The question of nationality presents a good example of the difficulty of deciding ends for other people. There is no reason that experts can see why one set of people ought to have or in fact do have the natural feelings that make a common nationality and others not. Yet it is most desirable to respect these feelings when they exist, both on the ground that the people in question are much more likely to attain a sort of life that is a satisfactory end-in-itself if this feeling, even if you call it only a prejudice, is satisfied than if it is not, and on the ground that they will be unlikely to be loyal members of the states which do not allow it satisfaction and

so become sources of danger and of inefficiency in carrying out the laws.

Ten or twenty years ago the reader might have replied that after all the ends may be taken for granted as matter of general agreement, but I think that nobody will make this answer now. The extent of real disagreement, when it does not reach such dimensions as is the case when Nazis and democrats are disputing, is however often veiled by the use of the same word: two disputants will agree that liberty and justice are good, but yet the one may mean something very different from the other by these words, or they may agree as to the goodness of education but differ very much as to the sort of education they would recommend. Also the question in case of conflict is not merely whether something is good or not, but how much it is good, whether it is worth the evil or risk of evil which it is proposed to incur for it or superior to the goods which it is proposed to sacrifice. And people who agree that certain things are good will still be likely not to agree in particular cases of conflict as to which of these good things should be sacrificed. It is plain, for instance, that the thoroughgoing conservative and the thoroughgoing socialist differ not only as to means but as to their whole value schemes, their ideas as to what constitutes a good society. Either might well regard the values of the other as all good as far as they went but would estimate their relative value very differently, and it is this relative value about which we have to ask where two goods conflict. In actual political discussion this is apt to be disguised because the supporters of a bill usually speak as if it would do all good and no harm, and its opponents as if it would do all harm and no good, but this is very unlikely to be the case. There will almost always be advantages and disadvantages on either side, and these have to be balanced against each other.

Experts need to be subject to the check of popular taste

and common sense, and the anti-democrats of the type who make efficiency the supreme object of government are in danger of overlooking the ends for which alone it is worth while to be efficient. "When administrative efficiency is made the supreme end, personal liberty and religious and national divergences become secondary and subordinate matters. There is not much consideration for the weaker brother, nor much patience with the offender. . . . In reality that efficient, upright, expert official on whose actual existence the whole fabric is based is but the product of free government, the creature of close and general criticism, evolved in the environment of a public service in which the feeling of responsibility to the nation has been the slow growth of time and in large measure the special work of reformers, who insisted on impartial selection of the best men and the right of public criticism of every department. Experience has in fact shown that popular government can with due precautions obtain upright and competent expert service. But it has not shown that these qualities would remain unimpaired if the popular element in government were to fall into decay." [7] It must not of course be claimed that democracy automatically produces these qualities, but only that it produces a soil which, other things being equal, is more favourable for their development than are the conditions usually prevalent in states which are not democracies. There are features involved in the working of some democracies, for example, the "spoils" system, which tend in the reverse direction.

The difficulties of politics arise largely through the curious intermixture which is required of expert factual knowledge and apprehension of value. In practice, I think, difficult questions about individual, as opposed to political, action most usually fall into one of two classes. (1) It may be the case that the end which ought to be pursued can be taken for

[7] Hobhouse, *Democracy and Reaction*, pp. 123-4.

granted without serious discussion, but that the knowledge of the best means is only obtainable by scientific investigation of an elaborate kind or by accepting the result of that scientific investigation when performed by somebody else, say, a doctor. (2) In other cases the question what ought to be done calls for little or no scientific knowledge, but presents great difficulties because of a clash of values or of different "prima facie" obligations. It is true that even in such cases we must have some knowledge of what are likely to be the consequences, but this may be merely common-sense knowledge of the kind which everybody possesses, or may be so elementary that, although, strictly speaking, part of some science, it has become a matter of common knowledge for everybody. Here the interest lies in the strictly ethical and not in the technical side of the question. There are no doubt plenty of cases where neither question presents intellectual difficulties or where both present great difficulties; but most questions of individual conduct which call for discussion fall into two classes, the class where there is no ethical difficulty in the decision but technical knowledge is required, and the class where there is an ethical difficulty but technical knowledge is not required. But with political arguments, owing to the greater range of the effects of any political measure, the separation of the two questions is generally harder, and this is responsible for one of the chief difficulties of political government. On the one hand it is beyond the powers of the individual to make a really adequate judgment in most cases without the help of the expert, and on the other it is, because of the intermixture of questions of value and questions of fact, dangerous to leave most political questions entirely to experts. Representative parliamentary government goes some way toward a solution of this difficulty, because it combines the popular vote with the use of the services of people who are at least likely to be, relatively speaking, experts in gov-

ernment and in their turn will be influenced by the advice of scientific experts.

But, when you have voted and selected your members of parliament, there remains this further difficulty. Not only are questions of value and questions of fact likely to be mixed, but there is apt to be a clash between different values; it is not only that expert factual opinions and ethical valuations are both needed, but also that there is likely to be a clash between experts in different spheres and a need for a balancing against each other of the values belonging to either. All the less fundamental, though still important, clashes of this type, such as disputes as to the precise amount of money to be allotted to education as compared to unemployment relief, cannot possibly be referred to the electorate. For government we need experts because the effects of the large-scale actions of politics are so complicated; but also just because the problems are so complicated they are likely to affect a number of different departments of life and therefore can rarely be left to any single class of experts; while, if experts in different subjects are employed, there must be somebody to correlate the advice of the different experts and, in the case of a clash, to decide which interest is the most important. For this reason I do not think that the small body of statesmen who make the final decisions, the Cabinet, should consist of *specialised* experts, though this is not to say that they should not be experts in the sense of being specially qualified by innate abilities, training, and experience to handle political questions.

The various considerations I have advanced make it likely that a government in which the democratic element is strong will be rendered thereby a more efficient means for furthering the happiness of the community. All interests are more likely, or at any rate less unlikely, to be considered and all important opinions heard; the risk of violence and revolution is less; individual rights are more likely to be respected, and

individuals will be more likely to feel free and contented. The government may still utilise the advice of experts as much as any authoritarian government is likely to do, while the mere fact that it will have to justify publicly what it does is a valuable check on misgovernment. Whether we can take deeper ground depends on our ethical and perhaps on our religious outlook. Kant laid down the ethical principle that humanity must always be treated as an end-in-itself, and not as a mere means; and certainly this principle cannot be carried out in the political sphere without democracy. It is not treating the individual as an end-in-himself to refuse him the right of a voice in matters which concern the ends he is to be at liberty to pursue. And certainly in any community where the members are encouraged and brought up in other matters to be free, self-respecting individuals, they will ultimately turn out to be the sort of people who are not satisfied without political freedom (except perhaps in a very temporary crisis). Democracy is the form of government which as far as possible proceeds by agreement and not by coercion; and surely that is a great advantage both on hedonistic and moral grounds, and must be the aim of any civilisation that can claim to aspire to be in the least Christian or even only decently reasonable, though it must be admitted that this aim is not—at present at least—capable of anything like complete attainment.

I have discussed at length the argument for a government entirely by experts, because the latter seems to me the only at all plausible alternative to some form of representative, democratically elected government, and the need for expert knowledge the most plausible argument against democracy, though it is not an argument on which Nazis or Fascists could fairly base their views. I have rejected the view that the democratic element should be altogether sacrificed in order to secure government by experts; but I must also

emphasise the fact that representative government is already to a very large extent government by experts, and would be much more so if some generally recognised abuses were removed, for example, if it were never possible for anybody to obtain a post less through ability than through "influence." Especially in a modern government, the presence of scientific experts is quite necessary, but one should distinguish between appointing them to advise the governors and appointing them to carry out the government. That cabinet ministers should consult experts continually is most advisable; but that the experts should themselves do the governing is another matter. There is much more to be said for a system by which permanent committees of experts were attached to the government in an advisory capacity, and issued reports that, whether accepted by the government or not, were made public, whenever possible without danger to the commonwealth.[8] It would still be the function of the cabinet to reach the final decision. The ideal would be that scientific experts should provide knowledge of the likely consequences of a measure and of the factual nature of the means which had to be used to attain a certain end, while a cabinet composed of highly educated and intelligent men decided in view of the experts' advice how to act, taking adequate account of the various goods concerned and deciding between the rival goods when a conflict occurred. Or perhaps, in that case, they might refer the proposals back to the experts, with suggestions for amendments reconciling the clashing interests and instructions to investigate whether and how such amendments could be worked out in detail practically. It might still often be that the advice of experts was turned down on the ground that, although the measures recommended by them were most likely to further the ends they had in view, they

[8] *Cf.* Laski, *Grammar of Politics,* pp. 80ff.; Mill, *Representative Government,* ch. 14.

had collateral effects which conflicted with other ends that ought to be pursued by the government. For instance, a government might turn down a recommendation in favour of free trade on the ground that free trade, though economically preferable, was detrimental to security in war or produced bad non-economic effects by damaging a valuable part of our civilisation, the life of the countryside.[9] Or a government might, in the first half of last century, have turned down the recommendation of economists that the hours of labour for children should not be compulsorily reduced, on the ground that the bad effects on trade forecast by the economists were outweighed by considerations of humanity (or in other words a somewhat lower standard of living in general was preferable to a higher standard combined with intense misery among the children of the poorest). The latter is an especially interesting case because, when hours were reduced, not only for children but for adults, it was found that owing to a fact generally overlooked by economists, because it fell within other sciences—I mean the detrimental psychological and physiological effect of long hours on production—it did not produce the evil that the economists had foreseen but increased output in the long run rather than diminished it. This shows how attention to a single set of experts might lead a government wrong. Even where a single class of experts is concerned, one of the finest qualities of a statesman may be seen in knowing when to prefer the proposals for change made by the minority of the experts to the conservatism of the majority. Military experts, for instance, have a well-established reputation for opposing to the last moment inventions which later turn out of the utmost value. Most men of genius in most fields have had their plans rejected at first rather contemptuously not only by the general public but by the experts. The liability to such conservatism makes it

[9] I do not wish to give this example the stamp of my approval.

unwise always to go by the majority of experts when they differ, yet cabinet ministers can very rarely be expected to be sufficiently expert to meet the experts on their own ground. But, fortunately, it does not require nearly so high a degree of expertness to assess evidence when it is provided as it does to provide it originally. Indeed the former is within the capacity of the intelligent and generally well educated non-expert, provided the subject is not of too technical a nature.

But this point makes clear the importance of, for instance, cabinet ministers having some knowledge of the standards to which good scientific evidence must conform, and therefore it would be very desirable for them to have made in the course of their higher education a special study of logic in a wide sense and at least one science. In most cases, since their problems lie chiefly in human nature, Psychology (if sufficiently widely conceived and not confined mainly to experiment on sense-perception and the side of the science which connects most closely with physiology), History, or Economics would be better for this purpose than a physical science.[10] For the standards of evidence of the former are more like the standards they will have to accept in deciding their policies, and the data are more directly relevant to the disputed questions of politics, while the difficulty of relying wholly on specialised experts is much greater in these fields. But the implications of what I have been saying seem to be that their education should be broad rather than very specialised, and that it should include among other subjects Moral and Political Philosophy in order to help to make them better qualified to decide those matters which cannot be decided by scientific experts because values clash and ulti-

[10] I do not mean to say that it is not desirable that every person should have some knowledge of physical science. I am referring here to subjects to be studied to a level higher than that possible in one's school days.

mate principles are at stake, besides Logic, in a wide sense, in order to give them a good standard of what an argument should be.

It is one of the greater misfortunes of parliamentary government that brilliant oratory and outwardly impressive personality are likely to be more important factors on the whole in leading men to a place of power than intellectual equipment and ability, but parallel drawbacks occur under any known constitution. Absolute monarchies and oligarchies have not, I think, a better record in this respect, but rather a worse. Under such governments the fact that only a very small part of the population is likely in practice to have any chance at all of rising to important posts must be added to the evils of appointments, more frequent even than in democracy, through personal influence without due regard to qualifications. Nor is party loyalty, rather narrowly understood, which is likely to be a qualification of supreme importance for appointments in the recently invented type of state where one party governs, a quality greatly deserving in itself or likely to be correlated with the best qualities in other respects. The fulfilment of the requirements I have mentioned in education without the drawback of limiting those who govern the country to a privileged social class presupposes a good scholarship system together with a system of adult education for men of ability who for some reason have not enjoyed in their youth the opportunity of going to college.

In fact, the extent to which Britain and no doubt most countries are already governed by experts is apt to be overlooked both by critics and by adherents of democracy. "Think of a newly appointed Minister, taking command of a great Public Department. . . . In a majority of cases he has no special knowledge of the immense and complex work of the Department over which he is to preside. A great part

of his time is necessarily swallowed up by discussions in the Cabinet and in Parliament, by party negotiations, by electioneering activities, by public engagements of great variety, by all sorts of social calls. He has to deal with a body of officials who may be, and often are, men of far greater natural ability than himself, and who have been giving their whole time in quietness to the study of the problems of the office, during the years when he has been making his position in the world, or talking fluently on platforms. They bring before him hundreds of knotty problems for his decision: about most of them he knows nothing at all. They put before him their suggestions, supported by what may seem the most convincing arguments and facts. Is it not obvious that, unless he is either a self-important man or a man of quite exceptional grasp, power and courage he will, in ninety-nine cases out of a hundred, simply accept their view and sign his name on the dotted line? In the hundredth case, some question of party principle—some promise that has been flourished on the platform—may be involved. The officials, of course, know this. They perhaps point out the practical difficulties in the way of a literal fulfilment of his pledges. They suggest to him a plausible compromise, which will save his face without making too great a breach with the accepted policy of the office." [11] The experts here concerned are civil servants, who are not usually experts in a branch of science but experts in the art or science, whichever we think it to be, of government; but, as I have suggested above, this is not necessarily a bad thing. Scientific experts seem to be required rather as advisers than as rulers. Now it seems clear that the circumstances mentioned in the passage just quoted are not dependent on the particular constitution or condition of Britain (except in a minor degree in so far as the possession of a great empire and her position as a great power increase the

[11] Ramsay Muir, *How Britain is Governed*, pp. 55–6.

complexity of the problems and the number of experts required), but are likely to occur in all countries to a large extent, though no doubt less so when the civil servants are dependent for their position on the politicians, a system which has other drawbacks. In all modern governments there must be professional administrators and, if they are at all well chosen, they will be likely to know much more about their job than the Cabinet minister appointed over their heads, unless he has had a far longer term of office than is usual for Cabinet ministers in any democratic government, and, if he had, he would himself have become an expert. (It is conceivable that a parliamentary government might have no Cabinet dependent on a party but substitute for it permanent professional civil servants who had to conform to the orders of Parliament, whatever their party views; but I do not know of any country which has adopted this system, and if it were adopted it would probably increase rather than diminish the authority of the expert civil servant.) It is therefore arguable that government will in any case always be less democratic and more under the control of the expert than is really desirable. But, as Ramsay Muir admits, we must not carry the argument so far as to make out that the Cabinet minister is a mere puppet controlled by the civil service, and the points where he is not controlled will be the points where public opinion has had a word in the matter. It is perfectly plain in any case that under modern conditions only a very small part of the total business of the state can really be settled by a direct mandate from the electorate; and if the decision is made by the Cabinet or a particular minister without this, it may be doubted whether it is more democratically decided than if it is decided by a civil servant. The decisions, whoever makes them, are still subject to the democratic safeguard that they must not greatly offend public opinion. The democrat should not be too much troubled because 99 out of 100 points

are settled by the civil service if the hundredth point is the only really big one and the only one on which there is a public opinion.

That experts sometimes have thwarted the carrying out of the will of the electorate with detrimental consequences cannot be denied. For example, the breakdown of the attempt to reach an agreement between the nations on disarmament, which, if successful in time, might have prevented Hitler's accession to power, was to a very considerable extent due to the fact that the negotiations depended on military and naval experts who naturally had a keener eye for the technical difficulties and the possible dangers to the military position of their respective nations than for the enormous value of an agreement to all nations, including their own. But it is equally possible to find instances where disastrous results were caused by the subservience of a government to popular opinion (or what it believed popular opinion to be) against the advice of experts. Examples would be the refusal to heed the warnings of economic experts about the bad economic effects on the world (and not only on Germany) of the economic clauses of the Versailles treaty, very largely because popular opinion in many countries demanded that Germany should pay the whole cost of the war, ignoring the question whether this was possible without doing her creditors more harm than good and again the failure of the British government to rearm adequately between 1933 and 1939, largely because they thought (perhaps wrongly) that public opinion was not prepared to meet the cost. Exactly how much democracy we should have and how much government by experts it is very difficult to say, but clearly we should have both. The cases I have mentioned might be cited by the opponent of democracy, but autocratic and oligarchic governments also make mistakes; and in either of the instances mentioned the government probably could by judicious and truthful propaganda

have changed the opinions of the electors sufficiently for them at least to acquiesce in a wiser policy than that actually adopted.

It is sometimes objected against democracy that, misinterpreting the notion of equality, it tends to ignore the importance of electing the ablest leaders and even to prefer the inefficient to the specially efficient. I should not myself think that this tendency is likely to be usually very strong: even democrats like to have somebody to whom they can look up to govern them, and history shows that most men have such an excessive and unreasonable tendency to accept the authorities they respect, from the Bible to Karl Marx, as if they were almost literally inspired, that this ought to more than counteract the above tendency. In any case jealousy of exceptionally able men has been quite as prominent in oligarchies and autocracies. The autocrat will generally be afraid to have people who are too able under him, and if autocrats sometimes make admirable appointments this is the exception rather than the rule. In considering all objections against democracy we must compare it, not with an ideal autocracy or oligarchy, but with autocracy or oligarchy as it actually works. How many of the greatest and best monarchs have failed to appoint ministers of real genius or to educate a good successor!

I have insisted on the value of a democratic element in the constitution; but good as self-government is it is not the only good, and therefore we cannot measure the suitability of a constitution simply by the extent to which the democratic element prevails. It is clear in any case that, in a complex modern state at least, government cannot be anything like completely democratic. And, while it is most desirable that there should be a strong democratic element, we cannot take it for granted that whatever increases this element will therefore necessarily be good. I must protest strongly against the

usage of language according to which people decline to call an institution democratic just because they think it harmful in other respects. It can only cause confusion to use the term "democratic" to connote goodness of government in general, and we badly need a term to signify government by the people, the original meaning of "democracy," without committing ourselves in advance to saying whether it is good or bad government. In so far as an institution is democratic, it will be so far the better, but this advantage may be counteracted by graver disadvantages, and in any case complete democracy is an unattainable chimera. We should not deny that systems which allow for the referendum, the initiative, and the recall of representatives are more democratic, but we may still doubt whether they are better. My arguments for "democracy" are arguments for the popular control of policy in its broad general lines, and it seems clear that the average elector is not qualified or willing to give the time and study required to do more than this efficiently. At the very least, such luxuries in the way of democracy should be postponed till there has been a great improvement in the education of the electorate, involving systematic instruction in matters relevant to the making of political judgments for all citizens or future citizens. As a preliminary, experiments might be tried on a small scale in local government to see how they work.

Proportional representation is in a different position. It has been objected against its introduction that it would render government less efficient by multiplying the number of parties and making it difficult for any party to secure a working majority, and this may be so, though it should be noted that some of the admittedly best governed states, such as Sweden, Norway, Denmark, Switzerland, have proportional representation. But it should be clear at any rate that its introduction would make government more democratic without being

subject to the objection which I have just brought against institutions like the referendum. We cannot say that proportional representation involves the extension of democracy to relative details which the ordinary elector is not competent to decide, any more than does the present system. All it does is to secure that the electors' views on the points on which they would vote in any case are adequately represented in parliament by reducing to a minimum the element of luck in its election. Stocks [12] contends that proportional representation is less democratic than the prevalent system of single member constituencies, in that it throws the responsibility of deciding which of the differences between different groups of opinion are to be treated as fundamental and which not on the elected representatives who have to arrange a coalition, while the other system throws it on the electors themselves, thus increasing the political work that the latter have to do. But the task of deciding which of two party policies is less objectionable, when you dislike them both, is a kind of task which can bring satisfaction to no one; and I should have thought that, within limits, the greater the number of alternatives between which the elector had to choose the more chance had he both of expressing his opinions adequately by his vote and of exercising political intelligence. If we reject proportional representation we are definitely sacrificing the democratic element to some extent in the interests of efficiency and increasing greatly the role played in government by pure luck. It may perhaps be justifiable to do this, since democracy is not the only good, but if we do it we should be clear as to what we are doing.

Since I have maintained only that self-government is desirable, not that it is absolutely all-important, and have admitted that a state cannot be and should not try to be a complete democracy, I have laid myself open to the argu-

[12] *The Voice of the People*, pp. 38–9.

ment that in some countries, the people of which are lacking in aptitude for it, the inefficiency produced by the development of the democratic element may be so great that it is not worth trying. That we cannot profitably set up at once a form of government for the Hottentots or Australian aborigines which is as democratic as the British most people would admit; but when this argument is used about a civilized and already organised state there are several remarks that may well be made.

In the first place, if the person who uses the argument is speaking about his own country, he has inflicted on it an insult which does not go well with the patriotism and national pride on which parties of the Right have usually professed to be so keen. *If* the Germans are permanently unfit, as Hitler thought, to be governed by any means but a dictatorship, they are an inferior people. (Not that I agree with Hitler's views here any more than on other topics.) As Dr. Delisle Burns says, the only valid argument in favour of Fascism would imply that the countries to which it is applicable are not yet civilised.[13] Secondly, if a nation is not yet ripe for something corresponding to the moderate element of democracy which we allow, it is incumbent on its rulers to make it ripe as soon as they possibly can by a suitable education. Even if the sweeping accusations brought against the common man by anti-democrats be true of certain countries, it ill becomes members of the ruling class of such a country to abuse the common man, when he need not have been what he is if the rulers had been prepared to undergo the economic sacrifices involved in seeing that he had to live in less "slummy" conditions and providing for him a good education. It is hard to be deprived of the means of living an

[13] Delisle Burns, *Democracy*, p. 32. He applies this equally to Communism, but I should not myself, because (a) the dictatorship of Communism is, at least in theory, temporary, (b) as compared with Fascism or Nazism Communism includes a much stronger democratic element.

intelligent and decently human life and then to be told by the people who have deprived you of this that you are unfit ever to have liberty because you do not live such a life. Even in a country like Great Britain, where a good deal has been done by government action to improve conditions, it is certain that more ought to be done, and it is salutary for the richer classes to remember that they have a large responsibility for the faults of the poor of which they complain. Where the people are not fit to govern themselves (even in the case of "savages"), this is not a circumstance in which to acquiesce with self-satisfaction but one at the removal of which immediately to aim. If they are not fit yet, they must be made fit by education. Thirdly, while the course of recent history may tempt us to say that certain European nations are intrinsically incapable of democratic self-government, there is certainly no ground that would bear scientific inspection for saying that their incapacity is due to their racial character; and if it is not due to this but is the product of their circumstances and institutions and of the influence of certain misguiding teachers and rulers, what circumstances, teachers and rulers have produced, circumstances, teachers and rulers may remove. The most democratic of modern states on the whole is Switzerland, and it is generally admitted that she is also one of the best governed states, yet the German-speaking Swiss who form a large majority of the population are racially akin to the Germans (however alien to the Nazi Germany in ideals, institutions and temper). Fourthly, an academic person or a politician should beware of underrating the practical intelligence of the common man because the latter is not good at theoretical argument. Ability in the first respect and in the second by no means vary *pari passu*, and one must beware of intellectual snobbery. Finally, the particular scandals for which certain democracies have been reproached are commonly scandals the main guilt for

which lies on the head of individuals who would, even if there were no democracy, be more rather than less likely to be members of the ruling classes and so have an equal or greater opportunity for producing (detected or undetected) scandals. There is more to be said for making the introduction of democracy fairly gradual, where a people had not enjoyed it before; only I hesitate to say this because it may be taken as an excuse for never really granting it at all. I therefore add that by the word "gradual" I have in mind a period less than a single generation. The question whether a people ought to have a democratic form of government if they do not want it would present serious difficulties, if the question were not an academic one, since such a people, if given a democratic government, would in practice promptly proceed to abolish it. But this does not end the responsibility of the rulers, for by a process of education the men who rejected democracy, or at any rate their children, may be induced to want it.

6. *Democracy and Free Speech*

We must not, however, confuse the principle that a democratic element is required in government with the unwarranted dogma that it must be realised for all states in just the British or just the American way. But we can lay down as essential conditions, without which the democratic element will not have its due place in any state, (1) the presence of freedom of speech and of publication in political questions; (2) the existence of a representative assembly an essential part of whose business is the public discussion and criticism of public policy; (3) the existence of machinery which will enable the citizens legally and peacefully to change their government if they wish; (4) a system by which all sane adults[14] will have some recognised share in determining,

[14] Except perhaps convicted criminals still serving their sentence. I cannot think of any other legitimate exception.

directly or indirectly, the general policy according to which the affairs of the state are to be conducted. That there may be cases where the evils resulting from the introduction of this democratic element are so great as to outweigh its advantages cannot be denied; but which these are cannot be settled in advance by general considerations of political philosophy. All you can expect the philosopher to do is to show why a democratic element is in general desirable. Nor must we expect the philosopher to lay down general rules applicable to all states as to the exact form in which the democratic element is to be realised; in very different civilisations it may take forms quite strange to us and present unfamiliar problems.

It should be noted that the first two principles just laid down expressed conditions without which the last two cannot be effectively fulfilled, and this brings us to the connection between democracy and individual rights. Do the right to take part in deciding how one's country is to be governed and the individual rights to liberty and fair treatment generally which I discussed in Chapter II necessarily go together? Clearly a highly democratic government may violate and a highly autocratic government respect the latter; but, other things being equal, it is much more likely that the former type of government will respect them than that the latter will. The individual voters will be likely to want fair treatment and liberty for themselves at least, and it is difficult to pass measures in even a relatively democratic state which will secure the rights of some without at the same time securing, at least legally, the rights of all. It must be remembered, however, that the majority may fail to appreciate the value of certain rights, such as that of free speech, even for themselves, and so *a fortiori* for others, and that a democratic form of government is no adequate safeguard against injustice to permanent minorities. Even so, the mere fact that it makes

the recognition of individual rights more likely is a strong point in favour of democracy.

There is one right that has a special connection with democracy, though it is not always adequately respected even in democratic forms of states. I am referring to the right of free speech, here understood as including the right of assembly, the right of a free press and the right of uncensored publication generally. It is possible that a majority in a democracy might support measures which violate this freedom, as it is even possible that a majority in a democratically governed state might vote for the practical extinction of the democratic element, as did a majority in Germany in 1933; but a democracy without free speech will not really be a democracy. Without free speech the voters will not have the opportunity of deciding rationally, and so will be in effect fettered; without free speech the government policy will not be formed, as it should be, by the interplay of all important opinions and interests; without free speech the government will not know what the people want, and peaceful change of government to suit popular needs will become difficult or impossible. The best remedy for administrative inefficiency is to be found in the complaints of those adversely affected thereby. Free speech is a right without which the democratic element in the state cannot function at all, and it has thus above other rights a very special and indeed essential connection with democracy. The right of free speech might indeed be respected by a non-democratic government; but it would lose a great deal of its value if it could not affect what was done, and in so far as it did affect it the government would to that extent be democratic.

We must not fall into the mistake of thinking that the democratic element in a state is brought into play only during general elections. We should have quite a wrong idea of the working of the democratic element if we thought of it as

simply enabling the people to decide which party should govern the country during the next few years. We must remember that between elections too the government is still powerfully influenced by popular opinion in the measures it adopts, even where these have not been actually included in the programme on which it was elected. The idea that measures must be modified if public opinion is much against them seems now thoroughly engrained in the minds of most of our public men. It is due partly to the knowledge that a government is in fact dependent on a popular vote for its ability to carry on after the next general election, partly to the democratic view that it *ought* not to go against public opinion. Rousseau's objection that the British were free only during an election is a mere travesty of the truth, at least if applied to-day. For their freedom to vote in general elections means that the government appointed must always bear in mind the ultimate source of its authority, so that the single free act gives wide control over all that follows. Nor must we assume that minority parties are entirely unrepresented in the government policy and legislation. They do not indeed usually wield an influence proportionate to their numbers as long as their opponents are in power, but the influence of opposition criticism is always likely to lead to modifications which, while not going so far as members of the opposition would wish, still constitute a tolerable compromise; and there is thus reason to hope that by the interplay of opposition and government there will be produced measures that are more genuinely representative of the nation than would be the measures of the majority party if the latter had a completely free hand in the absence of criticism. It is generally recognised that a quite essential part of a modern democratic system is an organised opposition (though it is interesting to note that this was not usually the case in classical democracies). Even if Parliament does not always represent the

balance of opinions in the electorate as closely as might be wished, it is plain that the existence of popular representation renders the whole atmosphere of government different from what it would otherwise be. The question whether the people would approve is constantly present as a regulating factor in the minds of politicians. For this democratic atmosphere and this beneficial interplay of government and opposition free speech is essential. Indeed it has been contended that the function of democracy is not to rule but to form a suitable climate of opinion for the evolving of the best political measures by the interplay between the cabinet and other experts on the one hand and public opinion on the other, and a good deal may be said for this point of view. We must add, however, that it would be a great deal better if members of a peacetime opposition did not go so much on the principle of *opposing* as a matter of course and were more constructive and less unsympathetic in their criticism of the government.

7. *The Communist Argument Against Democracy*

I have so far omitted to consider the communist criticism of democracy, and I fear that to a pre-war communist [15] all I have said might appear pointless because capitalist countries cannot really be democracies and the things which he thinks most important cannot be achieved by democracy. The communist case in this matter seems to depend on the following two theses: Firstly, it is contended that in capitalist lands the rule of the people is a sham, not a reality, and that the real rulers are always the great capitalists. Secondly, it is contended that the economic changes which are a prime necessity and will contribute more than anything else to the welfare of the people cannot be achieved by democratic means. Now

[15] It is too early to guess how far this point of view has been modified by the experience of the war, I hope a great deal. In any case I am speaking not of the point of view of the U.S.S.R. but of the communist of Trotzkyan sympathies.

I do not propose to discuss in detail the extent of capitalist influence on policy. That it is considerable is pretty clear, that it is so powerful as to destroy popular control of policy altogether is unproved and unprovable. There are a vast number of changes of policy, from the Reformation to the adoption of the Nazi policy of armament and threats, which cannot possibly be explained adequately in this way. No doubt economic factors had a considerable influence, at least on the latter, but the course which events took depended on a vast number of common men, who would have determined the election results in a democracy, much preferring other things, in the first case religious liberty, and in the second nationalism, to economic gain, and this certainly cannot be explained entirely as a result of capitalist propaganda. Still less is there any intrinsic reason why governments and parliaments should necessarily be swayed by the influence of capitalists whose machinations they can after all restrain by law if required. Till the bulk of the electorate has been converted there can be no real communism in any case; and if the bulk of the electorate were converted they would soon see to it that a government came into power which did not allow itself to be bribed or terrorised by great industrialists and financiers. Whether capitalist interests would succeed in preventing the establishment of "real" socialism if the majority of the electorate wanted it set up is a question that has not yet been put to the test in practice. But it is certain that, if the electorate had the wish and parliamentary institutions were retained, it could insist on legislative and executive measures that would make such attempts impossible except by open defiance of the law, which could then be quite constitutionally and legally treated as rebellion. It is because most people have not made up their minds that they wanted them, not because the capitalists have prevented them, that more sweeping economic changes have not been carried out; and

the lesser, though still very important, changes that have taken place in the condition of the working classes have often been brought about even in spite of the hostility of the capitalists. If this acquiescence in the existing economic system is attributed to capitalist propaganda, the answer is to be found in counter-propaganda. No doubt, if this is not allowed, there is more excuse for armed revolt. It is one of the great advantages of allowing the right to free speech that it removes the need for violent revolution. Capitalist influence has, no doubt, been too great, but I have been trying to maintain only that democracy is a good thing, not that existing states are adequately democratic; and it seems certain that, however far this influence goes, it is very far from totally eliminating the democratic element in government.

This brings me to the second point, namely, that the change to socialism cannot be brought about under parliamentary forms. This again is a purely academic contention, since it has not yet been seriously tried; and anybody who realises the horrible evils of civil war should surely feel it his bounden duty to try the legal, gentler method first. The reply to the communist is that, while there are no doubt difficulties and dangers involved in the establishment of socialism by parliamentary means, there are not lacking also difficulties and dangers in the only alternative way, civil war. Besides, a civil war could hardly terminate in the successful establishment of socialism unless the great majority were on its side. Military coups by highly armed minorities are possible, but such minorities are hardly likely to be socialist. No side can hope to win a civil war, under modern conditions, unless it has strong support from the armed forces. Now the proportion of the latter in favour of socialism to the point of being prepared to violate the recognised military duties for its sake and against the established order is always likely to be much smaller than the proportion of the general population who

are willing to *vote* for it (especially in the case of men holding key positions of military responsibility). Therefore a situation in which the communists could hope to have anything like half the armed forces in number or strength on their side is very unlikely unless it were also a situation in which they could command a great majority in the electorate as a whole; and in that case why should not socialism be established by parliamentary methods? As I have said, Parliament can easily pass laws against sabotage. Some people say that the capitalists would then themselves have recourse to violence, so that civil war is in any case inevitable; but this may well be doubted. It is said that fundamental changes cannot be effected democratically because those who oppose them will not yield to the majority on matters which they consider really fundamental; but as a matter of fact quite a number of fundamental changes have been effected democratically and peacefully since 1800. Conservative elements have more than once acquiesced without violence in measures which they at least believed, though wrongly, would lead to the ruin of the country, as for example in 1832 and 1848 in Britain.

The argument that a ruling class has rarely given up its position in the past without using force is weakened by the following facts: (1) The states of the past being usually undemocratic, peaceful means of change were lacking. (2) The established class has usually had the moral and material advantage of being in control of the government, which it would not have after a socialist majority had been returned to parliament. (3) There is in the democracies of to-day no exclusive ruling class in the sense in which there was in the countries concerned at earlier periods of their history. The most we can say is that one class has an undue, though not legally recognised or paramount, influence on the way in which government is conducted. (4) The opposition of the

more privileged classes to social reform has already been psychologically sapped to a large extent by scruples, especially among the younger men. (5) The experience we have had of governments of the fascist type abroad, and their defeat in the recent war, must lessen the appeal of Fascism. Another argument used is that the transition to socialism could not be successfully carried out if there were a risk of the socialist government's being replaced in the middle of the process by another which repealed its measures; but the risk of such happenings causing confusion is at any rate preferable to the risks of civil war, which would *a fortiori* prevent the transition to socialism being a smooth one. But the chief point I want to make is that surely, even if the propertied classes were certain to revolt against "real" socialism, it would be better for the communists, if only as a matter of tactics, to proceed by parliamentary methods as long as possible and leave it to the enemy to incur the odium of firing the first shot. The established government has generally, especially under modern conditions, such immense advantages, moral and physical, over rebels that it would be most foolish for the communist to throw these away by beginning the fight before he had got a parliamentary majority, even if he thought civil war in the end inevitable. The communists have little chance of bringing about a successful communist revolution if they do not first effect a peaceful conversion, and the former will be unnecessary if the latter is effected. I must add that the most formidable of the many obstacles to this conversion is due to the action of the communists themselves in insisting, quite unnecessarily, that their economic doctrine must be combined with the advocacy of totalitarian deprivation of liberty, class war, and atheism. Further, if communists are right in holding either that socialism can only be established by a violent revolution or that the passage of laws bringing it into existence would inevitably be followed by civil war due to

the armed revolt of the possessing classes, they have produced a very strong argument indeed against their own programme unless the condition of the working classes were far more hopeless and desperate than it is in at least most democracies; and they certainly ought in the light of this serious objection to reconsider whether it would not be possible to remove the main evils of capitalism by more moderate means. We have had our fill of war and tyranny in the world already; we are not going to have it in our countries, now that the world war is over. In addition to this the results of civil wars and revolutions are far too notoriously uncertain for them to be tried except in the most desperate emergency; a revolution started to establish socialism would, as likely as not, end in fascism.[16] Further, the condition of successful communism, as has been pointed out by Professor Laski, is the restraint of just those appetites which violent revolution releases.[17]

8. *The Fascist Charge Against Democracy of Weakness and Inefficiency*

Besides saying, like the communists, at least by way of propaganda, that the democratic forms are merely the tools of capitalists, Nazis and Fascists insist—and this is no doubt the argument that comes most directly from their heart—that democracies are inevitably inefficient and weak. If they are referring to efficiency in war and in preparation for war, there is no doubt a case for them; but this should not be the major aim of states (though it has too often so far had to be this), and the fact, if it is fact, that democracies are less efficient in these matters is only an additional argument, if one be indeed needed, for taking steps to prevent the recurrence of warfare by a system of collective security. But the case against parliamentary government is even here much

[16] Laski, *Communism*, pp. 172, 180.
[17] Laski, *Communism*, p. 174.

more doubtful than appears at first sight. The only European great power that has but for one exception always won wars (in the end) is Great Britain, and she has for centuries fought under a parliamentary government. The late war disclosed much inefficiency in the democracies, but it has disclosed more in Fascist Italy, and even Germany, despite an efficiency in very many respects that was the wonder of the world, committed several colossal mistakes. The failure to invade Britain immediately after Dunkirk or even to attack Egypt when it was almost defenceless, the invasion of Russia, and the provocation of the United States and eventual declaration of war against her were from Hitler's point of view appalling blunders of the first magnitude. And we must remember that Germany had not been under a dictatorship long enough for the bad effects of this in corruption and lack of initiative to develop adequately. No doubt, the German success was partly due to natural efficiency which would have shown itself under any regime, and partly to the facts that she was the aggressor and held interior lines; how much or little of it was due to the particular form of government she adopted is not so clear. But democracies must take serious notice of the charge of inefficiency; and here very careful attention should be given to possible remedies, as in parliamentary procedure and the method of using experts. A democracy is no doubt less likely to make mistakes through acting rashly than is a dictatorship, but it may well suffer and often has suffered through not taking urgent measures in time because there was a lack of agreement in their favour; and Parliament has often been too much like a talking shop in which what was said had little effect on what was done, or was founded on prejudices and inadequate information. No doubt, what advantages in efficiency autocracy may have, if any, would be dearly purchased at the price of having to endure a government a quarter as bad as that of Hitler; and there is one very

great advantage in respect of efficiency which a democratic government does possess: it is subject to free and public criticism. This very advantage makes it indeed *look* inefficient as compared to a totalitarian dictatorship because its mistakes are likely to be quickly and readily exposed, while the mistakes of the latter remain secret till their effects are too glaring to be concealed and very probably too serious to be repaired; but for the reason given it is very difficult to tell how much this seeming inefficiency of democracy is not mere appearance. A great deal will always depend on individuals: an individual dictator obviously may be much more efficient than a particular democratic prime minister; but at least if the latter is inefficient he will be more able to obtain help from criticism and can more easily be removed. Besides, some of the most irreparable mistakes are made by the most efficient people.

The chief argument brought against democracy on this score of inefficiency, namely, the argument that the efficient people in doing anything complicated are the experts and that democracy from the nature of the case is government by the inexpert and therefore the inefficient, I have already discussed at length. Another charge is based on the phenomenon known as mob psychology. This charge is more applicable to the ancient Athenian democracy, where the vital votes were taken in a huge assembly just after the people had been stirred to excitement by powerful orators than it is in a modern state, where voting does not take place at or just after a fiery public meeting but quietly and secretly at the undramatic polling booth. But that it plays too large a part in modern elections everyone will admit, though not so large a part by any means as it does in the elevation to power of a fascist dictator. It may indeed be retorted that "the mob mind or the herd mind is much more likely to take control in an oligarchy" (or a dictatorship) "than in a democracy,

for when criticism is impossible and force is the chief instrument of authority the lower elements of human nature are usually dominant, and even when a finer mind uses the mob the instrument eventually controls the hand that uses it." [18] A non-democratic government does not control people by appealing to their reason, but by habit, superstition, force, or a sort of emotional hypnotism like that exercised on his disciples by Hitler, or most usually by a combination of several of these means. Therefore it is all too likely to rouse the lower rather than the higher elements in men.

Thirdly, it is objected that democratic government is an affair of corrupt compromises. Corruption of course need not be present and is no more (but rather less) likely to be present in democratic than in other forms of state; but to say that democratic government proceeds by compromise is a compliment rather than the reverse. For this means that it proceeds as far as possible by agreement rather than by coercion of the dissentients, and tries to secure the points of value on both sides. No doubt there are compromises and compromises. If I am mountaineering with a friend and have a dispute as to whether we should try to extricate ourselves from a difficult position by jumping over a chasm or not, it would be unwise to compromise by jumping half-way across; and there have been compromises in democratic states which were by no means devoid of resemblance to a compromise of this kind. On the other hand it is also dangerous not to look before you leap, and this is a vice of dictatorship more than of democracy. Indeed, since he is cut off from knowing the real opinion of the people, which is one of the chief factors in deciding whether many measures are likely to work, a dictator is by his own policy prevented from looking adequately before he leaps. Further, party loyalty and the power possessed by a majority put a powerful, and

[18] Delisle Burns, *Democracy*, pp. 50–1.

even too powerful, check on the democratic tendency to compromise; and this has in fact led to another, opposite charge being brought, namely, that democracy means the tyranny of the majority over the minority.

This last objection is worth some attention, for after all the right of a majority to rule the minority is not self-evident and is not on the face of it even democratic, but since unanimity is commonly impossible practical considerations enforce it as the lesser evil. It may further be answered that in a democratic state the minority, though it generally has a smaller say than its numbers would entitle it to have, at least, as has already been pointed out,[19] has some say in policy, since the government generally feels itself forced to amend its measures to some extent in order to meet opposition criticism. The minority is not completely disfranchised, since the government knows well enough that the opposition of to-day may become the majority party of to-morrow and therefore must be conciliated. In fact democracy depends for its continuance, or at least its success, on a certain moderation in party warfare. Majorities must not exploit their advantage so far as to reach the point at which a large minority would resist rather than obey; and parties in general must not be more anxious to get into power and pass their measures than to preserve the spirit of a democratic constitution. This is made a fresh source of reproach by fascists. They blame democrats because for them "the keeping of the rules in fighting the battle is more important than winning for the right cause in the fight. Inevitably therefore political activity in a democratic society becomes chatter, having nothing to do with the real and urgent problems of the people." [20] But if this means that the democrat thinks it better to try to persuade his opponents than to try to fight them, it is a compli-

[19] See above, pp. 157.
[20] Fulton Morris, *In Defense of Democracy*, p. 28.

ment, not a reproach, unless this is indeed one of the rare cases where the issue is of such importance that it is better to die than to yield. The fascist prefers force because he desires the privilege to use force himself; but he certainly will not tolerate its use by his opponents, and by suppressing freedom of speech will try to render his own peaceful conversion impossible. But, if we are not to settle an issue by fighting or by threats backed with overwhelming physical power, some other device is necessary. Failing agreement, can a better one be suggested than the vote, provided it does not fix government policy indefinitely without hope of reversal at some future date? But the legal right of the majority does not mean that it has a moral right altogether to disregard the wishes of the minority; and the prospect of a future election provides an invaluable safeguard for the latter (except sometimes in the case of small permanent racial or religious minorities). We should add that democratic principles need not be pushed so far as to require a government to resign merely because a momentary change of public opinion has made it likely that it does not at the moment command a majority in the country, or to withdraw every measure concerning which it is doubtful whether it would have the support of the majority of the voters; and this impracticable procedure is not, I should imagine, adopted in any democracy. A government may go ahead of public opinion, but not much ahead (unless it succeeds in inducing public opinion to follow it), or for long.

The dictum "Power corrupts and absolute power corrupts absolutely" has been rightly used as an argument for democracy, but it might be turned against it and used in order to draw the conclusion that democracy corrupts the electorate by giving it power. I do not think such an inference valid, however, for the electorate consists of a vast number of individuals, and the power which each one has by voting is

therefore so small that there is little risk of its "going to his head" as in the case of a real dictator. The difficulty is rather the opposite one that the power which each voter has in so vast an electorate is so slight that he still feels only too impotent, and if he abuses the vote through not using it thoughtfully, it is largely because he feels that his vote is one of so many that it does not matter.

The criticism of democracy on the score of inefficiency should, however, be very seriously considered with a view to providing a remedy short of the destruction of democracy. Parliamentary governments have many blemishes on their records, as everyone knows, and it is incumbent on democratic politicians to bestir themselves to put their own house in order. Fascist criticism at least points to the need of careful study of the devices for quickening up parliamentary procedure.[21] Among these should be included schemes for lessening the burden of work on Parliament by moderate devolution, which has the additional advantage of stimulating interest in local politics by increasing the importance and dignity of smaller units.

We might add that cabinet ministers and heads of departments in the Civil Service should delegate their powers more freely, thus leaving themselves time and quiet to reflect on the really central major issues of policy and to study information relevant to these. This may seem a trivial point, but it is not. The bustle and absence of leisure to reflect which, according to all accounts, afflict the men who hold the highest positions in the practice of government may be a chief cause of the inefficiency which too often occurs, and is the only plausible explanation of some of the worse blunders of governments. The efficiency of administration must suffer gravely if the same person has too great a variety of things to which to attend; and the remedy lies in the hands of those

[21] On such devices *v.* Sir Stafford Cripps, *Democracy up to Date.*

in high posts if they will only be prepared to delegate responsibility except for the most vital issues before their department. If this led to an increase in the number of posts in the upper class of the civil service the country would soon recoup itself for the relatively trifling expense many times over by virtue of the resultant increase in efficiency. The need for the political education of the ordinary citizen must also be emphasised. Employment of its citizens by the state in order to fight presupposes a long and elaborate course of training; but they are often not prepared at all for the task of voting, on which the prevention of wars may hang. But political education in schools and institutions for post-school education must not consist merely in inculcating loyalty to the state. If it is to fit citizens for democracy, it must include, besides knowledge of factors of recent history relevant to current political problems, training in seeing both sides of a case, balancing arguments against each other, and thinking for themselves. Till such training is given to every person as a part of his school or post-school education, we cannot expect the electors to vote intelligently. The importance of education, in the widest sense of the term, can hardly be emphasised enough, if democracy is to be a success.

9. *Conclusion*

In the democracies of ancient Greece political activity formed for a large proportion of the population the chief interest of life, and few who have studied classics will be without a tinge of regret for the vivid life this brought; but it is hard to see how politics can become so absorbing or so valuably stimulating for any but a few in the vast modern state. Ancient city states could enjoy that kind of political life, because the problems were at once simple enough not to necessitate government largely by professionals and exciting and important enough to arouse interest to its highest pitch.

The problems of a nation-state do not fulfil the first condition, and the problems of a municipality do not fulfil the second. No doubt it may be more important for Manchester or Sheffield that its slums should be cleared than for ancient Athens that it should have tributary cities in Sicily, but unfortunately the one problem lacks the dramatic quality of the other for the normal human mind. Local politics no doubt provides a useful and interesting occupation, but it cannot fill the place that was filled by politics in an Athenian's life, and the intense political activity involved in governing a nation-state actively as opposed to merely voting must be the lot of few. It is therefore difficult to envisage a democracy arising such as, for instance, Miss Follett has pictured in *The New State*. Such a condition could arise only if most people made politics the main occupation of their leisure. This is not likely to happen, and it is doubtful whether it would be a good thing if it did. Though it is the duty of every citizen to take some interest in politics, it is certainly not the duty of everyone to make that his main leisure-time concern: there are other occupations possible which are quite as valuable and educative, and more so for many people.

I by no means wish to exclude the possibility that more democratic and stimulating forms of government may be evolved than those which depend for their democratic character exclusively on the fact that members of parliament or presidents are elected periodically by the people; but I cannot yet form an idea of even the ground plan of such democracies. In discussing democracy I am therefore unable to lay the main stress either on the educative value of *political* liberty or on the notion of this liberty as an end-in-itself, though these points provide two very important auxiliary arguments for the democrat. Perhaps in the last resort the main argument for democracy as we know it is only the

impossibility of finding a less unsatisfactory alternative; but our form of democracy is still a somewhat inadequate attempt to realise a deeper principle that is of supreme importance and the violation of which will like a subtle poison carry with it all sorts of unanticipated evil consequences and strike at the roots of civilisation itself, the principle that man ought to be treated as an end-in-himself and not as a mere means. For it is not treating a man as an end-in-himself to allow him no voice in deciding the question by whom and how he is to be ruled. Further, in appraising a government we have not only to consider its immediate success but its ultimate tendency, and autocracy is more likely to work well for a time than to go on doing so when its first (usually exceptionally brilliant) founder has gone.[22] Democracy receives an excellent testimonial from an unexpected quarter when Mommsen, the great German historian and admirer of Caesarism, himself is driven to say: "The history of Caesar and of Roman Imperialism, with all the unsurpassed greatness of the master-worker, with all the historical necessity of the work, is in truth a more bitter censure of modern autocracy than could be written by the hand of men. According to some law of nature in virtue of which the smallest organism infinitely surpasses the most artistic machine, every constitution, however defective, which gives play to the free self-determination of a majority of citizens infinitely surpasses the most brilliant and humane absolutism; for the former is capable of development and therefore living, the latter it what it is and therefore dead." [23] Hitler's far more

[22] I do not mean this remark to suggest that I think that, if she had remained an autocracy, Germany would have had a worse government after Hitler's death. She had already such a bad government that this seems hardly possible. On the other hand she might well be governed much less efficiently.

[23] *History of Rome*, Vol. IV, p. 466, quoted by Hobhouse, *Democracy and Reaction*, p. 122.

complete and stifling autocracy would assuredly have told a similar tale if it could have survived long enough to do so. But, on the other hand, we must equally emphasise the supreme importance of education if democracy is to be a success.

CHAPTER IV

THE CONCEPT OF THE STATE

1. *Introductory*

BEFORE we turn to the next and last of the three vital problems which I have promised to discuss, namely, the problem of international government and the prevention of war, we shall consider the concept of the state as such, since it is on a certain conception of the state that the chief opposition to internationalism is based; and indeed no book on political philosophy can be regarded as complete if it does not say what it means by "the state." Political philosophy, as I have said,[1] is in the main a branch of ethics; but there is at least one important section of it which could not be thus classified. I mean the section which analyses the concept of the state and any other fundamental political ideas that are not, as, for instance, equality or political justice, themselves primarily ethical. For the analysis of "the state" is as such concerned directly not with laying down principles as to what is good or what ought to be, but with determining what the state actually is. We cannot, for example, because we think that it would be better if individual human personalities could fuse in a superperson, the state, which had all their virtues in a greatly intensified degree and none of their defects, give this account as our analysis of the state, for this is not what actually happens with existing states. The analysis of a concept should be distinguished from the discussion of the merits or demerits of different ways in which the concept may be exemplified; and in so far as political philosophy achieves this analysis it bears to ordinary political discussions

[1] See above, p. 3.

a relation less like that which ethics as a study of the general laws determining what is right or wrong bears to particular ethical decisions than like that which the branch of philosophy that analyses the notion of matter bears to medicine or applied chemistry. It analyses the fundamental concepts of the study, and in doing so asserts not what ought to be done but what something is; that is, the state.[2] Only, while there is, with a few exceptions, no difficulty about separating the philosophy of matter from the statements of physical science, there is not quite so sharp a separation between the analysis of political concepts and the ethical part of political philosophy, or indeed between applied politics itself and political philosophy, whether analytic or ethical.

It has indeed often been contended that, if we are to give an adequate account of the nature of the state, we must consider it in its ideal and not in its perverted forms, just as, if we are to give an adequate account of the functioning of the human body, we must consider it as it functions in health and not as it functions in a person who is in a state of coma or dying from cancer, so that we cannot effect a complete separation at this point between what is and what ought to be. This argument is pushed much too far by Hegelians, but there is obviously some truth in it. Certainly, in order to describe the nature of the state, it is necessary to consider not only what men actually achieve through it but what they aim at achieving. It is, however, necessary not to slip into talking of the actual state as if it were the ideal one. Because reason in its essential nature is free from confusion and gives

[2] Ethics as a subject of theoretical study falls into two divisions, one which gives the general principles that determine what is good or bad, right or wrong, and another which analyses the fundamental ethical concepts themselves. But the branch of political philosophy to which I am referring does not fall within the latter any more than the former branch of ethics, because the state is not as such an ethical concept, though there may of course be good or bad states.

certain knowledge no one would speak as if all inferences actually used ought to be treated with profound respect, nor would any doctor talk as if the heart of a patient were not a heart because it functioned badly. It is, strange to say, necessary to issue this warning in the case of the state where it would not be necessary in other cases.

While the branch of political philosophy which consists in analysing what the state is cannot be admitted to be a branch of ethics, its conclusions may no doubt have a practical ethical bearing. In fact they have had a most unfortunate bearing. We must not blame philosophers for the specially atrocious character of the Nazi regime, and must remember that according to some reliable students of Hegel the latter did not glorify force or maintain that the state can do no wrong, or any such absurdity as this. But it cannot be denied that the deification of the state of which some second-rate philosophers were guilty, and which was, rightly or wrongly, ascribed to Hegel by most readers has contributed somewhat to the suggesting and bolstering up of the monstrous creeds of Fascism and (with the substitution of the *Volk* for the State) Nazism. But I cannot see that such deification can possibly be supported by any sound philosophical considerations whatever, and a look at existing states should be sufficient to refute it completely.

We shall now examine for ourselves the question what the state is and how it may be distinguished from other societies. The view has sometimes been taken that the state is a kind of superperson not reducible to the individuals composing it. Though this is not itself an ethical but a metaphysical judgment, it is connected, rightly or wrongly, with the doctrine that the state "can do no wrong," or at any rate has no obligation except to further its own interests and is in doing so bound by no moral laws except those which could be derived from selfish expediency. However, the connection

between the metaphysical doctrine and the ethical dogmas in question is to me highly obscure, and I cannot think of any even moderately good argument for either the metaphysical or the ethical part of the theory. It is true that a state possesses many characteristics which are not the characteristics of individuals who make up the state. The same applies for example to a human body as compared to the cells which make it up; but it does not follow that besides the ordinarily recognised cells there is one big cell which constitutes the essence of the body and possesses the characteristics attributed to the body as a whole as opposed to those attributed to its component cells. I do not say that all propositions about a state can be reduced without residuum to propositions about the individuals who make up the state without presupposing any reference to the fact that they are members of a state. The *word* "state" might indeed disappear in the analysis, but you would still have to refer in some phraseology or other to the fact that they are members of a group united by certain political relations, which constitute the defining properties of a "state." Similarly there are propositions about a house which could not be reduced to propositions about the materials of which it is made without presupposing some reference to the fact that they are part of a house. It would prove quite as difficult to treat statements like "this house is comfortable and convenient for a small family" or "the house consists of two living rooms, four bedrooms and a bombproof basement" in such a way as it would be to treat statements like "Germany is a totalitarian state" in the corresponding fashion. As we have to admit relations and properties of the state which cannot be reduced to relations and properties of the individual citizens because they are relations and properties of the group as a whole, so we have to admit relations and properties of the house which cannot be reduced to relations and properties of the bricks and boards

that make up the house taken separately; but just as a house contains nothing over and above the materials which make it up, grouped in a certain way, so the state contains nothing over and above human individuals grouped in a certain way.[3] Again, the state for certain purposes acts as if it were a person —so, for that matter, does a gas company or a football club or almost any organisation—but it is not therefore a person having a sort of mind of its own over and above the minds of its individual citizens, or at least there is not the slightest reason for thinking it is.

Further, even if the state were such a being, it would not follow that it was not bound by the ordinary moral laws and had the right to act in a selfish way quite regardless of the interests of other states. On the contrary, if we were to press the analogy between the state and an individual person to the point of regarding the former as itself a person, it would surely be only reasonable to conclude that, just as the individual can find his highest good only in an unselfish rather than in a selfish life by co-operation with others and ought not to seek material aggrandisement by force regardless of the welfare of his neighbours, so will it be with the state. The relative value of spiritual and material good can hardly be altered by the mere fact that we are speaking of the conduct not of individuals but of states; and if the personified state is regarded as a being not capable of attaining spiritual goods but only the kind of goods for which aggressive wars are started, it is not really a person and is certainly not a being valuable enough to cause its interests to be preferred to those of its citizens, who would in that case be higher not lower beings than it. It is not the personification of the state, however ungrounded this may be, but the low ends which it is

[3] There is indeed a sense in which a state includes more than a set of individuals living at any one time, for it includes individuals living at different times.

made to pursue and the bad means which it uses in pursuing these ends that we must chiefly deplore.

So by a "state" I shall now understand merely a group of individuals as politically organised, and by "actions of a state" actions by individuals on behalf of this group. My explanation of the meaning of "state" is not intended as a complete definition, for it is not simply convertible. Municipalities are politically organised groups, but they are not states. It will be my contention later in this chapter that no airtight definition of "state" is possible, since the criteria which distinguish states from other societies are various. A simple definition would be possible only if we could make absolute sovereignty a characteristic of states; and this, I shall contend, it not possible.

2. *The Ethics of States*

Let us therefore first consider the question whether and how far the principles which govern individual ethics can be applied to the state. I do not see what possible rational ground could be given for the view that actions done on behalf of states are not subject to ethical principles at all, unless we commit the absurd mistake of identifying ethical obligation with legal coercion. It is perfectly obvious that state action may produce a great quantity of good or evil, and that being so it is surely obvious that some state actions, namely those which produce the good, are preferable to others, namely those which produce the evil, and that it is the duty of those who govern the state to try to perform the one and eschew the other class of actions. Nobody really believes that the state can do no wrong, since even Nazis, however convinced they may be that their type of state cannot do wrong, are equally convinced that other types of state, such as democracies and, except between August 23, 1939 and June 22, 1941, the Soviet Union, are almost always

doing wrong. If the state can do no wrong, why pronounce one form of state or one law better than another? A difficulty indeed may be raised not on the ground that the state is a kind of person but on the ground that it is not, because the notion of moral guilt applies only to persons. This point might also be used as an argument for ascribing personality to the state, since we cannot avoid making ethical judgments about the state. But it seems clear enough that the ethical judgments we make are judgments about the objective rightness or wrongness of the acts, which we can consider in abstraction from the question of the moral guilt, if any, of those responsible. We can certainly decide that an act is bound to produce great evil without any corresponding advantage and ought therefore never to have been undertaken without discovering which members of the government were responsible, how far they realised what they were doing, and what their motives were, questions which would all have to be considered before we apportioned moral guilt. We do not need to imagine a fictitious subject on which to impose the moral guilt. This clearly rests on the rulers responsible and to some extent on those of their subjects who were aware of the real character of the action and yet supported the decision of the rulers.

When people talk about a state as acting rightly or wrongly, we may accept it as a metaphor describing those actions of the state's rulers that they perform in the name of and on behalf of the group of individuals which, as organised and knit together by certain relations, constitutes the state, and I shall use "state" in this way myself. Now it is obvious that according to the utilitarian or according to any other criterion some of the class of actions in question are such as ought not to be performed; but the subject of "ought" need not be "the state," which like corporations "has neither a body to be kicked nor a soul to be damned"—it may well be

just those individuals who are responsible for the action. Only, since it is difficult to say which they are, or at least to enumerate them all, and they act as representatives of a group, it is often convenient to speak of Britain, for example, as acting rightly or wrongly instead of making the subject of this moral judgment some individual or individuals, though we might also express it by speaking of "the British government," and very often use this phraseology. The British government, however, is not, any more than the British state, an individual, and therefore cannot, strictly speaking, have moral predicates, but this need not deter us from employing the phrase. In this case it can deceive nobody, since no one would attribute to the cabinet a personality distinct from the personality of its members, though indeed if we attribute personality to the state on these grounds we ought equally to attribute it to the cabinet or to any society, since any society can be said to act rightly or wrongly.

It might, however, be contended that, though state action is subject to ethical laws, they are quite different in character from the laws which apply to individual action. I again cannot see any possible ground for this view. I should like to say that the ethical laws governing the state are exactly the same as the ethical laws governing the individual, but there are real objections to saying this. For instance, it would be wrong of me as an individual to take money from a rich man against his will in order to give it to someone who had less, and it has in fact been used as an argument against measures of social reform that it is just as dishonest for the state to take money from the rich in order to spend it on measures for the benefit of the poor as it would be for an individual to do this, but I cannot admit the argument. Since "honesty" in the sense in which it means "not stealing" has to be defined by relation to the established rules of property and the government can alter these within the state, the state or the government acting for

the state is in a radically different position from that of the individual as regards property and is not acting dishonestly if it taxes the rich extra, as I should be if I took their money, though it may no doubt be acting wrongly in altering the laws of property in a given way, that is, if it does so arbitrarily or unfairly or in such a way as to produce bad effects. On the other hand the state or government is acting dishonestly toward its subjects if it, say, deliberately deceives them by promises which it never fulfils, for, while the laws about property are conventional laws dependent on the state, the laws that lies ought not to be told and promises ought not to be broken are not. It will again be acting dishonestly if it takes what belongs to another state, because it is not the function of any one state to decide unilaterally the rules of property relating to other states. If, however, there is a *bona fide* doubt to which state the property belongs by right and there is no international tribunal or fair arbitrator to which both sides agree to refer the dispute, it must be admitted that the situation is somewhat different from any which ordinarily occurs between two individuals in a civilised community, owing to the absence of a properly enforced law governing different states. The enormous importance of avoiding war must, however, be put on the other side of the scale and may render forcible action by the aggrieved party, even when the latter is in the right as regards the particular subject of dispute, grievously wrong. However, the example of taxing the rich for the benefit of the poor at any rate clearly shows that there are limits to the application to the state of laws derived from a consideration of individual morality. But this is certainly not sufficient to constitute a difference of kind between the ethics of state and of individual action. After all, the right action for the individual will differ widely in different situations, as an individual, if dealing with his child, may be justified in taking its possessions away from it in circum-

stances where to take them away from another adult would be quite unjustifiable. It is not therefore merely because it is a state which is concerned but because the circumstances are different that the ordinary moral laws as to stealing do not apply to state actions. There may be special reasons in certain cases why a state ought not to act in the way in which an individual ought to act in similar circumstances, as in certain cases there may be special reasons why an individual ought to act in a way different from that which would usually be right; but the *onus probandi* is always on the person who wishes to maintain that this is so in a given case. He cannot just say that the considerations which would make a certain action obligatory for an individual do not apply because it is a state which is concerned; he must show what there is in the *specific* circumstances that justifies him in saying that the state is not under an obligation to act in the way in which the individual under parallel circumstances ought to act.

A greater difficulty arises in connection with promises. It might be argued that, since the state is not a person, it cannot make promises and that therefore the duty of keeping treaties could be based only on the general good and not at all on the special duty to keep promises. This would, on certain views of ethics, differentiate the duty of the state sharply from the obligation on an individual to keep his promises, though according to many other thinkers, who base obligation entirely on the actual or likely consequences of an action, it would not. Certainly most people are convinced that there is something intrinsically evil about the deliberate breaking of a promise, whether this is the action of a state or of an individual, and that the objection to it does not lie merely in its tendency to produce bad consequences. Right or wrong, there are few more effective ways of arousing moral indignation against a state than by showing that it has deliberately flouted its treaty obligations, and the mere fact that a state

has promised to help some other state against aggression is regarded as sufficient to make the forsaking of the latter state extremely dishonourable. It would clearly be far-fetched to account for this feeling by the utilitarian advantages of keeping a treaty, though these are important; and I cannot persuade myself that our aversion to promise-breaking by a state as something dishonourable and evil in itself is not in principle justified. We cannot meet the difficulty completely by saying that the obligation to keep treaties is simply an obligation on members of the government to keep their own promises. For suppose the government has changed since the treaty was made? The people who made the promise cannot now do anything to keep it, since they no longer control the policy of the state; and as the members of the new government did not make the promise, how are they bound by it? No doubt there are cases in which they are not bound by it.

To take an extreme instance, no one could reasonably hold that the new Yugoslav government formed in March 1941 was under any obligation to keep the pact with the Axis signed a few days before which led to the revolution in Yugoslavia.[4] But, on the other hand, few claimed that the British government of August 1914 was exempt from any obligation under the treaty to protect the neutrality of Belgium, though it had been signed by statesmen none of whom were alive in 1914. I am inclined to think the answer to the question to be that, if the members of the government who are now in power opposed the treaty at the time it was made, or soon after they entered politics if it was not made in their lifetime, declared that they would repudiate it if they ever came into office, and denounced it as soon as they did come into office, they are exempt from any obligation to observe

[4] The pact had not yet been formally ratified by the Yugoslav parliament, but I cannot see that it would make any difference to the truth of this statement if that had been the case.

the treaty merely because a preceding government promised on behalf of the state to do so, though still subject to any obligation to keep it which could be based on utilitarian grounds or grounds other than the obligation of promise-keeping as such. If they omitted to do any one of these things, where possible, they have by tacitly accepting the treaty put themselves under some degree of obligation, and, if they omitted to do them all, under a much greater degree, but not under so strong an obligation as if the new government had itself signed the treaty. Complications may no doubt arise if conditions have radically changed in such a way that the keeping of the treaty hinders rather than fulfils the purposes for which it was originally intended, or if it is a treaty engaging a state to do something which violates other obligations; and however much one may deplore the unscrupulous treaty-breaking which occurred in certain quarters we cannot say without discrimination that all treaties are absolutely binding under all circumstances; but similar difficulties about promises arise in the case of societies not identical with a state and in the case of individual action. I may, for instance, appoint an agent on the understanding that I shall be bound by the terms he makes, and then I shall be bound by them even if I do not approve of them when they have been made. Is there a difference in principle between this and the case of treaties made by a state?

Another difference between the ethics of states and the ethics of individuals that may be mentioned is this: With the individual a sharp distinction is commonly made between questions of expediency and questions of ethics. For it is not usually held to be ethically obligatory on a person to perform an action when the only reason in favour of performing the action is that it is conducive to his own interests, at least his hedonistic interests, even if the action does not conflict with his obligations to anyone else. In this case, to act in accord-

ance with his own interests would be described as reasonable and would be admitted to be right, in the sense of not wrong, while to act against them would be stigmatised as foolish, but people would not ordinarily say that the man had not done his duty or acted wrongly in the moral sense of "wrong" if he had acted against his interests. In the case of political arguments, however, we are discussing not what an individual ought to do for himself but what a governing body ought to do on behalf of the people for whom it acts, and therefore this distinction cannot apply. For, while it may be urged, rightly or wrongly, that it is not a matter of duty but a matter of expediency for an individual to serve his own interests, there can be no doubt that it is his duty to serve the interests of others.

Now, the individuals who compose a government are acting not merely for themselves individually but for those whom they govern. Therefore if an action proposed is in accord with the interests of the nation, that is, those whom they govern, and there is no countervailing objection against it, it is clearly their duty and not merely expedient for them to perform the action.

But, even if the above distinction between duty and expediency is admitted in individual ethics—and some thinkers would dispute it even there—this point clearly cannot serve as ground for a fundamental distinction between politics and ethics, for a similar situation occurs in ethical arguments about individual, non-political action, when the individual is, for example, acting as trustee. Even if it is only expedient and not a duty to invest one's own money to the best advantage, as far as we can judge this, to do so is a moral duty where one is investing money for a ward. In fact it is difficult to find cases even of individual action (except perhaps trivial ones such as choosing which pudding we shall enjoy most) where the relevant effects of the action are confined to the

individual himself and therefore where it is not a *duty* to adopt the most expedient course in the widest sense of "expediency" for the sake of others if not for one's own sake. For any action that is in my own interests will, other things being equal, tend to make me more efficient in serving the interests of others. Even if it is merely a question of taking the most enjoyable holiday I can, the more I enjoy my holiday the more likely am I to be agreeable to others with whom I associate during the holiday, and the more likely is the holiday to improve or maintain my health and make me a more efficient worker when I return, unless the kind of enjoyment I seek has collateral detrimental effects on myself or others. It may indeed be admitted that it is often the duty of a person responsible for the government of a state to stand up for the rights of the citizens of that state where it would not be his duty, but rather the reverse, to stand up for his own rights in parallel circumstances; but the same may apply to a man's attitude to the rights of his children or of fellow-workers in a factory.

No doubt there is another sense of the distinction between duty and expediency in which it is of prime importance to make the distinction, both in individual ethics and in politics. In this sense it may be not only not a duty, but positively wicked, to do what is "expedient." For the "expedient" is often taken to mean what is conducive to the material interests or aggrandisement of a particular state or individual, though it may be quite contrary to the interests of other states or individuals, and even to the higher and more ultimate interests of the agents themselves or the state they represent. The "expedient" also may signify what will constitute an effective means for realising certain good ends but in the long run may be harmful because it conflicts with other ends, or because it involves the use of means which are so bad as to outweigh the good of the ends, in which case it

is certainly not always one's duty to do what is "expedient," but the reverse. But these distinctions arise not only in politics but also in individual ethics.

Again, while the argument that the state is not subject to ethical considerations because there is no regularly enforced international law breaks down completely since it confuses moral obligation with legal coercion, we must recognise that the absence of international government does put the state in a different position from the individual within a state and may make certain state actions right where it would not have been right for an individual to perform analogous actions in an analogous situation within a state. But this is not because the state is a state, but because there is no government above the state, unless we are going to include absolute independence and sovereignty in our definition of the state, in which case we should have to say that if one single aspect of the state's life came to be regulated effectively by a League of Nations it would no longer be a state; and in any case it does not remove the obligation to abstain from the use of force, if reasonably possible, but only affects the circumstances under which it is reasonably possible to do so. Further, the same type of situation can arise for the individual in parts of the world where no organised state exercises effective control, and in times of revolutionary chaos. And it seems to me a paramount duty of all states to work for the establishment of an international government which would do for conflicts of states what the national state does for conflicts of individuals and societies within the state. The obligation to refrain from aggression should indeed be regarded as even more binding on states than on individuals because the evil they can do by aggression is so much greater. The right of self-defence against actual invasion is paralleled by the legally recognised right of the individual to fight in self-defence if attacked by other individuals even to the extent of disabling

or killing them, if this is the only way of preventing them from disabling or killing him. It may be difficult to determine who is the aggressor in a given case, but the same difficulty sometimes arises with individuals. If a man makes movements with a pistol or sword which obviously seem to threaten me and I strike or fire first in order to anticipate what looks like being a fatal blow, who started the fight? What are the relative degrees of responsibility?

To sum up, there seems to be no possible reason for maintaining that actions of the members of a government on behalf and in the name of the organised group it governs are not subject to ethical principles where that group is of the kind called a state, or that the welfare of groups of individuals other than those on behalf of whom they act should be quite irrelevant to their actions. This seems to me an approximately correct translation of the statements that the state can do no wrong and that the sole duty of the state is to further its own interests. Even if we regarded the state as a being over and above its citizens with a sort of personality of its own, there could be no reason for supposing that it was exempt from ethical laws or that its ethics should be radically different from the ethics of individuals. Actions on behalf of the state obviously make for good or evil even more than do individual actions, and they must therefore be subject to the moral law; and, though the state cannot itself act morally or immorally in a literal sense because it is not a person, the people who act on its behalf may do so. State action is, further, subject to the same ethical principles as individual action except in special cases where the nature of the action the performance of which is obligatory depends on there being a legal authority and the sole legal authority is the state; and even this reservation may be paralleled in certain cases of action by individuals where there is no legal authority available to which they are subject.

3. *Bosanquet's View*

The exaltation of the state need not, however, take the extreme forms to which I have referred. Let us examine a more moderate and saner exponent of Hegelian notions of the state. I refer to Bosanquet, a first-rate thinker and one far enough removed from the outrageous doctrines of modern totalitarianism, yet a strong defender of the state. I shall not discuss the views of Hegel, from whom Bosanquet claims that his view is derived, since it is so very doubtful what Hegel's views were and I do not wish to take up many pages with hard questions of interpretation. Bosanquet clearly recognises that a state may act wrongly, though, not having lived to witness Nazi Germany, he shows some unjustifiable hesitation in admitting that a state could be guilty of acts analogous to deliberate immorality in an individual.[5] Under the influence of events in the war of 1914-18 he already comes nearer to this admission in *Social and International Ideals*.[6] He also recognises that the state can do nothing by coercion except remove hindrances to the good life. Coercion for him is justified only in so far as it sets at liberty a growth of mind and spirit which was struggling to utter itself before, and it must be judged by the degree in which it achieves this end.[7] But he insists strongly both that the individual owes everything that he has and is to the state and also that the subtraction of liberty at one point by coercion may increase it immensely at others. He insists that, although in any state action there must be an element of coercion, if only what is involved in the raising of money for the expenditure required, this element may be and commonly is quite subordinate to a great positive work, a point which

[5] *The Philosophical Theory of the State*, 3rd ed., pp. 299ff.
[6] *Id.*, p. 290.
[7] *Id.*, p. 185.

is clearly brought out by—for example—such public action as the establishment of universal education or of a proper drainage system. From a reading of his *Philosophical Theory of the State* it seems to me, however, altogether unfair to attribute to him a view of the state at all like that associated with totalitarianism in World War II or with "Prussianism" in World War I, as Hobhouse did.[8] All we can say is that, while almost all of what he asserts is true in its context, the emphasis is somewhat one-sided and has become more misleading with the passage of time. It must be remembered that his book was originally written during a period when on the whole the state interfered too little with individual conduct rather than too much, and when there was no reason to think that the battle for freedom of thought and parliamentary government against tyranny would have to be fought again on a large scale except in Tsarist Russia and other such relatively uncivilised countries.

Bosanquet's political thought is linked with his metaphysics, and therefore could not be altogether understood without an adequate survey of the latter, for which this is certainly not the place. His main ideas on the question of the state may, however, I think, be summarised thus: We could hardly live or obtain anything of what is worth having without the organised cooperation of others, that is, without some form of state. What we are is the product of the society in which we have lived; our whole mode of life and our ideas and aspirations take their colour and nature from our social environment, and any original contribution in the way of thought or action that any one individual save a heaven-sent genius (and perhaps even such a one) can make is as nothing compared to the ideas and modes of action which we have learned from our society. We must admit then that the individual is only an abstraction apart from society, and if we regard

[8] In *The Metaphysical Theory of the State.*

society as an aggregate of individuals we are committing a kind of vicious circle by deriving it from something, that is, the individuals, by which it is presupposed. Further, the state has all sorts of different properties and different capacities from those belonging to the individuals of which it is composed, and therefore it cannot possibly be regarded as a mere sum of the latter.

Suppose now I commit some serious offence forbidden by law, and am punished. If the law is recognised by me to be a good one and I acted in passion or haste, it is easy to see how, once given the time and mood for reflection, I shall come to realise that my action expressed indeed what I desired most keenly at the moment but was of such a character as, even apart from the judicial punishment, to thwart the settled purposes of my life, so that it failed to express what Bosanquet calls "my real will." This "real will," he claims, was much better expressed by condemnation of the action, and the state can usually express its condemnation adequately only by punishment. It was my settled purpose that such acts should be prevented, and my punishment is therefore in accord with that settled purpose, though no doubt not in accord with my inclinations at the time. The case is less clear where a man commits a crime deliberately after long reflection or where the settled policy of his life is on the whole knowingly directed toward evil courses; but Bosanquet would urge even here that this course does not express the man's real will, for what the man really wants is self-satisfaction, and it is not the case that lasting satisfaction can be obtained by such courses. Indeed such satisfaction can be attained only if a man seeks the common good, therefore this common good must be regarded as the real object of his will, and the "real will" of all individuals will thus coincide, however much their actual wills differ.

Now suppose a third case, the case where I have come to

the deliberate conclusion that a certain law which hampers my action or interferes with my interests is definitely a bad law. Even so I cannot wish that there should be no state at all or that I should belong to none. Yet, if there is to be a state, it is, in view of the differences of opinion which always will arise among human beings, quite impossible to expect that its decisions will always be in accord with my opinions. Therefore it is involved in my real will even that I should sometimes have to put up with laws with which I disagree, since almost any state is better than none. The state, however unpopular in many quarters the particular form of it may be, is therefore based on the real will of the citizens, and it could not survive without it, since really wholesale attempts at disobedience would soon make the laws unworkable. The state is absolute not in the sense that it is always right, nor in the sense that there is always some definite governing body which has absolute legal or moral sovereignty over the body of citizens (for "our theory does not place sovereignty in any determinate person or body of persons, but only in the working of the system of institutions as a whole," [9]) but simply in the sense that "being the special organ of arrangement in the external world, corresponding to that particular community whose will is our own will when most highly organised, it has the distinctive function of dictating the final adjustment in matters of external action." [10] That there must be such an organ he shows in the same paragraph by pointing out that "however purely non-political two associations may be, and however cosmopolitan, if they claim the same funds or the same buildings they must come before a power which can

[9] *Philosophical Theory of the State*, p. xxix.

[10] *Social and International Ideals*, p. 273. The article in this comparatively little known work from which I quote is very valuable as making clearer in summary form the contentions of *The Philosophical Theory of the State* in the light of the events of 1914 and the thoughts which these events aroused concerning the State not dissimilar from those in England today (1941).

adjust the difference without appeal. And if such a power were not single in respect of them, obviously there could be no certainty of adjustment without a conflict between the two or more powers which might claim jurisdiction." This of itself, we must notice, does not make the state absolute except in the sense in which a cricket umpire is so. It does indeed imply that there can be no legally justified revolt, but it does not imply that disobedience or even revolt cannot be morally justified, much less that the state is always right. No rebellion, except that of a madman, could indeed aim at the total and permanent destruction of the state as such, but only at its amendment, or perhaps the transference of its citizens or a portion of them to another state; but the possibility of justifiable rebellion against a particular government is admitted by Bosanquet as a last resort. He even insists that it is important in the interests of good government that the rulers of a state should be aware of the possibility of this extreme measure.

He does, however, in his discussion of the state prefer to consider what it is at its best and therefore, he would say, most typical, and to abstract from the defects of particular states; and he shows a certain impatience with those who in discussing the nature of the state allow their attention to be absorbed by evils which are due not to the state as such but to the failure of the state to fulfil its function. "It is not, I think, unfair to point out that my critics have on the whole founded their account of states not upon what they are, so far as states, but just upon what, *qua* states, they are not; upon defects which appear unequally in the several communities, consisting in those evils which the organisation of the state exists in order to remove, and does progressively remove in so far as true self-government is attained." [11] He concludes that the "normal relation" of different states is "co-

[11] *Social and International Ideals*, p. 276.

operative." It is no doubt in the light of passages like this, expressing his deliberate choice to study under the heading of *the state* its function and not its actual characteristics, that we must understand his tendency to identify the good with the general will and the general will with the will of the state. "The root of the doctrine caricatured under the name of state absolutism" is, he thinks, "the belief that a community has 'a function and a mission,' in a word, a conscience," and this belief he is concerned to retain. It is just, he suggests, the fact that states are at once so highly conscious of their function and yet so imperfectly organised which leads to wars; but the function is one which must be performed, and if properly performed would lead to unity between the different states and not to discord.[12] For, just as the "real wills" of different individuals coincide, so presumably do the "real wills" of different states. Bosanquet insists strongly on the fallacy of supposing either with states or with individuals that my gain is necessarily your loss and your loss my gain, and on the importance of realising that in the things which matter most the gain of one is the gain of all. But he still retains the view that the obligation of the private person to his country is unique, and not "to be put on a level with isolated abstract obligations arising in the course of this or that special relation," [13] presumably because it includes in itself all relations, though he still admits the right and duty of the conscientious objector "to follow his conscience to the end, provided it is supplemented by an admission of the

[12] "The true moral is not that a community should have no overmastering purpose, no consciousness of a mission and no conscience, but simply that its conscience should as far as possible be enlightened. But, being internally ill organized and correspondingly biased and unenlightened, communities enter into conflicts from time to time with their whole heart and soul, just because they *have* consciences and *have* moral worlds to guard. It happens naturally to them as to private persons that they throw their whole sense of right into what is wrong." (*Id.*, p. 279.)

[13] *Id.*, p. 280.

right and duty of the State to do likewise." [14] The usual critics of state absolutism, he thinks, commit the inconsistency of at once insisting that the state must be condemned for acting immorally and yet by their reduction of the state to a mere association of individuals denying that it is a being capable of morality and therefore that it could act immorally.[15] "To call the state an 'association' is contrary both to usage and to truth," for the state "is moulded, as no mere association is, by and for the special task of maintaining in a certain territory the external conditions of good life as a whole." [16] Further, the absence of a state would mean not only the absence of an external sanction, it would mean the absence of "a recognized moral order such as to guide the conscience itself." [17] ("State" is presumably being used here in the wide sense in which it covers all social organisation, as for the education of the individual.) For though there might be a world state this does not yet exist, and so over and above the nation state there is no objectively expressed and organised recognition of a moral order. Bosanquet supported the League of Nations, but he insisted that any sound international organisation must be based on sound national states with a corporate devotion to the latter such as now wrongly expresses itself in war, and he strongly opposed the antithesis between service to one's country and service to humanity, minimising the possibility of real conflict between these two ideals on the ground that a state which aimed at its own true interests would thereby be aiming also at the true interests of the human race. This is implied in his identification of the real will and the good will and in his insistence that we must in discussing the nature of the state consider what it is at its best. That actual states usually co-oper-

[14] P. 281.
[15] P. 282.
[16] P. 283.
[17] P. 287.

ate fully with others is by no means true, but that a state at its best does so or that this should be the purpose of the state as such cannot well be denied.

In criticising Bosanquet, Hobhouse and others have pointed out that, although the state is certainly more than the sum of the individuals comprised in it as they would be apart from the state, it does not follow that the state is more than the sum of what they actually are as in the state.[18] Furthermore, in any sense in which the state could be said to be more than the sum of its parts this would not be peculiar to it but true also of many other associations, for example, of two men pushing a heavy weight together where, if they worked separately in succession, neither could move it; and other associations, such as the family or the church, may evoke an even stronger feeling of sentiment and devotion than does the state.

To the doctrine of the real will it is retorted that a man cannot possibly be taken to will all that his actual will implies, and that what Bosanquet calls the real will of a man is therefore only what his will *would be* if he were really wise enough to see at all times all the implications of what he actually wills, that is, if he were quite transformed from what he is to-day: [19] "The will which Bosanquet calls real and which I would call rational, harmonious or simply good, is not real in the average man, nor even in its completeness in the best of men." [20] This being so, the talk about constraint and punishment for wrong doing being in accord with the man's real will is regarded as mere sophistry and as preparing the ground for the dangerous fallacy that to compel a man to do something which the rulers of the state think to be good is no constraint on his liberty. The view that the indi-

[18] *Metaphysical Theory of the State*, p. 28.
[19] *Id.*, pp. 45ff.
[20] P. 47.

vidual is nothing apart from the state is put down largely to a false metaphysical theory of universals according to which there is no radical distinction between numerical and qualitative identity, so that having universals in common makes different individuals mere manifestations of what is at bottom one and the same mind and the particular as such becomes unreal, being really only "a phase in some universal." [21] The individual and the state are, Hobhouse insists, equally real; things can only be real, they cannot be more or less real; and further the individual is more than the state in the sense that the state, though in some respects more inclusive and permanent than he, only engages a portion of his total activity [22] and is generally to be ranked as inferior to him in respect of moral standards.

It seems to me that both sides are in the main right in what they assert and that the difference between them is largely reducible to differences of expression and emphasis. It is plain that Bosanquet does not wish to assert that I am identical with other men in precisely the same sense in which I am identical with myself as I have been and shall be at other times, but only to stress the analogy between the two relations, while Hobhouse stresses the difference. And it is surely possible to say that one of the principal reasons for loyalty to the state lies in the fact that I could not even for my own sake do without a state, and to admit that the existence of a state implies that I shall sometimes have to submit to laws which I think wrong, without expressing this in a way which suggests that what I think the unjust punishment I may suffer is to be called an expression of my real will. Again, however individualistic we are, it remains true that we cannot have the least understanding of any individual person without considering his relations to others and that to consider him

[21] Pp. 61ff.
[22] P. 130.

apart from these relations would be a vicious abstraction. Bosanquet's account cannot be understood without realising that he uses the term "state" in two different senses, (1) as covering all the social institutions and associations of a given community, (2) as standing for the authoritative side of social institutions as ultimately backed by the power of coercion.[23] The "state" in the second sense is regarded by him as a necessary condition of the existence of "the state" in the first sense, a view which Hobhouse disputes on the ground that "many simple societies enjoy a fairly well ordered fabric of social life without any governmental organisation" and that it is at least conceivable that there might in the future develop a society in which people would do their social duty without anybody having to be forced to do so.[24] But surely in the former case there are still authoritative laws and social institutions which are obeyed as a matter of course or under the pressure of social opinion or informal coercion; and as regards the latter there must at any rate be some authoritative means of settling what is to be done even if it were in fact never necessary actually to make use of coercion. Now it must be admitted that there is very little of life and still less of good life which can fall outside the purview of the "state" in the first sense of the word, for even the most individualistic thinker has had an education which social organisation has alone made possible and has been a member of the social institution of the family; and Bosanquet himself repeatedly insists

[23] "It would not be true to say that Society is a State only as actually exercising force; but it would perhaps be true to say that State action as such, though far from being limited to the downright exercise of force, yet consists of all that side of social action which depends on the character of ultimate arbiter and regulator, maintainer of mechanical routine, and source of authoritative suggestion, a character which is one with the right to exercise force in the last resort." (*Philosophical Theory of the State*, p. 172). "Its [the state's] distinctive attribute is to be ultimate arbiter and regulator of claims." (*Id.* pp. 173-4.)

[24] *The Metaphysical Theory of the State*, p. 75.

that the state in the second sense is limited to removing external hindrances and cannot directly promote the good life, though it is needed in order to supply or maintain external conditions without which there could not be any satisfactory life. If "state" is used in the first sense, to insist on its importance is simply to emphasise the dependence of each individual on others; and even if it is used in the second sense we must admit its omnicompetence in the sense of admitting that there must always be some organised means of deciding disputes. The "state," in the second sense, is however merely the servant of the "state" in the first sense and owes its legal omnicompetence itself to this fact. It is legally supreme only because it is its particular job to make and enforce laws for the benefit of the community; and this job is only one among a vast number assigned to various organs and individuals and not necessarily always the most important job. To quote MacIver, "It commands only because it serves; it owns only because it owes. It creates rights not as the lordly dispenser of gifts, but as the agent of society for the creation of rights. The servant is not greater than his master. As other rights are relative to function and are recognised as limited by it, so too the rights of the state *should* be." [25] The distinction between these two senses of "state," we may add, is of great importance for the understanding of political thought in general and not only of Bosanquet.

Again, there can be no doubt that the state has properties which are not possessed by any of the individuals in it by themselves, and that some of these properties may be of great value. But, while Bosanquet does not mean that this implies that the state can be conceived as something separate from these individuals or that it has a personality of its own in quite the same sense as an individual human being, I think that he pushes the analogy rather too far and that he does not

[25] *The Modern State*, p. 480.

lay sufficient stress on the fact that the good achieved can be achieved only in the lives of individuals. There is nothing in the state which has value beyond these lives, though such lives as related in a certain manner may have a much greater value than they would have if not related in that manner. But I do not think there is anything in Bosanquet's philosophy to justify Hobhouse's accusation that, just as the Absolute is "quite indifferent to the permanent welfare of the units, spiritual beings, selves which go to make it up," [26] this is true of the state "as the nearest representative on earth of the Absolute." On the other hand, when Hobhouse maintains that Bosanquet's political philosophy tends to assume that reason as incorporated in the institutions of society is better than reason in the individual, whereas these institutions are as a matter of fact far too much due to quite irrational causes and to the conflict of different wills for this interpretation to be possible, I distinctly prefer Hobhouse's to Bosanquet's side of the antithesis. But the idealisation of the state, of which the critics of Bosanquet complain, may be traced largely to the fact that he is interested rather in the function of the state, than in the historical and political question to what extent this function is fulfilled by the actual performances of actual states.

I admit that even so his attitude has its dangers, especially at the present day, and that despite safeguards his work shows a much greater satisfaction with contemporary states than was warranted by the facts.

4. *The Difference Between the State and Other Associations*

The question of the difference between the state and other organisations or associations requires a fuller discussion. The state is distinguished from any other human institution or society on the following grounds:

[26] *The Metaphysical Theory of the State*, p. 152.

(a) It alone has the right to exercise force.
(b) It is all-inclusive, that is, all departments of life are at least potentially under its control, while no other association caters for more than a limited department of life.
(c) Entry into it is compulsory for everybody.
(d) Its basis is territorial.
(e) It has complete independence and sovereignty.

(a) Let us examine the points one by one. As regards the first, the right of exercising force, the state is of course not the only institution which can impose rules on its members making certain action compulsory; but with other associations, unless they are given special permission by the state to use force, the ultimate sanction is only expulsion from the society or any lesser penalty, such as a small fine, which the person is prepared to tolerate in preference to expulsion. The state on the other hand has the legal power to impose any penalty it chooses. Even if the state were to allow an association to impose on its members such penalties as imprisonment or death, and made membership of the association compulsory for certain classes of people or even for all citizens, this would only be an exercise of the *state's* right to use force.

It may, however, be argued in reply that, while it is true that the state alone has the legal right to exercise force, except in so far as it assigns this right to other associations, this is no more than a verbal proposition, because whatever the state does *qua* state is by definition legal. Its executive officials may act illegally, and even its legislative body, if the constitution is fixed, but in that case it is not the state *qua* state which is acting at all. And, if we ask for the moral right to use force, it may be said that every individual has a right to do this in self-defence, and the state has no more, since the repression of law-breaking may be regarded as a necessary act of self-defence by the state. It may further be argued that, just as associations within the state have the legal right to use force

only when and because the state does not forbid it, so the state has only the legal right to use force on its own subjects because there is no international law forbidding it, and the actual power to do so only in so far as subjects do not revolt or stronger states intervene to prevent it. Britain under the League of Nations had not the legal right to use force indiscriminately in dealing with the inhabitants of her mandated territories, and Czechoslovakia in the autumn of 1938 had not the power to exercise compelling force on the members of her German minority. And in general it is as true to say that the state has the power, legal and actual, to exercise force on its members only because these members and the associations within the state allow this as that the associations within the state have the power to exercise force only because it is allowed by the state. Even the legal right of the state would cease to be a legal right if nobody recognised it. A further objection to making the use of force the differentia of a state is that it is at least logically possible that there might be a state which had laws but never needed to exercise force because its citizens always obeyed the laws of their own accord. But such a state would still be a state: the absence of the necessity for force would indeed make it more rather than less of a state, since it would be better obeyed, the necessity of using force on its subjects being always a mark of partial failure. Yet, even if force were not needed, there would still have to be some central organisation to decide what it was best to do; and such an organisation would possess a voluntarily acknowledged authority at least as complete as that of the present state.

(b) The all-inclusive character of the state is perhaps a clearer differentia. While other associations deal only with some restricted object or sphere of interest the state has control over everything in the life of those who dwell in its territory. It does not indeed always exercise this control; but that,

it may be said, is only because it decides not to do so. For who but the state can decide at what point the control is to stop?

There is one association other than the state which is apt also to claim all-inclusiveness, namely the church. The church, while primarily occupied with religion, repudiates the view that religion concerns only part of a man's life and demands that it and the ethical ideas which are bound up with it should determine his whole life. Except in totalitarian states the problem thus raised is not acute to-day, because churches do not now lay down detailed laws about secular matters, because there are few, if any, states all the citizens of which are members of any one church, and because even with most of those who are members the injunctions of the church outside the sphere of religion in the narrower sense are in practice likely to be treated as advisory rather than as having absolute binding force. But we can well understand that in the Middle Ages the conflict between church and state presented a perennial problem which was never solved. We cannot say that a church differs from a state in that it says what man ought to do but cannot impose penalties except as authorized by the state. Where it is believed that one's relation to the church is of the supremest importance in determining one's destiny in another world the church has indeed the power to make use of penalties which in the eyes of the believer are, theoretically, greater than any inflicted by the state, which at least cannot punish men in an unending future life but only in this. For to have to believe or fear that I shall go to hell after death is a severe punishment even if the belief is untrue. This punishment is not indeed altogether independent of the state, for a state might declare it illegal to teach this or might take educational measures to prevent the spread or persistence of the belief; but it could be urged likewise that the church might succeed in prevent-

ing the effective carrying out of a state's laws by the propagation of an opinion that they were wicked or impious.

Is the church then a state? We thus again seem driven back on the academic distinction that the state alone has the *legal* right to control behaviour. It may further be noted that the existence of a church which on certain occasions used force and claimed the right to do so independently of the state is at least conceivable. I think, however, that if it did not limit its claim to certain special occasions or a certain restricted sphere of life and if it attempted to make this unlimited claim effective, it would have to be regarded as either a state already or one of the parties in a civil war aiming at the control of the state. But in any case the omnicompetence of the state is legal rather than actual. Even the most totalitarian state did not control all the private affairs of its citizens.

(c) The state, it may be claimed, differs from other associations in that membership is not voluntary. Everybody must belong to a state: he joins one willy-nilly at birth, and he cannot secede from the state as he can from another society. Even if he can emigrate and cease to be a subject or member of the state to which he originally belonged, he cannot escape from the clutches of all states. Locke suggested that a person who disapproved altogether of living in a state could go to America, but this way of escape is not open now to the philosophical anarchist.

It may be pointed out, however, that the family is also an association which one joins involuntarily. It is true that a person can leave his parental home if he wishes, though not till he has attained a certain age. But it is also true that apart from financial difficulties, which might also in certain circumstances prevent a person from leaving his home, a man can normally leave his country and live elsewhere provided another country will receive him. The state may take away this right in wartime or even as a settled policy, but it certainly

can be a state without doing this, so we cannot say that the existence of compulsion on its members to continue to belong to it is an essential characteristic of the association we call a state. Was Britain not a state before 1914 because it allowed its citizens to leave and reside elsewhere without even a passport? Was it even for this reason less of a state than it is to-day? No individual can join another state or even reside within its territory without obtaining the permission of that state, but neither can he ordinarily reside with another family without the permission of the latter. And, while nowadays it is far more difficult in practice for the adult individual to live without being under the jurisdiction of any state at all than it is for him to live without living with any family, it may be retorted that it is only in recent times that all parts of the earth have been placed under the jurisdiction of states and that in many conditions of society in different parts of the world it would have been as difficult to live outside any family as to live outside any state. A more important difference is perhaps that a state will not allow people convicted of offences to leave its territory till they have been punished for the offences; but a state which allowed voluntary exile as an alternaative to other punishment in such cases is not inconceivable. To a considerable extent this was allowed in classical Athens.

(d) The basis of the state is territorial. Subject to minor reservations covering naturalisation, it includes everybody who was born in a certain stretch of territory and continues to reside there (unless the person is a woman and marries an alien), and, while everybody who resides there is not its citizen, he is (apart from certain exceptional cases where stronger states have insisted that their nationals residing in another state shall be given exceptional treatment) thereby automatically subject to its laws. This certainly does distinguish it from all other societies except administrative divisions

of itself such as municipalities; but it is not clear except for reasons of convenience why the fact that it has a territorial basis should give it a claim to sovereignty over all other associations within the territory. A condition of affairs in which societies with a functional, not a territorial, basis enjoyed the independence which separate states have now is practically indeed most unlikely, but logically not inconceivable. We should then have, say, people of the same profession in all parts of the world forming an association which was entirely self-governnig. It would indeed have to depend for its existence on trade with other professional associations members of which required its services, but similarly many modern states depend on trade with the members of other states for their existence. If, to complete the analogy, we suppose a rigid system of hereditary castes, this would make membership of each association quite as little voluntary as is membership of one's state to-day. States without a territorial basis are therefore conceivable, though perhaps most unlikely, ever to arise. The arrangement suggested would be no doubt extremely inconvenient; but the independence of the different territorial states is likely to prove extremely inconvenient too, as we know to our cost to-day. That it would be inconvenient does not mean that it contradicts the nature of a state.

(e) The state, it is contended, is on principle absolutely sovereign. This claim is, however, fairly modern, and, I think, is likely to be relatively temporary. Till the end of the Middle Ages the sovereignty of the state was conceived as limited by natural laws and by the church. More serious, I think, is the objection that the absolute sovereignty of the state implies international anarchy; and I trust that the growing realisation of the dangers of this will soon put an end to the claims of the nation-state to absolute sovereignty.

In order to deal with this question adequately we must,

however, distinguish the legal from the moral sense of sovereign independence. Those who insist on the sovereignty and absolute independence of the state do not necessarily mean that the state may do what it likes, irrespective of ethical considerations, but that there are no legal limits to the state's sovereignty.

This was unfortunately true during the war, at least if we assume the League of Nations to have died, and international law is even yet not law in the full sense in which national laws are; we may hope it will not be true very much longer. "International law" and "natural law" were ethical, rather than legal, conceptions and therefore did not limit legal sovereignty, however much breaches of them might expose the rulers of a state to moral blame.

The difference between the two is that international law was not conceived as *a priori* like "*natural law*," but was partly determined by the actual practice of states, and was given a quasi-legal character as regards some of its provisions by treaties committing states to observe, for example, certain minimum standards of behaviour in wartime. But treaties were not recognised as *legally* binding on the citizens of a state unless embodied in a law passed by the state legislature, which it was therefore legally competent at any time to repeal.

Again, even if the church has more ethical authority than the state, it cannot pass or veto laws legally binding on the citizens of a state unless given this legal power by the state.

While the League of Nations was operating, international law, however, acquired a more definitely, though not completely, legal character. But even then it might be maintained that the member states did not sacrifice their sovereignty, because it was always regarded as compatible with the sovereignty of the state to make treaties, and the adhesion of a state to the League of Nations and the rules maintained by the League was always by free agreement and was not

analogous to the position of an individual in relation to the laws of the state to which he belonged. It is clear, however, that the line between treaties and laws here wears rather thin. A state might quite conceivably bind itself by treaty to accept any laws laid down by a majority vote in a league, though the members of the actual League did not. In that case surely it would cease to be absolutely sovereign, and yet its sovereignty would be limited only in respect of a treaty. Or should we in such a case say that it had ceased to be a state because it had lost its sovereignty? Whether we should or not would seem to depend on the number and importance of the issues in respect of which it had surrendered its power of decision to the League, but it is quite plain that it would be absurd to refuse to call it a state merely because it had done so in regard to a few comparatively minor matters, and this is sufficient to show that absolute sovereignty cannot be regarded as part of the definition of a state. Other difficulties arise through the existence of written constitutions which may be regarded as limiting the legal internal sovereignty of the state.[27]

But, if we pass from legal conceptions to concrete facts, it is certain that no state is absolutely sovereign in relation to its own subjects or absolutely independent in relation to other states. There are certain things which no state can do without provoking revolt; and it is still more obvious that a state's sphere of independent action is limited by the existence of other states which might make war on her or otherwise hamper her. Nor can we altogether separate external and internal affairs and say that a state is free from the interference of other states to do what it likes in internal affairs. Germany had no sovereign power over us, but her action certainly forced us indirectly to make revolutionary changes, at least temporarily, in our conduct of internal affairs and in

[27] *V.* above, pp. 24ff.

our whole mode of life in order to beat her. "Sovereign states" have all been compelled by other states to pay far heavier taxes than any internationalist ever envisaged their paying to a League, because without doing this they would not possess the armaments necessary in an anarchical world to give them security and influence. It is a plain fact that in the presence of other states of comparable power no state is absolutely free to do everything its rulers might wish, and that there are likewise certain things which it could not do in relation to its own subjects. So, when people object against measures proposed for the peace of the world that they interfere with the sovereign independence of states, they are forgetting that this sovereignty is already subject to most drastic interference and limitation and might in effect be less, not more, limited, even in the case of powerful states, if a League of Nations or some analogous institution exercised an influence on international relations so as to remove the menace of war. The notion of absolute sovereignty as applied to a state seems to me plainly false in either an ethical or an actual sense, and rather futile in a legal sense. There are many things a state ought not to do, and many things a state cannot do without incurring consequences which would make them obviously not worth while, and even within the confines of a single state it is never absolutely certain that any law passed by it will be effectively enforced. The insistence on sovereignty also tends to obscure the extent to which a reasonably well governed state depends on agreement rather than compulsion.

None of the criteria mentioned is then by itself adequate to differentiate the state from other associations; but taken together they are no doubt adequate. The difference between states and other associations still seems to me to be one of kind, or at least one of those differences of degree which verge into differences of kind. No doubt we can imagine

many associations occupying intermediate positions between, say, a mere cricket club and an independent nation-state, and we must admit that in a federation the functions of the state may be shared between the government of the federal union and its member states. But the facts that there are borderline cases where it is difficult to draw a sharp line between one class-concept and another, and that there is no single definable criterion which is by itself adequate to distinguish them in all cases, are difficulties common to almost all class terms. It need not prevent us recognising the concept of the state as a quite distinctive one, radically different from that of a mere association and not adequately paralleled in any other form of association but the state.

5. *The Obligation of the Individual to the State*

A more important question is whether the state has ethical claims which no other association possesses and whether these are paramount. Again the metaphysical question of the nature of the state, in so far as it is of any vital importance, seems to resolve itself into an ethical one. The view that we are under an exclusive and paramount obligation to the state, quite different from that which we have toward any other association and capable of justly overriding all or almost all other obligations, has been defended on the ground that the individual owes to the state everything which he is and has. But the view that we owe everything to the state is defensible only if we identify the state with "society," including all associations and all influence of other individuals, and it is very much open to question whether the major part of this influence is to be ascribed to "the state" if we mean by that "society as politically organised." We may admit that in the absence of a great improvement in human nature the individual's life would mostly be "nasty, brutish and short" if not lived in a state; but we must add that it often is so even in a

state and that, where it is not, this is due to other influences more than to those of the state. It is far truer to say that the state serves to secure the external conditions without which the good life would be impossible, or intolerably difficult, and to protect the individual against sundry evils, than that it is directly and actively responsible for the good citizen's goodness. Responsibility for that, in so far as it is due to external influence, must be ascribed rather to good parents and other individuals, as particular teachers or friends, than to the state. Certainly it would be a gross confusion to maintain that, because each individual owed almost everything to the influence of others, therefore he owed it all to the state, except in the sense in which he owes anything good to that which secures the necessary negative condition of its achievement. He owes all that he is and has to the state only in the sense in which he owes it all to the producers of food, for it is more certain that he could not live without food than that he could not live without a state. Further, gratitude can at the most constitute one *prima facie* obligation, it cannot override all others; nobody would excuse crimes on the ground that they were committed in order to help a benefactor of the criminal. The ethical claim of the state to an absolute and exclusive allegiance is also rendered ridiculous by the contingent and arbitrary nature of national boundaries, and by the argument that one of the most superficial of links in itself, that of living in the same stretch of territory, can hardly constitute the basis of an absolute ethical obligation so binding as to be supreme above all others, as well as by the patent defects that appear, more or less, though in very different degrees, in all governments and administrations. For state or nation worship I can see no even moderately reasonable argument and no even tolerably plausible excuse; and a man who has not learned from the *reductio ad absurdum* provided by Hitler that devotion to our country's prestige and obedience

to the state are not enough must be in his stupidity beyond the reach of any argument that I can offer.

A milder view, however, requires discussion. It is generally held even by strong opponents of the extreme claims of the state that men as individuals have a special duty to their country over and above their duty to humanity as a whole. Some would go so far as to say "my country, right or wrong"; but more usually, outside Germany and Japan, "duty" here signifies rather what Sir David Ross means by *prima facie* duty, that is, an obligation that generally holds but may be overridden by superior obligations. The obligation to one's country, if it means more than an obligation to one's fellow countrymen as individuals, can hardly be separated from the obligation to the state, because it is only as organised *qua* state that any country can be said to be a unity. The notion that the good of one's own country is of such supreme importance that it can override everything else, as applied to Germany, is one of the things that we were fighting against, though another and even more important one was the inadequate and perverted view held by the Nazis of what constitutes a country's own good. But that we have some special obligation to our own country is a view not confined to rabid nationalists but almost universally held. This appears particularly clearly in the case of war: however just an Englishman may have thought the cause, say, of China against Japan and however much he might have agitated in favour of intervention by the British government he would never have said prior to military intervention by his government that Englishmen of military age were in general under an obligation to fight for China. Yet practically everybody who is not a pacifist agrees that, in the event of their own country being engaged in a just war of major importance requiring a big land army, all men of suitable age and physique ought to engage in the fighting provided they are not employed in other specially

important work or are under very special family obligations. The war in the two cases may be equally just and equally important, but the fact that one's own country is engaged in it is held to create a special obligation to fight not otherwise present. Where the war is thought unjust there is a great difference of opinion: some would say a man still ought to fight for his country, others that he ought not, but even the latter would agree that there is something very regrettable in a man having to leave his country in the lurch, even in an unjust war, which he would not feel in refusing to fight for another country however just he thought the war. Still clearer is it that anybody would feel the extremest disapproval of a man fighting against his own country for money, while they would feel either no disapproval at all or not nearly such strong disapproval of a professional soldier who fought against other countries for pay. Again most people would certainly hold that we are under a greater obligation to help fellow-countrymen in distress than to help people of other nationalities in equal distress, since we cannot help everybody. They would hold that in deciding the amount of money one gives to different charities it is only appropriate and right for a man to allot to charities at work in his own country a much larger proportion than would be justified by merely considering the numerical proportion of his countrymen to inhabitants of the world. Again, few people would commend a government in peacetime for adopting a measure which threw out of work ten thousand of their fellow-countrymen in order to give employment to twenty thousand foreigners abroad.

This brings one up against the principle of the greatest good. It may rationally be contended that, if a particular act in service of our own country is for the greatest good of humanity, then it ought to be done in any case, even if we were under no special obligation to our country, but that if

it is not for the greatest good of humanity it is wrong even if it is for the greatest good of our country, since we have no right to sacrifice the greater good of humanity to the good of our country any more than to the good of our friends or of ourselves. It may be admitted that we can usually serve humanity best by serving our own country, since we usually have more chance of benefiting the people among whom we live than of benefiting others; but this is only to say that to serve our country is usually the most efficient way of fulfilling an obligation to produce the greatest good. It is sometimes asserted that the real interests of our country and of other countries can never clash, and it is indeed one of the most important points in politics to realise that clashes occur far less frequently than a superficial observer would think; but while it is no doubt true that the real good of two countries does not clash nearly so often as their immediate material interests seem to do, I cannot see any grounds for asserting that a clash is never possible. It is normally against the real, and not only the apparent, interests of a man to be thrown out of work; yet it is surely quite possible, and must in some particular cases happen, that a measure which lessened unemployment in our own country without any countervailing disadvantages for us would increase it much more in a different country without any countervailing advantage to the inhabitants of that or other countries. Certain clashes may seem to occur only because people take a superficial view of what constitutes the good of a country, or because they take a shortsighted view even about material goods; but what possible ground can there be for saying that it is intrinsically impossible for there to be a clash between the true good of two countries, unless we hold that the only, and not merely the supreme, good is good will?

However, it is not perfectly clear that the fact that an action is not for the greatest good is always an adequate rea-

son for refusing to perform the action. Philosophers of one school hold that besides the obligation to pursue the greatest good there are other *prima facie* [28] "obligations" independent of the good produced which may clash with the obligation to pursue the greatest good and may even in some cases, though not in all, override it; and there is a good deal in the actual moral experience of man that seems to fit in with this view, though I am not sure that it cannot be ultimately explained on utilitarian grounds provided we recognise other goods besides pleasure and take adequate account of the desirable effects of having some general rules on which people can rely. I do not wish to discuss this general question of ethics here; but I do wish to consider the particular alleged *prima facie* duty towards one's country. I think the case for it is weaker than the case for asserting other *prima facie* duties, for example, for saying that we ought to keep promises even in some cases where it is not conducive to the greatest good. We may well admit other *prima facie* duties without admitting this one; if we are on general grounds utilitarians in ethics, we shall not admit it in any case. But we must remember that what we are criticising is not our obligation to our country but a theory of its basis. It is clear that in most cases at least we have such an obligation; what is doubtful is whether this obligation is founded solely on the greatest good or whether we have an obligation to serve our country even in some cases where the greatest good is not attainable thereby.

Now it is certainly not unreasonable to ask further questions as to the basis of this duty, since the mere fact that my parents belong to a certain social organisation possibly against and probably without their choice, or that I have been born in territory controlled by that organisation, can hardly of itself give rise *a priori* to any ethical duty to serve the organisation

[28] See above, pp. 38ff.

in question. Such a duty is not the kind of thing that we know *a priori*, and therefore it cannot be accepted as an ultimate obligation about which further questions need not be asked. If we ask for reasons for the obligation and are not to find these reasons in the general good, the only possible reason of which I can think would be that I owe a debt to my country because of all the latter has done for me.

This is the notion behind the contract theory of the state, according to which by enjoying the benefits which the state provides I make an implicit contract to obey and serve the state. And the advocates of the absolute right of the state over the individual commonly make use of such arguments as that we owe everything to society. There is no reason to suppose either an actual historical contract or an absolute right on the part of the state; but an implicit contract is not an absurd notion, and the state may well have a *prima facie* right.

If I go into a shop and order an article, I have entered into a contract to pay for it even if I have not made any explicit promise to do so. This applies even if the price or the fact that I had to pay was not mentioned when I ordered the article and I do not know the exact price. But the case of the state is different, since the bargain here is not voluntary. I could not have refused the benefits conferred by the state except by committing suicide or emigrating, which latter is not always possible, while I could have avoided buying a particular article at a particular shop. In the case of the transaction with the shop I deliberately ask for the goods in the knowledge that I shall be required to fulfil my part of the bargain, but not in the case of the transaction with the state. No doubt it may be contended that even in the absence of a deliberate contract I am under a debt of gratitude to my benefactors and have therefore a special obligation to serve them; but could it ever be right to sacrifice the greater good of humanity to their lesser good on that account? Yet if I

ought only to serve my country where it is for the greatest good of humanity to do so, what difference does the obligation make, since it only commands me to do what I ought to have done even apart from such a special obligation?

Besides, the state may have grossly neglected its duty to me. In most states in the past this has been true of many large classes of the population, indeed the great majority. In that case the obligation seems to vanish because the benefits for which return should be made have not been conferred. This suggests that at least certain large classes of poverty-stricken slum dwellers have no special obligation to their country, unless the latter has done more in the way of social reform than has been done by very many countries at any rate. This does not mean that they are not under any obligation to obey the laws or to help their country and countrymen in so far as they can, but that the obligation is based only on the fact that such action is likely to produce the greatest good and not on any special obligation to their country. It would be obligatory even on a Jew living in Nazi Germany to obey the good laws, if any, of this state, and to refrain from disobeying even bad laws where this would do harm rather than good, since he could not alter the laws by disobeying them; and it would be his duty to serve the true good of the German people because this is part of the good of humanity, but I do not see that he could have any special obligation to Germany rather than to any other country, since he had been so badly treated by his fatherland.

The obligation to one's country or state is more analogous to the obligation to our parents than it is to a business relation. Here also the debt is not incurred deliberately, since we did not choose who should be our parents; and here also it seems to depend, mainly at least, on uncovenanted benefits conferred on us. But there are various respects in which the notion of a special obligation to one's parents over and above

the obligation to serve humanity is in a stronger position than the corresponding notion of a special obligation to one's country or one's state, even in cases where the individual cannot complain that he has been badly treated by the state. (a) It is commonly agreed that family affection and family life in its better forms has a great intrinsic value *over and above its utility*, and is in fact one of the most valuable things we know. I do not think this can be said of patriotic emotion, attractive and appropriate though this is, towards one's country, or of an individual's relation towards the state. (b) The benefits I am said to owe to my country are mostly, though not entirely, benefits emanating from particular individuals, such as my parents, and the laws or public institutions can only be said to provide the external conditions necessary for them. It is true that I could never have enjoyed most of the benefits without the state; but neither could I have enjoyed any at all without the agricultural classes, since without them I should have died of starvation. It does not follow from this that I have a special obligation to pursue the good of farmers in preference to that of other people. (c) We can love our country, but our country (the group of compatriots as a whole) cannot, like our parents, love us, at least unless we belong to a small minority of very well known public men, and there is no doubt that the obligation towards parents is at least partly based on the love they commonly bear to their children.

It seems to follow from all this that the special obligation to one's parents is stronger than the special obligation to one's country. This does not mean that, if the interests of one's parents and the interests of one's country conflict, the latter should be sacrificed to the former, because, if the good I could confer on others of my countrymen by a certain action exceeded the good I could confer on my parents by an alternative action, the principle of the greatest good would

itself require the former action unless it conflicted still more with the good of foreigners. But it does mean that the case for seeking the good of one's parents at the expense of the greater good of others is stronger than the case for seeking to produce the greater good of one's country at the expense of the greater good of other countries, though no doubt we ought not to do either unless the good sacrificed is not very much greater than the good gained, and perhaps not at all. Now nobody is tempted to hold that the obligation to one's parents is absolute, that we should further their good however much harm we do to others, or that we should obey them right or wrong, and this makes the absolute view of obligation to the state still more unreasonable; but this is not the point here. I am not now discussing the obviously silly view that we have an absolute obligation to our country, but the more moderate view that we have some "*prima facie*" obligation to it not explicable entirely by the obligation to produce the greatest good. This view, even in its milder form, encounters the objection that it would involve the conclusion that it was sometimes right to do a greater harm to other countries in order to gain a lesser good for one's own, since if we acted on the obligation to our country only when it was to the good of the world to do so, the obligation would be irrelevant to action because it would only bid us do what was our duty quite apart from it.

Let us see whether we can put forward a milder form of the special obligation view which would escape the objection in question. There is certainly no such objection to holding that we are under a stronger obligation to perform a beneficial act for our countrymen than to perform an equally beneficial act for others in the sense that we are more to blame if we do not perform it when we could; but to narrow the obligation to one's country to this would be to deny it the right to influence action, only admitting that it provides

an additional reason for certain actions which we in any case ought to perform; and most people would not be satisfied with such an account. Even if we admit further that we have a special obligation to our country in the sense that it is appropriate to feel and a duty to cultivate a certain sentiment towards one's country, they will not be satisfied. It is generally maintained in practice that we are under an obligation to perform certain positive actions on behalf of our own country which we are not under an obligation to perform on behalf of other countries, and that, if we have to choose between positive acts of help to our own country or countrymen and to people of some other country, we ought to choose the former, even if we could do slightly more good by choosing the latter, though not if we could do much more good by the latter course. This is not necessarily to say that we ought positively to harm other countries for the sake of our own, unless it is also for the general good of humanity, as I think, for example, it was that we should win the war. It would mean only that the obligation to go out of our way positively to benefit them is less than the obligation to benefit our own country, and may therefore sometimes rightly give way to it, even when a person who considered only the interests of humanity in general would insist on a different course. This I think is the view most usually assumed in practice. It implies a sharp distinction between positive action and abstaining from action, and perhaps also between the direct and the indirect effects of our actions. It assumes that, though it would be wrong positively to do something to injure another country for the lesser good of our own, we are not always under an obligation to substitute for a positive act done to benefit our country an alternative act designed to benefit another country even where the benefits are greater, but are rather under an obligation to benefit our country first even though the benefit likely to be conferred is less, unless the

discrepancy is very great. It is not easy, however, philosophically to justify this distinction between actively doing harm and passively neglecting to do good; if I have performed action A when I could have performed action B and action B would have produced more good, my behaviour has clashed with the principle of the greatest good just as decisively as if I had done positive harm by an act from which I might have abstained. No doubt, other things being equal, a person deserves less blame for neglecting to do good than for positively doing harm; but we are not discussing here the degree of blame attaching to actions but the question which action should be performed.

I am therefore on the whole not disposed to admit a strong special obligation toward one's country independent of utilitarian considerations. Unlike the other *prima facie* obligations such as promise-keeping, it seems to have a somewhat arbitrary and irrational basis and not to be bound up with the very nature of humanity or of a tolerable society. It is no doubt beneficial in some respects that people should have a certain feeling toward their country, and, in so far as gratitude constitutes an obligation not merely to speak and try to feel in a certain way, but positively to benefit the person to whom we owe it instead of others whom we might otherwise equally well have benefited, it might constitute a slight non-utilitarian reason for doing something on behalf of our country that we should not do for others; but even if we agreed with Ross in regarding the *prima facie* obligation to return benefits to our benefactors in general as independent of utilitarian considerations, any allegiance to our country founded on considerations other than the general good of humanity and special obligations to particular individuals remains not indeed nonexistent but weak.

I am not saying that the obligation to serve our country is weak. The obligation is strong, but that is because to do

so is generally the best way open to us of serving humanity. For instance the chief reason why, if war is right at all and the cause is just, a man ought to fight for his own country if the latter is attacked but is not under an obligation to fight for another country which is unjustly attacked is presumably because if, for example, Englishmen do not fight when England is attacked nobody else can be expected to do so. We must add that the practice of being concerned only at injustices done to one's own country is a dangerous one, and that it is the aim of far-sighted statesmen now to see that all states will in future co-operate to stop aggression anywhere. But this does not necessarily put particular individuals under an obligation to fight in order to stop a war in which their own country is not concerned through not having adopted this principle, and if the principle were thoroughly carried out probably no country but the one immediately attacked would need to employ any but its professional soldiers. The points I have been discussing arise in practice only when there is a conflict between doing a lesser good to one's country and doing a greater good to another. In such a case two points should be remembered which are commonly overlooked:

(1) In the present age, exaggerated insistence on a supposed duty to one's country at the expense of others constitutes the greatest of dangers to human welfare and to civilisation itself. This being so, it is specially important to avoid the error in question even in minor matters; and it might even be argued that we ought therefore, in cases of *real* doubt as to which is more obligatory, to give the preference to an act intended for the benefit of another country rather than to an act intended for the benefit of our own.

(2) It is a commonplace that a good man will sacrifice his own interests for the greater good of others, if need be. Why should not this apply to a state? This is a conclusion which

politicians have hardly ever had the courage to draw. They always in commending a measure argue that it is ultimately to the benefit of their own country, and hardly ever dare to admit that it may do their own country more harm than good but that this ought to be borne for the greater benefit of the world. This seems to lead to the conclusion that no existing states are morally good.

But, however this may be, before we pass on to the thorny question of international relations, let us recall that one thing at least has emerged from the considerations of this chapter, namely, that the notions of absolute sovereignty and of absolute obligation to the state over-riding all other obligations are mere fetishes and there is no objection on principle even to a federation of the whole world. On the other hand there are usually the strongest utilitarian reasons for fulfilling the obligations to serve one's country and to obey the laws. I mean, not that such practices will always lead to the good of those who practise them, but that they will be for the general good; the utilitarianism I suggest is not egoistic but universalistic, nor is it hedonistic. It is quite unnecessary to imagine a contract in order to explain why we are under such obligations, it is sufficient to point to the disastrous effects of law-breaking and of lack of public spirit; but though general the obligations are not universal and absolute.

CHAPTER V

INTERNATIONAL GOVERNMENT AND THE PREVENTION OF WAR

1. *The Problem of Germany*

IT IS OBVIOUS that no book on political philosophy can now afford to neglect the problem of this chapter. It is indeed the problem *par excellence* of the present day, and on its tolerably successful solution depends the solution of all other problems. But in dealing with it I have to face difficulties which I have not encountered in the previous chapters. There I have traversed paths fairly well trodden by the political philosopher, and I have accordingly had the opinions of other philosophers to form a basis for my discussion, to set the problems, and to supply theories and arguments which, even where I am not prepared to accept them as they stand, I can use at least as raw material in working up my own. But, while the subject of the present chapter has been and is frequently discussed, the discussion, excellent as it often is, has been conducted almost wholly by men who are not professional philosophers. They are fully qualified to discuss it, and they should in any case bear the main brunt of the discussion, since it is a practical, not a philosophical question, but it is much to be regretted that so few professional philosophers have thought fit also to discuss it from their particular point of view, so as to provide their contribution towards this most vital controversy. (The omission is no doubt due to the fact that very few books on political philosophy as such have been written lately, at least in England, and if we fall back on earlier writers we return to an age where the problem had not presented itself in a serious form.) Now this

makes it harder for me to start discussing international relations, both because this, as a branch of political philosophy, is to a considerable extent pioneer country, and because it makes it particularly hard to separate philosophical questions, on which I have some special claim to speak, and questions of practical politics where I have no special qualifications beyond those of the ordinary educated citizen in a democratic state who thinks it his duty and privilege to take some intelligent interest in political affairs. But hardly anything could excuse me from tackling this problem, once I had started a work on politics.

I have linked together in the title of this chapter "International Government" and "Prevention of War," after hesitating which of the two titles to employ. The phrase "International Government" expresses my conviction and the growing conviction of most thinking men that the time has come to establish some authoritative international organisation to deal with world politics, and that what is needed is a real international government in some form, not merely an *ad hoc* scheme for preventing wars; but the second part of the title gives the chief present problem for this international government to settle, the problem which makes its formation imperative. It would indeed be a grave mistake to regard international government as being of value only for the settlement of this problem, but without settling this problem it cannot fulfil its other functions. We should not speak of the object of an ordinary state as being the prevention of civil war, yet this is a primary condition of its success and might even, when there was real danger of civil war, at times take precedence over all the state's other aims, as now with the prevention of future international wars.

But, if we are to have a secure peace and a good international order, the first problem to solve is the problem of Germany. With this problem I shall now deal.

Outrages of Nazi Germany have naturally led to a demand for punishment. In so far as the punishment has been inflicted on guilty individuals for particular crimes after due trial, I have nothing to say against it; but it is at least natural and common to think not only of some individual Germans but of Germany as a whole as deserving punishment, and I wish to examine the ethics of this idea of punishing a whole nation. By punishment of Germany I understand, not the inevitable suffering inflicted in the course of military operations, nor any terms of the surrender conditions and peace treaty which happen to be burdensome, injurious, or humiliating to Germans but have to be imposed because they are expedient on other grounds, but only a deliberate attempt to make the terms harder than they otherwise need be, specifically or mainly for the purpose of inflicting punishment on the nation as a whole. In particular what I have to say on this subject must not be taken as implying that I do not recognise the need for the enforcement of severe, thorough and permanent disarmament on Germany. By disarmament I mean at least that she should be permanently deprived of power to build any tanks, heavy guns, warships of any importance, and planes that could be used for military purposes, and above all of the power to manufacture atomic bombs.

After the appalling experiences we have suffered through German aggression we simply cannot take the risk of allowing Germany once more to re-arm. I do not hold that all or most Germans are innately wicked or that their nation may not eventually become as valuable a contributor to real civilisation as any other; but there can be no denying that it has taken a terrible wrong turning and that it will be a long time before we can be quite sure that any revolution of mind in the people is both genuine and permanent.

Under these circumstances it would, after the unheard-of horrors that have been perpetrated, be most unjust to the

other European countries which Germany has overrun not to adopt safeguards that, humanly speaking, make a renewal of her aggression impossible because she is without military resources necessary for war. This course is also, as it happens, best for Germany herself, though, even if it were not, the interests of the countries she has overrun would have to come first. I look on Germany as analogous to a person who has been overcome by a craving for a drug: like many such she possesses some sterling qualities, but these have all been spoiled and perverted in their application as the result of the vice for which "militarism" is perhaps the least inadequate single word. The last, by far the worst, outbreak will, I believe, be followed by repentance, but even then one cannot be sure that under temptation the craving will not again at some later date prove too strong for the patient. What is the remedy for such a case? Surely, that the drug victim should be deprived of any chance of taking the drug. This is not usually possible in the case of an individual without destroying by imprisonment his liberty in other respects, but the equivalent here—prohibition of armaments—is quite practicable without interfering gravely and permanently with the internal independence of Germany in other respects. This course is best not only for other nations but for the Germans themselves, just as it is best for a man who has committed crimes under the influence of drink to abstain totally from drink. Indeed it would be best for all countries, since almost all countries are in this respect drug addicts to a limited extent; but in the absence of the universal world-state that this would require, it is still desirable to make a beginning by enforcing prohibition on the worst and most dangerous offender.

If the war is not succeeded by a genuine and complete revolution of mind in Germany, then there is obviously no question but that her disarmament will be absolutely essen-

tial for the security of all; and if, as must most earnestly be hoped, it is succeeded by such a revolution, then the Germans will themselves see why disarmament is imposed and will accept it as the inevitable consequence of the crimes that have been committed in their name. And in any case, if they see that there can be no hope for them that they will again be able to shine in war, surely there will then be good reason to hope that their great talents, deprived of any outlet in this way, will be turned to more peaceful ends? If the road is absolutely barred in one direction, they must seek another; and, armaments being definitely excluded, that will have to be a way of peace. The more the Germans look upon the possibility of military recovery as cut off *inevitably and for ever*, the more likely are they to cease to seek what they cannot attain and, as I have said, turn their energies in more peaceful directions. The world might then reap great benefits from the talent of the Germans for doing with extreme thoroughness everything they undertake.

It is certainly undesirable that Germany should be kept for ever in an inferior position. But there is one and only one road toward equality left her, and the sooner that road can be taken the better. It is not to be found in rearmament, whether by agreement or in spite of agreement; it is rather to be found in the admission of a genuinely democratic Germany to the world fellowship of states as a free and equal member *in all respects other than armaments*. It must be added that she cannot be allowed even such a position till there is convincing evidence that her revolution is genuine and that she has settled down to a policy of co-operation. The kind of education given to her youth should be a chief part of the criterion whether she is fit to be admitted or not. But, though the psychology of nations changes much as the years roll by, for one writing at the end of the Second World War it is difficult to see how we can ever again take the

terrible risk of letting Germany have substantial armaments. In that case the fullest equality with other states can be attained by her only if she eventually becomes a member with other states in a federation in which no state at all has national armaments.

But quite apart from the reasonable case for disarmament, there is in many quarters a loud cry, which I can at least well understand, that Germany should be "punished" for her misdeeds. I do not for a moment wish to dispute the thesis that the Nazi Government must bear the main responsibility for the war, and was guilty throughout its career of the most wicked and outrageous conduct. Probably never in history has the government of a civilised people had such a black record or maintained such evil courses as a matter of set principles and policy. Nor do I wish to question the desirability of punishing individual Germans, after due judicial procedure, for outrages of a kind generally recognised as criminal for which they were personally responsible. But, recognising her guilt in whatever sense a state as such can be guilty, is it justifiable to punish Germany by the terms of peace? This question obviously requires for its adequate discussion a philosophical consideration of the function of punishment, and is therefore one on which the philosopher as such should have something to say, though my discussion will start with a reminder of certain empirical circumstances. By "punishing Germany" I understand making the terms of peace and the general post-war treatment of her, for the sake of punishment, more severe than they otherwise need be. In any case they can hardly be very agreeable to Germany, quite apart from any special considerations of punishment. I defend a policy of no compromise as regards disarmament, and am certainly not averse to all forms of reparations for damage done, which should be carefully distinguished from punishment. For various reasons other than the desire for

revenge, there could not have been any question of the German nation escaping without great humiliation and hardship, but what I am going to discuss is whether the terms of the peace treaty ought specifically for the sake of punishment to be made harder than they otherwise need be.

In philosophical discussions of punishment it is usual to distinguish three functions of the latter. Punishment may be conceived as having a *retributive* function, meaning by this that it is a good thing to punish a man just because he deserves it and not merely because it has good effects. It admittedly has also a *deterrent* function in that it helps to diminish crime by making people (other than those punished) afraid to commit it or aware that it is not worth the risk. And it is at least hoped that it will have a *reformatory* effect in making the person punished more likely to behave himself better in future than he would otherwise have done. Let us consider the significance of the "punishment of Germany" in relation to each of these functions separately. In discussing this question I shall assume for the sake of argument that the retributive theory of punishment is true in the sense that one of the ultimate reasons for inflicting punishment is, and ought to be, that it is an end-in-itself that the guilty should suffer pain, apart from any utilitarian advantage in the way of future effects. This cannot in any case be the only reason, for, even if it is an end-in-itself that the guilty should suffer, this is at any rate a less important end than that wrongdoing should be diminished in future by the deterrent and reformatory effects of punishment; and I do not myself hold the retributive theory in its ordinary sense. But I do not wish to digress here into a long discussion of the theory,[1] especially as what I am going to say would apply even if I accepted it as true. In view of possible misunder-

[1] For such a discussion *v.* A. C. Ewing, *Morality of Punishment*, Kegan Paul, 1929.

standings I had better say, before discussing this topic further, that I am not a pacifist, and that I have never felt keener indignation at anybody or anything than at the policy and atrocities of the Nazis.

The first difficulty that arises is how to understand the sense in which a nation as a whole can be said to be guilty and deserving of punishment. There is no reason whatever to believe that a nation or state has a sort of consciousness of its own over and above the consciousness of its individual members; and therefore it cannot, properly speaking, be punished. All we can do is to punish its individual members. Now there is no doubt that many of the Germans are very guilty, but no one can say that anything like all of them are. A people bears a certain measure of responsibility for what its government does, but how much? Of all the votes cast in the elections of March 1933, the last free pre-war elections in Germany, only *43.9 per cent* were cast for the Nazis and another 8 per cent for their Nationalist allies. How great is the responsibility of those who did not vote for Hitler? Some blame the German communists must bear for not having had the wisdom to support the Brüning government against him when there was yet time, but this blame will fall very much more on the leaders, who should have known what the situation was, than on the rank and file; and in any case it is doubtful whether such a mistake was much more blameworthy than the mistake of other countries in failing to combine to stop Hitler before 1939. Some blame those Germans must bear who took no interest in politics and neglected to vote, but a disquietingly large proportion of the electors in Britain and the United States also do not vote. Once Hitler was in power, resistance had no prospect of success and there was no chance of peaceful propaganda against him. To oppose, when this means the firing squad or the concentration camp, is the act of a hero, and we cannot

treat a man as deserving special punishment because he is not a hero. No doubt, if the majority of the population had resisted, they could not all have been shot or sent to concentration camps; but how could such resistance have been organised, or the truth told to the majority at all under Hitler?

Turning our attention to the people who voted Nazi or may have since been converted to a Nazi point of view, there is no reason to think that most of them wanted war or believed that a Nazi government would mean war, though they did want to improve the position of Germany by a "firm" policy which involved rearmament and threats of war. All newspaper correspondents' reports commented on the absence in 1938 and 1939 of the war fever seen in Germany in 1914. At the height of the Czech crisis (Sept. 27, 1938) an observer, himself rather inclined toward the Vansittart view, wrote:

> A motorized division rolled through the city's streets just at dusk this evening in the direction of the Czech frontier. . . . The hour was undoubtedly chosen to-day to catch the hundreds of thousands of Berliners pouring out of their offices at the end of the day's work. But they ducked into the subways, refused to look on, and the handful that did stood at the curb in utter silence unable to find a word of cheer for the flower of their youth going away to the glorious war. It has been the most striking demonstration against war I have ever seen. . . . Hitler stood there and there were not two hundred people in the street on the great square of the Wilhelmsplatz.[2]

The undeniably great and widespread enthusiasm for Hitler seems almost incredible to a foreigner, and shows very great stupidity and lack of moral discernment; but we must remember that a rigidly censored press concealed the worst features of the régime. In 1936 an intelligent, highly educated,

[2] W. Shirer, *Berlin Diary*, p. 119.

and rather anti-Nazi German to whom I spoke under circumstances where she did not mind making other comments unfavourable to the Nazi régime was not aware that there had been any cruelties committed by the Nazis such as the notorious beatings. The extensive military preparations were justified to the German people as being necessary to guard against an attack by Russia, and, though it was no doubt stupid to believe this, there is a distinction between stupidity and moral wickedness. If the German Nazis had taken the trouble to think hard they would have seen through Hitler, but do most people in any country go out of their way to think hard, especially when the thinking will lead to unpleasant and unpopular conclusions? The Nazis evidently include a larger number of extremely wicked men than I should have thought existed in any civilised country, and these deserve punishment if anybody does, though it will hardly have proved practicable to detect and punish them all as individuals. But even with those who committed the atrocities which have made such frequent reading, the guilt of many is appreciably diminished by the fact that they had been deliberately educated for eight or nine of the most impressionable years of their life in such a way as to make them sadistic scoundrels; and many others no doubt committed them only reluctantly under orders because they knew that, if they did not do so, they would themselves be tortured or killed. Neither circumstance supplies a complete excuse, but it mitigates considerably the guilt.

Further, the great majority of Nazis and Nazi sympathizers have not themselves committed atrocities, but have only the lesser guilt of having approved of the Nazi policy, despite the cruelty and unscrupulousness which attended it and which cannot in later years have been completely concealed even from them. For this they are very much to blame, but we must remember that experience shows that the correlation

between a person's morality and the moral judgments he makes in political matters is not nearly so complete as one would expect. Highly estimable people have again and again enthusiastically approved political policies which were very wicked, and nobody would in private life therefore call them "bad men." I am far from approving of the principle "My country, right or wrong," but it is one in which many otherwise most worthy people believe, and it is interesting to note that the people who clamour most for punishment on the whole German nation sometimes absurdly blame the German refugees on the ground that they ought not to have deserted their country, however badly she behaved. I do not wish in the least to deny that the existence of the Nazi régime would not have been possible but for the existence of very serious defects in the majority of Germans; but I do not think they are defects of a kind which warrant the treatment of the people who have them as desperately wicked. We do not treat people as criminals for sloppy thinking on political matters: if we did, the prisons in all countries would be full indeed. We must also remember that the mass of Germans have already suffered severely through the natural course of the war and the terrible shortages after it, so that, even if we insist that guilt ought to be atoned for by equivalent suffering, it would be hard to say that most of them (excluding a limited number of people of the Himmler-Ribbentrop type) had not suffered at least as much as they deserved. The fact that the inhabitants of the countries oppressed by them have suffered still more is not relevant. Even on the retributive theory of punishment, the standard is the degree of moral badness in the person whom it is proposed to punish, not the degree of suffering resulting from his actions, which by no means varies *pari passu* with the former. I do not think I need complicate the problem further by discussing the degree of German guilt for the war of 1914-

18 and for earlier events: we cannot reasonably punish people for what has been done by their fathers or more remote ancestors.

It follows from all this that any "punishment" inflicted on Germany for her crimes in the form of (for example) economic throttling of her life will fall on millions of people who were almost innocent and many millions more who had only a slight degree of responsibility for the crimes. It will also fall on at least tens of thousands who had with great heroism worked underground against the Hitler régime at terrible risk to themselves. It therefore cannot possibly be justified by the retributive theory, at least if the punishment is of such a kind as to bring real suffering to the mass of Germans. We must remmber that, even if the punishment of the guilty be a good-in-itself, the punishment of the innocent is an evil that greatly outweighs this good. As a matter of fact, even if it were granted, not only that it is an end-in-itself that men should suffer in proportion to their sins, but that the bulk of the German people deserve more suffering after the war than they had during it, it would not follow even then that we should go out of our way to inflict special retribution as an end-in-itself. Even if retributive punishment is good-in-itself it can hardly be one of the greatest goods—it is far more important that a sinner should improve than that he should suffer in proportion to his sin—and there are far too many other points of the most vital importance to be taken into account by any peace settlement for us to let our attention be distracted from them for the sake of a retribution which will, even if good-in-itself, conflict with more important goods. Indeed, the end of achieving a retributive proportion between suffering and sin is one which states that make treaties cannot attain and had better leave alone altogether, even if—which I should deny—it be desirable in itself. For attempts to bring it about are as likely to produce

retributive injustice as retributive justice, owing to the state's complete inability to measure with the faintest approach to accuracy either the moral badness of the offender, or his happiness or unhappiness, or the amount of unhappiness that is appropriate to a given degree of badness. If God does not see to it that happiness or unhappiness always corresponds to merit, nobody else can. This is not to say that the peace terms should necessarily be easy, only that they should not be deliberately made harder on retributive grounds. It is natural for the people who have suffered so heavily from the Germans to wish for vengeance as an end-in-itself, but this attitude and this method of treatment cannot be justified on moral grounds.

Granting that the special punishment of Germany, by which must be meant in practice the mass of individual Germans, cannot be justified on retributive grounds, let us now consider the other functions of punishment and see whether it might not be justified by them. Where a retributive theory is not accepted, punishment is commonly justified on deterrent and reformatory grounds. But the deterrent value of any punishment inflicted on a defeated country at the end of a war is greatly lessened by the fact that it is likely to be regarded as a deterrent not against starting wars but against losing wars. Against this no deterrent is needed. No aggressor state will start a war which it thinks it will lose. The process of being defeatetd is itself so unpleasant that the imposition of additional severities after the war is hardly needed to impress on people that it is prudent to avoid it. What is to be feared is that Germany or some other aggressor country will some time again start a war in the belief that she will not be defeated. Any measures that make her take a gloomier view of the consequences of defeat are as likely to induce a state to strike first in order to gain a military advantage that will prevent defeat, or to begin a disastrous race in

armaments, as to deter it from an aggression that it would otherwise have committed. For the punishment depends not on starting a war but on losing it: if a country wins a war, she will not be punished even if she is the aggressor; if she loses a war, she will be punished, even if the other party is the aggressor, probably more severely still, since aggressors are unscrupulous.

Just as a government will not start a war (though it may conduct a desperate war of defence if attacked) if it thinks it is going to lose it, so an individual will usually not commit a crime against the law of his state if he thinks he is going to be caught, and consequently it might be contended by someone that my arguments, if valid at all, would apply equally to the punishment of individuals. But there are these important differences to be borne in mind in distinguishing between the two cases:

(a) The process of being caught is not, like the process of losing a modern war, usually unpleasant enough to serve as a powerful deterrent apart from the punishment which follows. It must be remembered here that, where the punishment is already severe, even big additions to its severity will add little to the deterrent effect. The risk of being sentenced to prison for, say, five years would have little more deterrent effect on most people than the risk of being sentenced for four, though a year's imprisonment by itself would have a lot; and similarly the prospect of somewhat harsher peace terms—they are sure to be fairly harsh in any case for a defeated country—can add little to the deterrent effect of the risk of military defeat, since defeat itself is already so unpleasant in any case.

(b) Comparatively innocent nations are just as likely to suffer the "punishment," defeat plus ruinous peace terms, as are the guilty, so that it may well be thought that the best way of escaping the punishment is to commit the crime;

that is, to start a preventive war before one's opponent is in a more favourable position to attack.

(c) The people who inflict the punishment at the end of a war are not impartial judges, but parties to the dispute, and that of itself will associate the punishment with losing the war rather than with the crimes which it is desired to punish. This may not apply to future wars if the United Nations Organisation survives, but it certainly does to the one that ended in 1945.

The same consideration lessens any reformatory effect that the punishment might be expected to have. Punishment has a reformatory effect, where it has one at all, because it arouses or intensifies consciousness of guilt; but in practice unnecessarily severe peace terms will impress on a nation rather the fact that it has been defeated than the fact that it is guilty, and the defect of being *defeated* in wars of aggression is assuredly not one that we wish to remove by a process of reformation directed on Germany. We should seek to guard against a false shame as well as to inculcate a true shame in Germans. It is not true that Germans did not feel shame after the First World War, but very commonly they felt it for the wrong cause. They felt it, not because Germany was to a large extent (not wholly) to blame for the outbreak of war and because she conducted it with ruthless cruelty, but because Germany was defeated. Now, while the first is a good ground for shame, the latter certainly was not, and will not be now. It is not a moral vice to be defeated; and moreover no nation could, short of a "near miracle," hope to escape defeat against such overwhelming odds as Germany eventually had to face. No one will refuse to grant Germans the qualities of courage, warlike discipline, and skill in a very high degree: on that their bitterest enemies are agreed. Too insulting treatment of Germans by the victors after the war will increase this false shame for defeat rather than the right-

ful shame for the crimes committed in their years of triumph.[3]

The reformatory effect of punishment *qua* punishment is in any case likely to be exaggerated. It seems unlikely that many ordinary individual criminals are reformed by punishment as such, for example, by the mere infliction of pain or deprivation because of wrong done. They are much more likely to be reformed by a process involving kindness which accompanies their punishment in prison. If judicial punishment has a tendency to impress on a man his guilt, it probably usually has a stronger tendency to impress on him consciousness of his sufferings and thus to lead only to bitterness and rebellion. These drawbacks are greatly enhanced when the punishment seems to the person punished unjust or very excessive, and where the crime is not one which he feels to be due to his personal action. A punishment which the person punished cannot be brought to regard as in any degree approximating to what is just will have no reformatory value, even if the person punished is wrong in his opinion about it and it is in fact just. Now there is no doubt that most individual Germans do not feel personally in any real degree responsible for the crimes committed in the name of the German state. Perhaps they ought to, but in fact they do not do so. Even if they formerly approved of what was done by the Nazis and now realise that it was extremely wrong, they, as individuals, had so little share in doing it that they can hardly be expected to have the personal sense of guilt that punishment is intended to emphasise, and, this being so, punishment will fail to exercise any reformatory influence of which it might otherwise be capable, however much they may need reformation. On the contrary, if very severe, it

[3] It may be objected that only those Germans who are guilty, not those who are not, can be expected to feel shame, but a man may feel shame at the misdeeds of those associated with him, as a parent may feel shame at what his son has done, or for that matter *vice versa*.

will stifle any shame that would otherwise be felt, by diverting the attention of Germans—and perhaps of onlookers of other nations—from their responsibility in the past to their sufferings in the present, from the injustices they have committed to the injustices which they are in their opinion now suffering from their victorious enemies.

There remains another function of punishment, namely, to impress, not on the offender himself, but on others, the moral wickedness of certain kinds of action, and so make them less likely to commit these actions. It may be doubted whether there are now many people outside Germany and Japan on whom the wickedness of Nazi conduct needs to be impressed; but here, in any case, the same difficulty arises again owing to the fact that we cannot distinguish in action between branding a war as a crime and branding defeat in war as a crime. For we can only penalise the former by penalising the latter. Further, this function of punishment is fulfilled much more by the existence of well established and long recognised penal laws than by single punishments. Such a fact as that stealing is the sort of thing which everybody knows to be punished by imprisonment does play a part in making us all think it a specially bad sort of thing to do; but we cannot make people suddenly regard an action as much worse than they did before merely by punishing it under a new law introduced *ad hoc*. Now penal laws in international matters are not yet sufficiently well established to have the effect in question. Punishment of Germany after the war (as opposed to the punishment of individual Germans for particular atrocities) would not come under any pre-existing law in the legal sense at all and would be impossible to distinguish from mere vengeance. And in any case such spectacles as that of the unnecessary starvation of German women and children as a result partly of penal economic measures, as after the First World War, are not likely to have a beneficial edu-

cative effect on any one or to impress people with the justice with which the victors have "vindicated the moral law."

There is a radical difference between punishments inflicted by courts of justice in an organised society and punishment inflicted by the victors after a war. The former are due to a recognised legal authority, and are therefore not likely to be regarded as merely the work of force (except in cases where the law under which they are inflicted or the mode of trial is flagrantly unjust). For, even if, which is very unlikely, the peace treaty were made the responsibility of the new United Nations Organisation, it is too much to expect that the latter would yet be regarded by Germans as a moral authority. There were hardly any neutrals in the war who were neutrals in spirit, and the states which were even nominally neutral are relatively not nearly important enough for the decision of peace terms in practice to rest in the hands of anybody but the victors, who must then play the rôle of judge and prosecuting counsel at once. Germany may acquiesce in the peace terms, but she cannot be expected to regard any plea that they are a just punishment as anything more than a pretence. Punishment presupposes impartial courts, if it is to have any considerable moral significance.

Since the "punishment of Germany" by the infliction of hard peace terms would be the punishment of individual Germans, it is right to apply here lessons learned in studying the psychology of individual punishment. I am not here referring to the punishment of individuals tried and proved to have special guilt in connection with German atrocities, for their punishment will be deterrent rather than reformatory, but to the suffering inflicted by the peace terms on the ordinary German. Now prison reformers have found that what is needed chiefly in reformatory work among individual prisoners is kind and fair treatment, encouragement of new interests in the prisoners, steps with a view to the restoration of

their shattered self-respect. These measures are needed partly as antidotes to the punishment itself, with its crushing effect on their self-respect and the acute mental suffering it frequently involves, and such measures will also be called for toward the average German who has gone through the shattering experience of military defeat. People who have studied the question of the reformatory possibilities of prison life are unanimous or almost unanimous in agreeing that it is by such measures, rather than by insistence on mere punishment, that we can best bring about reform. It can hardly be expected that the nations who have suffered so bitterly will altogether live up to this ideal; but in view of the well known danger of being carried away by revengeful passions at the end of a war and our knowledge of the harm that harsh treatment of the vanquished has often done in the past, it is most necessary to be on one's guard. Indeed, in case of real doubt, one should give the benefit of the doubt to the course which involves more leniency rather than to the opposite, since one is more likely to be prejudiced in favour of the latter. Anyone who understands human nature, not to say the Christian religion, should surely realise that there is much more danger of our being too revengeful than of our being too merciful after such a war. It follows from all this that, now that Germany is not controlled by Nazis, we ought not to treat her as a pariah.

If you still want punishment for Germany, disarmament, which is in any case for other reasons indispensable, can be regarded as a punishment of a kind particularly appropriate to the crime. It is also appropriate in the sense that the people who suffer chiefly from it will be largely members of the military caste and Nazi parties, who have a more direct share of responsibility than the average German. It is a great advantage that, except for the very limited number of people whose fortunes are bound up with a professional military

career, the harm will be sentimental rather than real. Many people say now that we were not "hard" enough to Germany after the last war. If "hard" means "firm in preventing rearmament after 1932" this is most certainly true; if it means "severe in inflicting suffering when Germany was at her weakest" it is a most pernicious suggestion. I think now that the territorial provisions of Versailles were not nearly so bad as they were represented by liberal propaganda to be, but the economic misery in Germany up to the end of 1923 was such that no decent man who realised what it was like could possibly wish that it had been worsened. The trouble was that, as long as Germany was weak and on the whole pacific, she was treated in such a way as to arouse great bitterness, and then when she was militaristic and on the upgrade in strength she was allowed to rearm as she liked. We were hard at the wrong time and mild at the wrong time, whereas we should have been milder with the Weimar Government and hard with the Nazis. In any case it is perfectly possible without being cruel to be so firm in forbidding rearmament as to prevent another war. If security is our goal, disarmament is necessary; but additional injuries or humiliations will not help us but will only excite a desire for revenge, and possibly lead later to the feeling, even among our own people, that Germany has not had a fair deal, and thus will prevent our opposing her rearmament with good conscience and firm resolve, as it did at the stage when the Nazi menace could have been nipped in the bud. When people have been wronged, as the inhabitants of the invaded countries have been wronged, forgiveness goes so much against the grain that the authority of the religion we profess, let alone that of almost all leading philosophers who have written on the subject, commonly fails to prevent hate; but, at least, the more the impulse is kept under control the better. The fact that it is natural and even excusable does not make it right,

still less a sacred duty as many correspondents to the newspapers seem to believe. It is very difficult to do the right thing in this matter of settling with Germany, but it is most important for our own sake as well as for Germany's that we should do it, and I hope that I have at least shown that those who cry out for vengeance cannot claim the support of any well-reasoned philosophy but only that of an irrational impulse. Those in whom this impulse is strong may console themselves by reflecting that after all it is quite certain that, apart from the possibility of any peace specifically of revenge, Germany in the mere process of being defeated and in the aftermath of the war has suffered and is suffering a very great deal.

In arguing against a peace of revenge I have not used the plea that Germany after all had some grievances. It is ridiculous to suggest that the grievances were comparable in magnitude to the evil of the war which Germany knowingly and deliberately brought on in trying to remove them. It has been actually suggested that the other countries who faced a war in preference to rectifying the grievances were to blame for this as much as Germany, who began a war rather than leave them unrectified; but to this there is the obvious reply that there was every reason to think that the redressing of the grievances would only have paved the way for fresh demands of a quite unjustifiable kind aimed, not at the removal of grievances, but at the establishment of a Nazi tyranny throughout Europe, and that any reasonable concessions would have encouraged Nazi Germany to make a bid for and strengthen her resources in order to obtain utterly unreasonable concessions. However, the principal charge against the Nazis is not even that they began the war, but that their policy throughout both in war and in peace was utterly and deliberately cruel and immoral in the highest degree. No grievances can excuse the horrors of the concentration camps,

and of the outrages in Greece, Poland, Czechoslovakia, etc. That the democratic powers had some, very much less, responsibility for the state of affairs which led to war is irrelevant here. But the war should still be a grave warning that the exclusive possession of colonies will always arouse in other nations a sense of grievance till they are placed under some form of international control (at least by means of an improved mandate system), and that it is of the greatest importance to deal with the economic causes that underlie crises such as that of 1929-33, which helped to put the Nazi government in power.

How far are the actual measures which have up to the present been adopted in dealing with Germany to be approved or condemned in the light of the standards I have laid down? This is a difficult question to answer, for we can hardly ever say that the desire to inflict punishment is the only reason for a measure taken, though we may be pretty sure that it has played a large part among the causes which have made governments and peoples inclined to take the harder view in relation to Germany. While the reparations question is far from settled yet, a good deal that has been done is justified or excused by the contention that Germany ought to make reparation for the damage she has inflicted. For instance, much of her industrial machinery has been moved away, partly for the sake of security from a possible renewed German attack, but partly also as compensation for her thefts from other countries. Now we must distinguish the demand for reparation (that is, the payment of compensation for damage done through somebody's fault) from the demand for punishment. That the two are based on different principles is shown by the fact that the amount due by way of compensation will be small where the guilt is great if the damage actually done is small, and large in cases where the damage is great even if moral guilt is absent or small. If I try

to murder somebody and fail, there may be no damage for which to pay compensation, yet if I cause severe damage in an accident through a mere error of judgment I may feel called on to pay heavy compensation. Yet in the case of many individual offences the payment of reparation may be regarded as also due punishment, if adequate in amount.

Now the harm done by Germany is so great that almost any economic penalty may be represented as just reparation without introducing the distinct notion of punishment. Further, it is much more reasonable to say that Germany ought to make reparation for the damage she has caused than to say that she deserves to suffer punishment. For, whatever may be our views as to the deterrent and reformatory effects of "the punishment of Germany" and as to the moral guilt of ordinary Germans, there can be no two opinions as to the extent of the harm caused by their misguided conduct and of their victims' need for compensation, and the principle that one ought to make reparation for the harm one has done is much more clearly reasonable than is the principle of retributive punishment. It might therefore be held that it mattered little in practice whether it was thought desirable to *punish* the Germans or not, since in either case it is incumbent on them to pay reparations on such a scale as to constitute in practice a very severe punishment. But, though this diminishes the practical importance of what I have said, it does not destroy it, for there are always arguments of various kinds for or against any course; and in case of doubt the belief that Germany ought to be "punished" may easily turn the scale. It is a consideration that is particularly likely to enable men to rationalise and excuse their natural vindictiveness against Germany and is therefore very dangerous till exposed. Further, it is only to be expected that the majority of those who clamour for reparations do not distinguish these clearly from punishment but are influenced at once by both considera-

tions. Actual punitive measures are generally supported by other arguments also, but one may suspect that the other arguments would not seem nearly so strong if not backed by a desire to inflict punishment. As I have made clear earlier, I by no means wish Germany to be excused from all payment of reparations. But no ethical principle requires or justifies the exaction of reparation for wrong done up to a point at which it leads to the starvation, misery, or grave undernourishment of those who have to pay it,[4] unless this is the only way of avoiding these evils among its recipients, still less the starvation of German children who certainly have not done the harm, or the exaction of reparations in a form which, as after 1918, ultimately harms both those who give and those who receive.

On the other hand it is a corollary of what I have said earlier in the chapter that political independence, except in so far as that involves freedom to rearm, should be restored to Germany as soon as reasonably possible. This is the policy of at least Britain and the United States, but it is agreed that it will be some years before Germany is fit even from the administrative point of view to become an independent state. However I am glad that the Americans, British and Russians have all three taken definite steps to bring this day nearer by restoring political parties and increasing German responsibility for local government. But political independence need not and should not mean the end of military occupation if the latter is necessary as a safeguard against rearmament. The prohibition to rearm is certainly incompatible with absolute sovereignty, but then no state whatever ought to have this.

One form in which reparations will probably be exacted is by the compulsory employment of German workers to

[4] Perhaps an individual who has done wrong ought to offer to pay reparation even at the cost of very grave hardship to himself, but this is different from saying that such reparation ought to be accepted, let alone forcibly exacted.

help make good damage done by German invasions and air raids. It seems to me that in this case there ought to be a commission composed largely of neutrals to inspect conditions of work as a safeguard both against ill-treatment and subsequent false allegations by the Germans of ill-treatment. The Red Cross has regularly inspected prisoner-of-war camps, so why should it not perform this function too? There would be nothing more invidious about the one task than about the other. If the nations concerned feel themselves above vindictive cruelty, they should regard it as all the more desirable to take steps to prove to the world that they really are so.

Annexations of territory at the expense of Germany are defended sometimes as a way of exacting reparations, sometimes on the ground of security. Holland is expected to claim land from Germany as compensation for those parts of her own land which have been rendered infertile by flooding, a not unreasonable demand. France wishes industrial regions of the west to be taken away from Germany, chiefly for the sake of security, and the same motive among others is no doubt present in the Polish demand for German Silesia, while both countries doubtless also feel that the industrial areas can conveniently be utilized to supply reparations. To the argument that such measures are necessary for security there is, I think, a short reply: If disarmament is enforced, they are unnecessary; if it is not enforced, they also will not be enforced. Large-scale rearmament sufficient to wage a modern war can occur only if there should be serious disagreement among the victorious powers; and if this were the case they could not or would not either agree to prevent acts of aggression aimed at recovering the lost territory. If the great powers did not care to take steps to stop rearmament, would they care to face the risk of German atomic bombs? Since the states which propose to annex territory do not wish to keep all its inhabitants, the annexations will mean that Germany

is decreased in territory but not much in man-power; and in the absence of preventive measures raw materials can be imported (especially if the handicap of not having coal and oil fields is removed by the exploitation of atomic power) while in the presence of adequate preventive measures Germany would not be dangerous in any case. In view of recent scientific inventions such as the atomic bomb we do not know how much a highly ingenious and scientific people of seventy millions might do, even without the Ruhr and Silesia, toward winning a war. And if there should be such disagreement among the states that Germany can rearm, might not she find allies? I do not expect such a war, but any degree of probability it may have will be increased rather than lessened by extensive annexations, which without giving adequate security by themselves will foster the sense of grievance in Germans and increase any desire they may have to begin such a war. The same, I think, applies to partition. I do not see how the different parts of Germany could be prevented from informally pursuing a unified policy and, if the other powers were not willing to continue to enforce disarmament, they would still less be willing to maintain the partition by force. *Granted* that territory is to be annexed, the expulsion of the German population may be in the long run the least objectionable solution, but I cannot believe that more might not have been done to mitigate the hardships involved in this course of action.

The complexity of the territorial question is, however, very great, at least in eastern Europe. If the Russians have a right to demand the cession to them of eastern Poland, which I am not prepared to deny, or even if without adopting this point of view we feel bound in the interests of world peace to acquiesce in the cession, has not Poland more moral right to territorial compensation after all her sufferings than Germany has to be excused from making it? Should not

Poland and Russia be given access to warm water ports, and has not the method of "corridors" been proved unsatisfactory? It is, I think, greatly to be desired that the boundaries of Poland should not be extended so far west into purely German territory as has been proposed; but some readjustment at the expense of Germany was inevitable. It is easy to say that we should stand by justice alone and insist on justice being done at any cost. But supposing the different countries do not agree as to what is just? Has either America or Great Britain the right to impose her conception of justice on all the others? If in a committee no member will accept a decision of the committee unless he holds that decision to be right, business will soon become quite unmanageable; and since there are sure to be different opinions in a peace conference as to what is just, it may be regarded as practically certain that in any case there will be some features of the peace treaty which do not strike everybody as just. And is there a moral obligation for the sake of principle to keep one's hands formally clean by refusing to recognise what we cannot prevent or reverse without launching a war on an ally? The obligation to oppose injustice can hardly oblige us to refuse to accept a complicated agreement whenever some of its clauses are not thought by us to be just. In that case there would be hardly any international agreements on complex problems at all, and we should be forced back on unilateral action. But, on the other hand, if I might make some general remarks which are not intended to be directed against any particular state, in negotiating a state ought really to do what states have very seldom done and be prepared to put first things first and try as far as it can to secure what it thinks just, even at the expense of sacrificing some interests of its own to avoid a greater injustice to others. It ought to be possible to expect some degree of unselfishness not only from individuals but from states, and such conduct will contribute

more than anything to the establishment of the so much needed mutual trust.

I have discussed the problem of Germany at considerable length, partly because I felt that it was a problem to which considerations based on the philosophical theory of punishment were highly relevant, so that the philosopher might make a special contribution here; but after all it may well be that the acuteness of this as a long-range problem has been much exaggerated. Two utter defeats with all the suffering that came before and through them should, I cannot help thinking, be sufficient to discourage Germany from again trying the same road of military aggression, especially when this road is so difficult and doubtful as it will be even on an unreasonably pessimistic view as to the ability and will of the Allies to enforce complete disarmament. When an appeal is made to try Hitler's path again, surely even most Germans will reply: "Fool, you see the dreadful effects to which it led before, are we to risk a third defeat, following more long years of suffering by war?" The evidence shows that the bulk of the German population did not want war even in 1939,[5] though with the help of a controlled press Hitler presumably persuaded most of them that it was necessary. However, this is no reason for omitting to make quite sure by enforced disarmament that, even if Germany does intend a renewal of her bellicose policy, she will be unable to carry it out.

The same general principles as to punishment which I have enunciated with regard to Germany apply of course also to Japan. She probably does not present such a serious long-range problem, provided China achieves and maintains her own unity, since in view of her superior size and potential resources, the latter should then be quite capable of dealing with Japan single-handed, if necessary, now that the Japanese armaments accumulated for the late war have been surrendered

[5] See above, p. 233.

or destroyed. As for Italy, her experiences must have made her most unlikely ever to wish to fight as an ally of Germany again. It is therefore safe to treat her and Germany's other European allies, to whom the same no doubt applies, more leniently, even in the matter of armaments, than Germany herself; and they have not incurred the same quite special degree of guilt as Germany, and perhaps Japan. But this is recognised generally enough.

2. *Nationalism and National Sovereignty*

But there is a real danger in thinking that the solution of the German problem would necessarily remove the peril of war. It seems offensive to suggest that any of the present allies might ever conceivably come to blows, but, even with Germany and Japan out of the running, there may arise between nations issues which both sides think too vital for surrender; and no country of any size can count itself blameless of the charge of aggression in the past. It remains of great importance to see that there are available means of settling disputes which can take the place of war. The danger of war is not, however, the only circumstance which calls for some form of international government; and there can be no doubt that every nation would be much bettered economically, and that many causes which might possibly lead eventually to war would be removed, if there were an effective system of international control in economic matters.

But, since the main obstacle to international government is nationalism, let us start by saying a word on this subject. Nationalism seems to be a phenomenon that defies rational explanation. Nobody can give any objective characteristic which the Poles, the French, or the members of any nation have in common and do not share with many members of other nations, and which explains why it is desirable that they should form one state, or bad that large numbers of

Frenchmen or Poles should belong to some other country [6] (except for the inconveniences of language, which would not always arise since occasionally two different nations use the same language); but this does not mean that nationality is not important. It is important because it is thought important by the members of the nationality concerned. If they do not think it important, I do not see why they should not be members of another state. There is no means of showing rationally that people ought to have a certain sentiment about some groups to which they belong; but, if they have it, that is a fact which it is important to bear in mind. The origin of the sentiment may be arbitrary, but we do not hold that the value of family affection is destroyed because it seems to be a matter of chance or luck that the future father met the future mother. Once it has come into existence the sentiment should be respected, both because it is best to govern people in accordance with their wishes as far as possible, and because the sentiment plays two very important rôles. First, where a country is not torn by minority problems, the sentiment of nationality adds greatly to its unity and strength, making people more ready to serve it and less ready to rise in rebellion. Secondly, the sentiment probably has a strongly beneficial effect on the cultural life of people. It would therefore not be desirable to suppress it altogether in the interests of internationalism, even if that were possible. But through

[6] Of course, if they are governed by that country without having any share in its government, this is from the point of view of the democrat a bad thing, but the evil would not be altogether removed even if they had votes in parliamentary elections and were not in the least oppressed. The Irish had representation in Westminster in excess of what was warranted by their numbers, but that did not satisfy them; and, even if Germany were a well governed democracy and Poles or French under German sway could elect members to the Reichstag, they would not be contented. Further, nations which are not democratically governed still have the sentiment of nationality and would generally much rather be governed, even undemocratically, by a government of their own than of some other nationality.

being linked with the idea of absolute political independence it has become a fertile cause of wars, and it is this link which I wish severed.

Nationalism shows itself in two ways, first, in insisting on the absolute independence and sovereignty of the nation-state; secondly, in the demand that the boundaries of states should correspond to those of nationalities, or at least that subordinate nationalities too small to form states of their own should be allowed a great degree of autonomy. Absolute sovereignty or independence may be understood in three ways, ethical, practical, and legal. It may mean (a) that every state has a moral right to do whatever it likes. This is a completely unethical principle, and obviously and flagrantly contradicts the basic principle of any satisfactory international order; it is the very thing against which we have been fighting. It may mean (b) that, though the state has not a moral right to do whatever it likes irrespective of other states, in fact it is able and should continue to be in practice able to do so. This is obviously false: no state can do what it likes irrespective of others. But (c) it may mean that each state has a *legal* right to do what it likes. This is obviously true in the absence of an international system of government. But it is not clear why this legal right should be allowed to continue, nor why it should be of great value to states to continue to have a legal right to do what they cannot possibly do in practice. To sum up, absolute political independence is a fetish which cannot exist, except in a technical legal sense that has no more real significance than the fact that there is no law against his purchasing a palace has for a poor man. But the idea that any state worth the name ought to have absolute independence persists, and, though no state can obtain it in reality, states have clung to the legal semblance of it and have sacrificed much real freedom in order to avoid the surrender of the legal sovereignty which they claimed.

In fact no state is ever free to do what will intensely offend other more powerful states, and even the most powerful state cannot afford to do what will intensely offend a whole combination of states. Apart from the possibility of war there are great economic limitations on state action because all countries require foreign customers; and, because of the fear of what other states may do, every state is forced to devote a large proportion of its resources, even in peacetime, to armaments. This is commonly not regarded as a limitation of national sovereignty, but it is one.

Now we may certainly agree that a large amount of internal autonomy is desirable for the satisfaction of the national sentiment and the development of what cultural values that can produce, and on democratic principles we may add that, if a large portion of the inhabitants of a given country want to secede, this is of itself a strong argument for allowing their secession. It is not an absolutely conclusive argument, for the nationalities may be too mixed for any possible division of the country to be in accord with national feeling, or the harm, strategic or economic, inflicted by secession may be great enough to outweigh the good which would be done by it. Would England necessarily be morally bound to allow the secession of London, if most of the inhabitants of London were of a different nationality and wished to secede? We may, however, allow that the fact that a large part of the population desire something is of itself a strong argument for giving it to them; and if they are not given independence when they want it they are not likely to be either contented or loyal citizens. But it is liberty for a nationality to use their own language, educate their children in their own way, and preserve their own customs, which is of value, rather than the possession of the relative political independence that characterises a separate state. At least, granted that they have this "cultural" liberty, are represented in the parliament of the

country to which they belong, and are not actually oppressed, nor subject to the risk of having to fight in a war against other members of their nationality against their will, the addition of the degree of political independence which belongs to a separate state would be valuable only in so far as without it the people concerned lack that feeling of independence and freedom which is so very desirable. This is, however, a subjective matter: the Scotch are a separate nationality, but they do not feel themselves deprived of this sense of freedom because they are linked in one state with England; and they are not the only instance of a separate nationality which, though it belongs to a state of preponderantly different nationality, has no wish to secede. Now separate national minorities have often fallen into the way of thinking that they are not reasonably free, but oppressed, unless they enjoy the independence of a separate state; and therefore they are likely not to have this valuable sense of freedom unless they form independent states, and they very much want to form independent states. But, had they not had this theory inculcated into them, it is not at all clear why they should not feel almost as free even though they did not form a separate state, provided they had real local autonomy.

This insistence on absolute independence as the absolute right of nationalities has done a great deal of harm. This harm does not lie only in the fact that it has been a cause making for foreign and civil wars waged with the object of securing this independence. It has also led by a reaction to the oppression of the nationality concerned and the refusal to them of the harmless and desirable cultural autonomy which it is unquestionably their right to enjoy. For if it is felt that any nationality which is conscious of itself as such will naturally seek political independence, then there is a temptation for any state to suppress subordinate nationalities. But, if it is realised that local autonomy and full development of the self-

conscious culture of the nationality is compatible with loyal citizenship in a state in which this nationality is not predominant, there will be little temptation to withhold the degree of autonomy really required. Another evil effect of this connection between the sense of nationality and complete political independence is that nationalists are apt to take the attitude of deeming all lost unless they can have full independence, thus giving themselves quite unnecessary unhappiness and distracting the attention of politicians from more real and pressing evils, such as that of poverty. Nationalist parties have, for example, in India, refused to work a constitution offered them because it did not provide complete independence, throwing away the substantial benefit they might have had from it because it did not give them everything they desired. This is as foolish as it would be for an individual to throw away bread because he could not obtain cake. Political independence need only be very important for a national minority if they suffer or are likely to suffer from oppression; but I suppose the mere thinking it important makes it important for the people who think it so, and therefore, once a nationality is imbued with the idea that they must have political independence, it is best that they should have it unless there are very strong reasons against it. Not all national minorities are imbued with this idea by any means. Of course, nothing that I have said is intended to condone the policy of ruthless suppression of national minorities, but this policy is by no means adopted by all states in which minorities express discontent.

There is, however, some reason to hope that nationalism, which is after all a recent development and not a permanent feature of man from the beginning, is likely to be less dangerous in the future than it has been in the recent past. For it seems probable that most minority problems in Europe will be solved by the drastic surgery of expulsion or interchange

of populations. This solution, though harsh and open to some objections, will at least result in there being few national minorities left who would be at all likely to be oppressed, and in that case there will be much less occasion to inflame the sense of nationality than there was before.

Where national minorities do not already feel a desire to secede, such a desire should certainly not be encouraged, both because to stimulate it unnecessarily is to stir up a veritable hornets' nest of troubles, and also because a state should be better for the intermixture of two different nationalities with their different traditions and characteristics, provided the intercourse can be maintained on the plane of friendship. In almost all the countries that have contributed much to civilization there is a good deal of admixture of different or formerly different nationalities. No doubt, when there are different well marked nationalities within a state, the best solution is usually some form of federation.

Can some approximation to federation be extended to embrace the whole world, or is the nation-state the ultimate term of political development? Can wars never cease, or are they to be ended by some form of world order? The dogmatic answer of pessimism to the effect that human nature cannot change is not to the point. The sentiment toward the nation is itself largely a development of the last few centuries and not a part of man's original psychological constitution, and in any case human nature has changed enough to produce and work widely different institutions at one period from those which were produced and worked at another. Even *if* no human "instinct" can be eradicated, as is often said, its mode of expression can be drastically altered. The instinct of pugnacity need not express itself in dropping bombs and firing guns; the majority of people still do not do this at any time of their lives, and there is no evidence that they suffer from repressions as a result. In any case, modern

warfare involves deflections of the instinct from its original mode of expression, which was hitting with the fist, and, I suppose, kicking, biting, and scratching, as drastic as any that could be required in peace. To remain immobile in trenches under fire, to work out plans for military organisation in an office or dug-out, to manipulate complicated machinery are not the natural and original expressions of the instinct; and if the instinct can be satisfied in war by deflecting it in modes of behaviour other than those originally natural to it, so it can be satisfied in peacetime. There are many outlets to pugnacity, if it does require satisfying, besides physical fighting. There is no question of *a priori* impossibility, and the empirical evidence does show great changes in human beings in the course of history. "It has been possible to get rid of other forms of fighting, for example duelling, without waiting for the psychological millennium." [7]

Modern wars are so different from any earlier wars that the fact that men did not hate war in its earlier forms sufficiently to end it is no proof or even indication that they will not hate it sufficiently in its present form to do so. Further, if the still more fundamental instinct of self-preservation can be overcome by patriotism and propaganda to such an extent that most men are willing to risk their lives fighting for their country under most dangerous conditions, even often in a bad cause, it should likewise be possible to overcome the instinct of pugnacity.

To say that we must not deny the possibility of abolishing war is not to say that there are no deep-seated psychological forces making for war, or to say that we shall *necessarily* succeed in our attempt to abolish it; but modern war on a large scale is so irrational and so disastrous that I for my part despite disappointments find it hard to believe that men will not show the minimum of good sense required soon to end it

[7] Curry, *The Case for Federal Union*, p. 33.

once for all. It is often said by preachers that the only way for the world to save itself from war is for it to become really Christian. If so, the outlook is dark indeed, for if wars are to continue during as long a period as would be required for modern practice to attain the ideal of Christianity, they will with the development of means of destruction become so devastating as to destroy civilisation altogether long before this far-distant date is reached. But, though I fall sadly short of the Christian ideal, yet I can be trusted not to attack other men in order to rob or kill them, and, similarly, it is quite conceivable that, while still falling far short of the highest Christian standards, nations might reach a stage in which it would be as silly to expect an attack from one of them as it would be for me to be in terror of being murdered by my neighbours or my students to-day. Society would still be not nearly as good or happy as it might be; but at least it would avoid this evil of war, just as a man may avoid committing murders and robberies though possessing other very serious defects. I do not want to indulge in "wishful thinking," but we must also guard against the possibility of being plunged into too black a pessimism by the impact of present events. Pessimism can be quite as harmful as is wishful thinking, because, if people think war inevitable, they are likely to conclude that you cannot do anything about it except arm so as to make sure, if possible, that you will not be defeated when war breaks out. Now many people are inclined to take for granted that, because the League of Nations failed once, a similar institution will always necessarily fail; but need it? As a matter of fact the situation of 1939 depended on a succession of unfortunate events, any one of which might easily not have happened, and which are hardly likely all to repeat themselves—the refusal of the United States to join the League, the failure of England and France to agree on a wise common policy toward Germany, the economic crisis of

1929-33 which gave a chance to the Nazis to gain power, the appearance in Germany of a personality with Hitler's extraordinary combination of wickedness and popular appeal, the folly of allowing an obviously aggressive Germany to rearm and even remilitarise the Rhineland, the failure of arrangements for collective security. It was only a combination of all these events that brought the failure of the League and the outbreak of war in 1939, yet the occurrence of the events depended on a number of quite contingent circumstances; for example, in the opinion of many judges the first-mentioned would never have happened but for certain defects in President Wilson's way of dealing with the Republican opposition in his country. It is not, however, surprising that a revolutionary experiment should fail at the first attempt, and this is no indication whatever that it will fail a second time, still less go on failing for ever.

I do not see that the fact that we have no sentiment for Humanity as a whole, if it is a fact, makes successful international government impossible, though it does make it more difficult. We have a sentiment for humanity as such in the sense that almost everybody, other things being equal, would rather see even a perfect stranger happy than unhappy, and that the vast majority of people would, in the absence of special grounds for enmity, be prepared to go to some trouble to remove his unhappiness, if the latter was obvious and they knew it was in their power to remove it. This is not contradicted by the widespread existence of cruelty, because, except in the case of a very small minority of sadists, this is exercised on people with whom the cruel man is at enmity (or for deterrence or other reasons of supposed expediency), and the general sentiment for humanity is overcome by these special grounds for hostility. But most people do not personify humanity, and do not have a sentiment for Humanity as a collective whole, as they have for their own country or

state. However, even under a successful international government, most people will almost all their lives serve humanity best by serving their own country best, and there is an increasing realisation that the interests of one's country are bound up with international peace. A sentiment for Humanity as a collective whole may well develop in time, and there is said to have been a remarkable growth of international corporate will in the League secretariat as a result of working together. After all, sentiment for England, France, or Germany developed only gradually from a time at which each of these was not one country at all. Till this sentiment has developed, no league of nations or world federation can be a unity in the sense in which a single modern state is. But this is not to say that it cannot perform a very valuable function, though it may mean that it has to act mainly through pre-existing states. The experience of religious movements, and of communism too, shows that ordinary men can be moved, not only to show ordinary decent loyalty, but even to give their lives for an idea, and surely the idea of a new world free from war and want with all the positive capacities that these evils hinder in full play is, more than most causes, worth the sacrifice even of life. At any rate, the sentiment of a supernational unity can be acquired only by working together, and if you wait till this sentiment has developed before starting a supernational organisation of government you will never start at all.

Another assertion that is often made, for example, by communists, is that wars are the result of "capitalism" and will inevitably occur from time to time as long as the capitalist system endures and is not replaced by socialism. It seems plain however that, while the importance of the economic factor must not be underestimated, it is certainly not the only cause of wars. The capitalists cannot conduct a war without soldiers, and the desire to swell the profits of a few capitalists

is certainly not one that will provide an adequate motive for the soldiers to fight. Consequently, even if the capitalists wished to bring about a war in order to swell their profits, they would have to arouse other motives in the people generally, in particular perfervid nationalism. It follows that it is at least no more true to ascribe war to the economic than to the nationalist motive: even if it be the case that war would not have occurred in the absence of the former, neither would it have occurred in the absence of the latter (or at least some other non-economic—for example, religious —motive). It can, in any case, hardly be contended with any show of reason that modern wars are usually caused by capitalists planning them for private gains and then cold-bloodedly playing on the nationalistic feelings of the common people so that they will fight for them. The "capitalist" governments are themselves much influenced by nationalistic feelings as well as by the desire for profits. It will be said that the latter is the ultimate motive and that the former is only "rationalisation"; but it is difficult to see by what criteria we can decide that a different motive is more truly their motive than the one which is consciously present to them.

The explanation suggested may account for some wars of the past waged with professional armies, especially colonial wars, but there is not a shred of evidence that the main motive either of the recent war or of the war of 1914-18 in any country was to swell capitalists' profits. However, to do the communist justice, his contention is not usually that capitalists plan wars for their own profit, but that the actions of capitalists in an economic system of which the main principle is that everyone should seek his own profit lead to a situation in which war is inevitable, even if not intended by the capitalists who perform the actions in question. But, even if we granted, which I should not, that capitalism made wars inevitable under present conditions, for the reasons already

given it is clear that they would not be inevitable but for the existence of nationalist sentiments or other motives besides the desire for profit of capitalists. For without these the soldiers would not fight, and popular opinion would not allow the rise of a bellicose government to power. That is, if capitalism makes war inevitable at all, it makes it inevitable only if we presuppose aggressive nationalism, and therefore war might be stopped by removing the latter without replacing capitalism. Within a politically unified country the bitter rivalry between capitalist firms will not lead to a war, say, between Lancashire and Yorkshire or between New York and Chicago. The tendency to pugnacity is no doubt present, but it does not express itself in bloodshed. Capitalism may lead to war within the system of ideas and international institutions which we have now; but it does not follow that it could not be prevented from doing that by the atmosphere which an effective international government would create even without socialism.

Now, while I certainly do not wish to commit myself to denying that socialism would be desirable on other grounds, it is at any rate a much less difficult business to set up effective international government than to establish socialism in every great power. How far, within the existing system, policy has been influenced by the interests of great capitalists in ways which led in the direction of war is a more difficult historical question; but it does seem clear to me that in most wars of which I know anything the main motives of the combatants have not been economic. Though some capitalists may have profited from war, most should feel nowadays that it is against their own interests, as bringing loss rather than profit, or at least incalculable risks combined with heavy taxation and great danger of post-war economic disturbances; and there is no guarantee that socialist states would not also engage in wars. They also may be fervidly nationalistic: after

all Germany was from 1933 to 1945 under a régime approaching socialism in many respects; and if complete state socialism had been set up in Germany, I cannot see how it would have altered the situation in favour of peace, unless it had been accompanied by democracy or at least freedom of political discussion, which are not primarily economic changes. Supposing capitalism were replaced by socialism, the nationalist motive would still operate, perhaps more so, because the masses would feel more vividly that it was *their* country and *their* welfare which was at stake and would presumably feel in greater unity with the government; and, in so far as economic motives do contribute to war, they would affect socialist as well as capitalist countries when there appeared to be a serious clash between the economic interests of one country and the policy pursued by another country. To quote one who is noted both for his socialism and for his insistence on the economic causes of war, "I am not so foolish as to suppose that we destroy the dangers of nationalism merely by creating an equal society. Such a state would still need markets and raw materials; it would doubtless fight for access to them if access were denied. It is even conceivable that a genuinely democratic society might be more fiercely nationalist than under the present system. For the erosion of inequality would give to the claims of the state a title to allegiance it does not now possess. Its citizens might easily come to feel a patriotism almost religious in intensity. . . . To safeguard the world-community from the dangers of democratic nationalism is not less important than the duty of denying to the capitalist state the power to enlist national sentiment in its service." [8]

Some important factors which [illegible] for war would be removed under socialism; for example, the influence of private armament firms and firms which throve on colonial ex-

[8] H. J. Laski, *Nationalism and the Future of Civilization*, pp. 52–3.

ploitation, and probably the exclusion of cheap foreign goods on the ground that they will cause unemployment. But obviously the mere existence of socialism would not automatically prevent all economic clashes between one state and another, and we must not assume that, because dangers with which we are familiar would be removed under socialism, they would not be replaced by others which it is beyond our power now to predict. The widespread sense of frustration due to bad economic conditions cannot, as some people say, inevitably lead to war. In the western democracies this widespread sense existed in a very acute form in the thirties, but it did not prevent them from being extremely averse to war. I think that, on the whole, the institution of socialism would tend in the direction of facilitating permanent peace rather than the reverse; but it is neither an indispensable nor a certain means of securing peace, and, while some but not all states are socialist, there are some special dangers of war between socialist and non-socialist states.

The argument used by Curry in *The Case for Federal Union*[9] seems to me strong both against the exclusively economic theory of wars and against the view that war is due to human nature and therefore cannot be abolished. He points out that there are some competing groups which wage war and others, such as rival firms in the same country, which do not. Now the groups which fight have in common the fact that they are sovereign states, and the groups which do not fight lack this characteristic, while both sorts have in common human nature and capitalism. It is therefore reasonable, he argues, to attribute war rather to the former characteristic, which belongs to the groups that fight and not to those which do not, than to attribute it to one of the latter two characteristics which belong to both alike and to say that it is an inevitable consequence either of human nature

[9] P. 35.

or of the capitalist system.[10] And it is the institution of sovereign states at which proposals for the peaceful international organisation of the world strike.

This is the main political remedy, and as this is a book on politics I shall discuss it exclusively. I do not mean that other non-political remedies should be neglected. If all men became truly Christian or very much more Christian than they are to-day, even with the existing political system, there would be no wars. Indeed, short of this, the thorough education and habituation of people in all countries when young in weighing evidence objectively [11] would be sufficient to make wars unlikely indeed. But then these two remedies would affect the chances of war by striking at the nationalistic spirit, and this can also be effected by political means, though the latter should be regarded as supplementary rather than alternative to an advance in the Christian and in the scientific spirit such as to lessen the chance of war. Political remedies by themselves would be inadequate, since any political institutions, however good in the abstract, will work badly if they are worked by bad people; but, with human nature in general the very mixed thing it is, it cannot be denied that political institutions may just turn the scale and decide whether the good or evil in man will predominate in determining what happens. It would no doubt be a solution of all our problems if all men could be turned really good at once; but, since there is no shortcut to this, it is of the utmost importance that institutions should be adapted so as to mobilise and utilise the good in man rather than the evil.

It might be thought that the League of Nations itself involved the surrender of national sovereignty, but, legally, this may be doubted, on the ground that states belonged

[10] This argument does not assume that there is a single characteristic causing all wars (or any war); it concerns only the relative importance of causes.

[11] This is, however, not merely an intellectual matter.

to the League only in the sense in which they belong by treaty to an alliance, which admittedly does not affect their sovereignty, and the League had no legislative power except with the consent of all its members. I do not wish to discuss the legal question, but in fact the weaknesses of the League—the unanimity rule, the right of secession, the gap in the Covenant which allowed war after the means of peaceful settlement had been exhausted, the right given to each separate state to decide whether and in what form it should impose sanctions,[12] the optional character of adherence to the Hague Court and of the agreements reached in the discussions of the International Labour Office, the inability of the League to amend treaties or do much to remove the underlying causes of war—all resulted from anxiety that the League should not be allowed to interfere with national sovereignty.

This is not a criticism of the founders of the League, for it was probably impossible to go further at the time, but the necessity of seeking or pretending to preserve national sovereignty legally intact was a grave disability. Moreover, this same craving for national sovereignty is at work to-day spoiling the United Nations Organisation, so that it is not a matter merely of historical interest.

It is not to the point to object that it is superficial to say that the failure of the League was due to the retention of national sovereignty, on the ground that, if states had worked the League constitution properly, it would have succeeded despite this. For we must ask a further question: Why were they not in earnest with the League? Why did they not work it properly? The answer is, because they disliked any interference with their national sovereignty. The whole climate of foreign politics has been perverted by this notion of na-

[12] In practice, at least, this is what it amounted to; the legal point is perhaps doubtful.

tional sovereignty, which goes so far as to make it extremely difficult for a state to give way and make concessions in the interests of international conciliation, since, if it does so, it is accused of weakness and pusillanimity. No doubt, if the different states work together in the right spirit, a league which respects national sovereignty will still not fail; but then, if states do work together in the right spirit, there will be no chance of war in any case. What we need are institutions that will lessen the harm done by states not working together in the right spirit and prevent this from leading to devastating wars; and though the machinery of the League was of great value for this purpose, we wish after the first experiment to have still better machinery for the second try.

Fortunately there seems now to be fairly general agreement on one of the basic ideas of an international organisation, namely collective security. This principle provides that the aggression of one or some should be regarded as the concern of all. In the days of the League of Nations it was thought that this could be adequately secured by an agreement between the different states severally to intervene in such cases; but modern war moves too fast for this, and the San Francisco plan of delegating the matter to a Security Council with power to act on behalf of all states is more likely to be effective, though whether even that is effective enough might be doubted. Further, the disparity between the powers has increased, and when a state has attained a great preponderance of strength compared to others such a state has special responsibilities which had better be frankly recognised in the arrangements for the imposition of sanctions.

Schemes for collective security have in the past been held up by the reluctance of states to commit themselves beforehand; but we are now coming to realise that to commit oneself to fight under certain eventualities is the best way of

seeing that one does not have to fight at all. For knowledge that most other states or two or three "super-powers" would join in war against it would in the vast majority of cases be sufficient to deter an aggressor state without fighting, so that there was no need to implement the promise in question. To make such a promise does not increase but decrease the risk of war; it is indeed a stupid predicament to have to fight because, for fear of the risk of having to fight, you would not promise at an earlier date to fight under conditions which, if you had promised, would have been very unlikely to arise at all. No doubt, if the organisation which is supposed to impose sanctions has outside itself several of the most powerful and dangerous states, and if our fellow-members cannot be trusted to support us adequately in carrying out sanctions, there is a case against our urging their imposition; but this is an argument against an ineffective organisation, not against building up an effective one. The criticisms of a sanctions policy urged in the thirties, whether right or wrong, presuppose a situation that we hope will never recur and which made a major war almost inevitable. It has been objected that a scheme of collective security would only make each little war into a big one, but this is like saying that it would be better not to have police, because if A commits a murder and is arrested and hanged for it, this only means two deaths instead of one plus any casualties in the police sent to arrest him, overlooking the fact that murders are far less likely to take place than if there were no police.

On the other hand, the force involved must not be emphasised too much, as though it were the main feature of the proposed international order. Force is used only where it has failed of its true purpose, which is to prevent trouble by the mere threat of using it. It is not right to say that, because force is needed in any known form of state, therefore either the state or the international order is *primarily*

dependent on it. Force is needed to secure that the majority who wish to live in peace and order are not thwarted by the minority, whether this minority consists of individuals in a state or of a state in the international order; but most men for most of their lives do not obey the laws simply because they are forced to do so. And, even apart from the need of exercising force to preserve peace, we should in the present age find it in the highest degree desirable to have some kind of international government to decide, on matters of international interest, what the right course was, even though we had not to consider compelling states to adopt that course.

The objection to sanctions by the pacifist who advocates non-resistance at all costs even to actual invasion I shall not discuss at length, because it is quite certain that no nation that is at all capable of resisting by arms will adopt it, not because the position is logically contemptible. This it is certainly not. For the pacifist need not hold that force should never be used, only that it should not be used in the form which involves international war. He may argue that this form of force, at least in modern times, involves evils of a scale and a character which make it generically different from the exercise of force in dealing with individual criminals, and which outweigh any good that could be gained by even a successful war or any evil that the latter might avert. Till Hitler the view was a plausible one; and it is certainly true of most wars. Nor need the pacifist advocate mere submission. The policy of resolute passive disobedience to all orders of the invader, if carried out by everybody in defiance of all threats of penalties to the bitter end, would at last inevitably lead to the abandonment of the invasion unless the invader was prepared either to massacre all the adult inhabitants or to keep them all in prison. I do not know whether Hitler would have much minded massacring a whole nation of unresisting people, but most nations and govern-

ments at least would stop long before such a point was reached.[13] So it is quite likely that in most cases pacifist tactics, if they could be carried out consistently, would succeed in frustrating conquest at a smaller cost in bloodshed, etc., than would be involved in fighting, though the serious objection still remains that they could do nothing except by example to help other countries which were not themselves pacifist. The mistake of the pacifist, I think, lies mainly in assuming that a policy which might be right for an ideal nation ought therefore to be adopted by individuals, when it is certain that most people in the nation will not adopt it, and, if they did, could not carry it out like ideal men. For what would have good effects if adopted by all may have bad effects if adopted by some, and what would have good effects if done from the best motives may have bad effects if done from mixed ones. Further, if Britain on the whole had been prepared to go pacifist, this would have provided an enormous temptation to any would-be aggressor to invade both parts of her empire and other European countries, and the morality of refusing, because of your pacifist principles, to help by force anybody else, who is not pacifist, is very different from the morality of refusing to help yourself. In any case, it seems fantastic to suppose that, at the present stage of human development, a whole nation or the majority of it could be induced to become uncompromisingly pacifist. It therefore is necessary in any scheme

[13] They might, however, in the event of non-violent resistance by Britain or certain other countries, be able to kill a large part of the population by blockade, and there would be much less difficulty about getting such a policy carried out, because they would not see with their own eyes the horrors involved or have to commit direct acts of violence on millions of non-resisters. But the pacifist could contend that given time and an intelligent application of science it would be possible to make almost all countries self-supporting, including Britain, or at least enough so to give all the inhabitants a tolerable, though not very good, diet, and might advocate that we should do this as a long-term policy to make pacifism practicable.

for the preservation of peace to include sanctions, economic as far as possible but, where necessary, military.

But the main objection to any scheme of collective security, whether it involves a federation or merely a tightened-up league, comes from those who dislike the idea of surrendering the claim to unrestricted national sovereignty which is now made by states. It is a perfectly reasonable reply here to insist that the prevention of war is of such tremendous importance that it is worth even very heavy sacrifices, and that it would be ridiculous to regard unrestricted national sovereignty as a good sufficient to outweigh the evil of exposure to the horrors of war. But, while we must certainly take to heart the ethical principle that in the interests of a good settlement every nation must be prepared to make sacrifices, we may doubt whether *this* alleged sacrifice is really a sacrifice at all. For, as things at present stand, no state whatever has in practice unrestricted sovereignty, for no state can do just whatever it likes.

Even in the past world of "sovereign" states, Great Britain and other nations, while remaining theoretically sovereign, have been compelled by the action of other countries for fear of worse consequences to remould their mode of life far more drastically than any tyrant has ever remoulded it. In exercising her "unrestricted sovereign power" Britain has been compelled against her will to spend many million pounds a day for years on destruction, to raise the income tax to ten shillings in the pound, to bring about a most drastic change in the occupation and habits of more than half the population, to let large parts of her cities be destroyed, to compel many to endure the greatest physical sufferings, and to sacrifice thousands on thousands of lives. Twice within a generation she has had to do this or similar things for the space of over four years. Is it credible that any international league or even federal union would impose

on her sovereignty restrictions a tithe as drastic as this in order to avoid a major war? It may be retorted that she was not compelled to do these things, but chose to do them voluntarily in order to prevent a German hegemony. But this only means that she was forced to choose between doing these things and incurring what she deemed a greater evil still, and even the most tyrannical government does not compel its subjects to do what it wants in any other sense than this. We are not physically compelled to obey the laws of our state, we are always free to choose between disobeying them and suffering the penalty, as Britain was free to choose between fighting and risking conquest by Hitler; but a man cannot be congratulated on having a great degree of freedom when he is forced either by his own or by another government to do something he hates doing if he is to avoid the greater penalty which they threaten for non-compliance.

Further, there is a risk of defeat, and therefore of still greater interference with national sovereignty, in any major war that a nation has to wage, and a risk of the destruction of civilisation and the nation-state with it if wars of the modern type continue to occur. Provided it can keep the peace, international government is therefore, even from the point of view of the extent of national independence it allows, far preferable to the existence of legally sovereign states with their tendency to war. As I have urged before,[14] there is no such thing as complete sovereignty in any but a verbal legal sense. The people who reject such schemes because they limit absolute national sovereignty would call themselves practical men and hard-headed realists, but in fact they are fighting for a fiction as impossible and as divorced from reality as that of the most idealistic utopian. States, it may be said, have rights as well as individuals; but, as in the case of individuals, these are not absolute but

[14] *V.* above, pp. 103ff., 208ff.

dependent on the general good, including the good of the nationals of the country which has the right, but also that of others, and it is no violation of state rights, any more than of individual rights, to enforce rules for the prevention of aggressive violence. In fact, rights of states are less, not more, sacred than rights of individuals, since the state has no value apart from the individuals in it, and so rights of states are rights only in so far as they are needed for the maintenance of the rights of individuals. States will indeed in particular cases have to make real sacrifices for the common good, as a good man must, but *in general* they stand to gain greatly not only in material goods and in security but even in freedom, through losing their legal sovereignty. There may well be somewhat less strong senses of sovereignty in which states should have sovereignty, and it is to be hoped that the term "sovereign" as used in the Atlantic and the San Francisco [15] Charters was intended to stand for one of the less radical senses. It is indeed most desirable to insist against the Nazis, as the Charters insist, that every state, however small, has a right to manage its own affairs. But, as absolute sovereignty, except in a purely legal sense, is quite unattainable for any state that can possibly be affected by what is done by other states, and real sovereignty will be increased rather than diminished by the surrender of legal sovereignty, a reasonable nationalist will not insist on the latter.

3. *The New World Organisation*

Granted that there should be some subordination of the nation-state to an international organisation, how far ought this to go? Here there are two main schools of thought, those who think that nothing short of federal union will suffice and those who are content with an improved league. In the latter class must be included the statesmen who were

[15] "Sovereign equality of all members," Art. 2, 1.

responsible for the San Francisco charter and probably the overwhelming majority of politicians everywhere, so there is no immediate prospect whatever of federal union being carried out. Still the idea must be examined in order to see whether the federalists are right in holding that any more conservative scheme, such as that which has been officially adopted, is grossly inadequate, and in order to discuss the desirability of modifications in a federalist direction. League and federation are at any rate two fundamental concepts about which we must be clear if we are to think coherently at all about international organisation, so it is necessary to examine very carefully in just what respects a league falls short of a federation. The chief differences appear to be the following:

(1) A league leaves its members legally independent sovereign states limited only by treaties—that is, by their own consent; a federation takes away their sovereignty for ever in certain departments of government and gives it to the federation as a whole. These departments would include foreign affairs, questions of war or peace, armaments, and, according to most advocates of federal union, immigration and certain economic matters such as currency and tariffs. The powers of the federal states would be fixed by the constitution independently of the central parliament, this being in fact the differentia distinguishing a federation from a unitary state. In a unitary state the powers are merely delegated by the central authority to subordinate bodies, as the British Parliament delegates to municipalities powers to pass bye-laws.

(2) In a league the members retain their armed forces but promise to utilise them in certain emergencies for the benefit of the league; in a federation they are largely disarmed, and the only important armed forces belong to the federation as such.

(3) A league can control individuals only through the states to which they belong; the government of a federation rules them directly in certain matters, though they are in other matters subject to their own state.

(4) The members of the supreme assembly of a league are

delegates of the governments of the several states; in a federation they are not delegates of a government any more than a member of Parliament for Cambridge is a delegate of the Cambridge Borough Council, they are elected by the people.

These four points may be summed up by saying that in a federation the individual is the unit; in a league, the state. The more we examine this difference, the more clearly we discern its far-reaching character. Streit, the leading advocate of Federal Union, holds that this central principle of federalism follows logically from the belief in democracy and from the conviction, as against totalitarianism, that the state is a mere means to the good of the individuals who compose it. If we take the state as unit we are, according to him, bound to give equal representation to large and small states, as in the Assembly of the League of Nations, and representation, being out of all proportion to numbers, will therefore be undemocratic; if we take the state as unit, we also tend to weaken the individual and make the state sacrosanct.[16] The federalists admit that the world is not yet ripe for the application of such a principle throughout its entire extent, but hold that we can and must make a start with a group of like-minded states, the democracies, hoping that their influence and example will eventually lead to world federation. In the meantime they proposed to continue to regulate affairs relating to the whole world by means of an institution like the old League of Nations, in which the federation would enjoy membership. For, though a league is, according to the federalists, a very unsatisfactory method of dealing with political and economic problems, this, they think, is the best we can do at present if we are thinking of the whole world, though we may go much further if we take a group of states, the democracies, by themselves.

Let us now examine the San Francisco Charter and see

[16] Streit, *Union Now*, pp. 168ff.

both how far it is an advance on the old League of Nations in the direction of federation, or at least real international government, and to what extent it approximates to the league type of organisation rather than to the federal type. Now disappointment with some of its provisions must not lead us to overlook the fact that it does involve for *most* states the definite renunciation of sovereignty, not in words—it still speaks of the "sovereign equality" of all states belonging to the organisation [17]—but in deed. For it lays it down that "the members of the United Nations agree to accept and carry out the decisions of the Security Council." [18] That is, members of the organisation make themselves subject in certain matters to the decision of representatives, as a British citizen is subject to Parliament, and a member of the minority who vote against a measure on the Council for which seven out of eleven votes have been cast makes itself subject to the majority. Most states have decided to renounce their absolute sovereignty and transfer it to other states acting on their behalf, whose decision they will be legally bound to obey even if it goes against their desires and views in a particular case. Now this is indeed a big step forward. It may even be said that for the first time we have real international government, since for most purposes the League of Nations was subject to the unanimity rule, and we cannot call it "government" when measures require the agreement of all members. Technically, it may perhaps be argued that states have still not renounced their legal sovereignty, because it has always been within their sovereign power to make agreements limiting themselves, and the agreement to belong to the United Nations Organisation is not even irrevocable, for the right of secession is to be retained; but this seems to me only a legal quibble. Under the San Francisco

[17] Art. 2, par. 1.
[18] Art. 25.

Charter it will be as true to say that states have renounced their sovereignty as, if the contract theory of the state were accepted and all the citizens were original signatories of the contract, it would be to say that individuals had; and that is surely as much as could be expected, for, if there had been a definite contract establishing the state, the legal tie on individuals who had signed the contract would certainly not be weaker than it is on us, and citizens would be more, not less, bound to obey the state than they are now. If a state can secede from the international organisation, so too an individual can escape from the authority of his state by changing his place of residence. Though he cannot always do this in practice, few states forbid it legally; and there would probably also be grave practical difficulties about a small state seceding from the international organisation, or at least secession would in practice probably mean for such a state that it lost the *rights* of membership but still had to abide by most of the *obligations*.

But there is a "fly in the ointment." This is the position of the Big Five. The latter have, unlike other states, by no means renounced their sovereignty, since no measure introduced by the Security Council can be passed against the veto of any one of them except where that power is a party to the dispute *sub judice*, and even in that case the Council cannot enforce its decisions by the application of sanctions against the great power in question. It is true that the great powers have no legally privileged position in the Assembly or the Economic and Social Council, but these bodies can on most points only make recommendations, not, like the Security Council, give binding decisions. The special position of the great powers in the Council has been defended on the ground that they have special responsibilities in enforcing decisions and keeping the peace, and that in order to discharge these they must have special privileges. It has been

further contended that the question whether one of the Big Five should have a right to veto sanctions against itself is a purely academic one, since, if it ever came to the point of imposing sanctions on such a power, this would mean in any case that the security organisation had broken down and that there would be a major war.

But, if it is a purely academic matter, why insist so strongly on the veto? It is a matter of principle that any state, however powerful, should be subject to law, and the denial of the principle is bound to have a bad moral effect and cause distrust of the great powers. Further, even if it is true that the imposition of sanctions against any one of the Big Five would mean a major war—and it is not certain that it would if the sanctions were economic—it still seems to me that the chances of peace would be on the whole greater if such imposition were legally possible. Circumstances are certainly conceivable in which a great power might yield to the threat of them when she would not otherwise have yielded, or would never start a policy that she would otherwise have started because she believed that it would eventually expose her to them. No doubt other states might still privately make war on her, even without official sanctions being legally allowed, and the prospect of this might act as a deterrent to some extent, but the opponents of an aggressive great power (if there should again be such) would be much more likely to secure the effective support of other states and to agree on vigorous action themselves if they had a legal basis for their action than if they could obtain support by private arrangement only, and a would-be aggressor would therefore be more likely to be deterred. But the most serious point is the utterly objectionable implication that the great powers are above the law, and the bad moral effect of this on others.

However, even apart from the question of the right to veto sanctions against oneself (a right which even the League of

Nations apparently did not allow, though there was some legal dispute on this point), the unanimity rule among the great powers for matters other than those of procedure is open to serious objection. It is an improvement that this rule is applied only to the Big Five and not, as in the League of Nations, to all states in the Council and for most purposes in the Assembly; but it is objectionable that it should be applied to any states. The requirement of unanimity means that the pace of the Big Five will be on the whole the pace of their slowest member, and there will be a danger of decisions assuming the character of elaborately negotiated treaties the sting of which has had to be removed in order to avoid offending somebody. A state will even be tempted to veto for purely bargaining purposes a measure to which it has no objection per se, as Brazil threatened to veto the admission of Germany to the League in 1926, not because she objected to Germany but because she desired a permanent seat on the Council for herself. To point out that in fact hardly any measure proposed in the League was lost owing to the unanimity rule is not an adequate reply, for the existence of a unanimity rule means that most measures which have no chance of obtaining unanimous support will not be proposed at all, and that, in order to secure the unanimity, it may at any time be necessary for supporters of a measure to enter into tortuous secret negotiations with other states, bargaining with them to withhold their opposition, and so to eviscerate the measure by concessions which most states would on their own account not have wished to make. In any case to give to one state the right to ignore the wishes of all the others and to do just what it likes despite a measure which they wish to impose, and even the right to prevent by its solitary vote the measure from being imposed on any states, is to contradict altogether the notion of the rule of law.

On the other hand we certainly cannot expect states to

bind themselves to accept the decision of a bare majority on important matters. With each state, however small, having one vote like every other state, however big, a majority vote among states might easily represent a minority as regards populations. Therefore it is perfectly reasonable to require, as the Charter does for many purposes, a majority of seven votes to four in the Council, and in the Assembly a two-thirds majority. In any case we cannot expect that, in the present rudimentary phase of international government, there is much likelihood of important measures being carried out effectively, or doing an amount of good which outbalances the evil of the discontent they will arouse, if they are carried by only a very small majority. A more general point is that democracy is misinterpreted if it is held to mean that the majority always has the right to do what it likes, irrespective of the wishes of minorities. If majorities in democracies act like that, they are treading a way which leads to the destruction of democracy. What democracy does require is that the voice of the majority and that of the minority should receive attention in rough proportion to their size. Where democracy is working well, something rather like this is secured in the give-and-take of parliamentary conflict, which makes it advisable for a government to make concessions to the minority as well as to the majority. In view of the strong feeling people have against interference by "foreigners," it will be necessary for more attention still to be paid to the wishes of minorities if international government is to work. Where there was a bare majority, but not a large enough majority, the side which had the majority would be likely to compromise, and the resulting agreement might even have a better chance of approximating to a representation of the general will because it paid more attention to the minority. However, I do not wish to claim that the system would be perfectly democratic, but then no system of government is, or can be.

But I do draw a sharp distinction between a provision requiring something more than a bare majority for the passage of measures, and a provision requiring unanimity among certain states. For the latter provision means that one state has the legal right to put its own wishes above everybody else's and go on its own way regardless of anything else, which is just what the institution of an international organisation should be intended to prevent. It is, again, reasonable in some way to attach more weight to the vote of the Big Five than to that of other powers in view of their superior size, importance, and responsibilities, but might they not have been content with a stipulation to the effect that a majority among the Big Five as well as in the Security Council as a whole should be necessary for a decision to be taken? Or, if that was not enough, they might at least have limited themselves to stipulating that *four* out of the five must be in agreement.

The existence of the unanimity rule in regard to the Big Five raises a serious doubt as to the utility of the whole organisation. There is no doubt that it can prevent wars as long as the Big Five are in agreement, but then they could by joint action do so even without the organisation of the United Nations. The danger of a serious war would in any case arise only if there were a disagreement among the Big Five, and it is just this for which the San Francisco constitution contains no provision. It might therefore be argued that the institution is of no value in preventing war, on the ground that what it is permitted to do could be done without it, and that it is not permitted to deal with any cases involving a serious risk of a major war. Peace is secure in any event, United Nations or no United Nations, so long as the Big Five agree. Therefore the Charter provides only for stopping those wars which in any case could have been stopped, and makes no provision whatever for the one circumstance that would threaten a serious war. But, although the form of organisa-

tion set up would break down if the great powers were to disagree to such an extent as to be willing to fight, this does not prove that it is useless for preventing war, provided that its existence makes it *less likely* for things to come to such a pass that the powers do disagree enough to be prepared to fight about the disagreement. And surely its existence will have the effect of making this less probable. Its function is to prevent the evil rather than to cure it once it has broken out. We must remember that peace does not depend on the Big Five not disagreeing. Disagreement, even on major issues, is inevitable at times; it is so between different parties at home, and *a fortiori* it will be so between governments with different ideologies and social backgrounds. Peace depends, not on the absence of disagreement, but on no two members of the Big Five being willing to fight about any particular point on which they disagree.

Now, there is no prospect of Mr. Churchill and Mr. Attlee trying to shoot each other because they disagree, and this applies equally to the vast majority of the members of any civilised society. Why does it not apply to independent states? Partly because there has been till now, with the exception of the only half effective League of Nations, no generally recognised authority capable of applying force the prospect of which served as a deterrent against aggression. In the case of the smaller powers this defect is now removed, but it is not removed for the great powers. But the difference between states and individuals is not only due to this: individuals do not abstain from fighting merely because they will be punished or forcibly prevented if they start, they also refrain because they have formed habits of legality and because there exist means of settling what ought to be done through institutions which have a moral authority that would be obeyed by most people even without the exercise or threat of physical force. The United Nations Organisation may still

have great value in encouraging the development of the habit of legality in the dealings of states with each other and in providing the moral authority even where sanctions cannot be employed, and though there is a tendency to scoff at moral authority unbacked by force, it is not altogether without its uses.

As we have seen in the cases of Japan, Italy, and Germany, a state *may* act in flagrant defiance of the international organisation and of the opinion of the vast majority of states expressed in public discussion in the international assembly, but we must not therefore go to the extreme of thinking that public opinion thus freely, publicly, and authoritatively expressed is of no value even without sanctions. When a state is hesitating between aggression and non-aggression, it may still easily just turn the scale, especially if the new organisation shows more readiness than the League of Nations to tackle the root causes of war at an early stage. The public opinion of the world has some influence—though, as hard experience has taught us, it will not always prevail; and this public opinion would not be half so effectively mobilized and expressed without an international organisation. Great value should be attached to the habit of legality and of submitting questions to free discussion in a council or assembly of other states. The ordinary respectable man refrains from committing murder or theft because he has formed the habit of taking for granted that this is the sort of thing which simply must not be done, not merely because he will be punished for it, but because of its grave moral character and the harm done to others by such action. He may constantly display many comparatively minor faults without much remorse, but murder and theft he rules out absolutely as grave crimes. Peace will be secure only when the same habit is thoroughly established about war otherwise than in self-defence or as police work on behalf of the world organisation to stop ag-

gression. No doubt some men still commit murder and theft, but, since only a very small minority of men are criminals and war requires the co-operation of a very large proportion of the citizens, we may expect that the predominance of a similar sentiment about wars not belonging to the classes specified would make them impossible; and the growth of such a habit of thinking will be greatly facilitated by the existence of a world organisation, provided the administration of the latter is not grossly unjust. But the formation of a strong world-wide habit takes a long time, and we need not be surprised that twenty years of a world league from 1919 on were not sufficient to end war.

Further, the organisation is designed to deal, not only with crises immediately threatening war, but with the economic difficulties of the world and the thousand and one things which require international consultation and co-operation. We should need an organised international body to decide what it is best to do in these matters, even if there were never any risk of war; and any success the organisation may have in dealing with economic problems may itself help to prevent war. For, while I insist that the predominant motive of war is not always economic, there is no doubt that this is commonly a contributory motive of great importance. Finally, once the organisation has come into existence, whatever its imperfections, we may entertain hopes that its constitution can be ultimately amended to remove or lessen the defect to which I have referred.

It is therefore a question of degree; the Charter would have been better if each great power had not had its veto, but it is not useless because of this veto. It does not, I think, decrease the likelihood of war as much as would be the case if the Charter were amended in the sense I desire, but it still makes war less likely than it would be without any charter. It is senseless dogmatically to prophesy war because there

cannot yet be a real federation between states. The objection we have been considering is not of a type peculiar to this question: with all political organisations it can be argued that given the right spirit they are unnecessary, and given the wrong spirit they will fail. The answer is that, though this may be true, it is not conclusive, because the right type of organisation can help to foster the right spirit, and also because there are all sorts of intermediate possibilities between a spirit good enough to work well even very bad constitutions and a spirit bad enough to wreck even very good ones. In some of these intermediate cases a better or worse constitution may just turn the scale in a crisis which threatens disaster. Nobody would say that it was useless to take medicine because, if you are in perfectly good health, you do not need it, and if you are in sufficiently bad health, you will die in spite of it. Spirit and organisation interact and affect each other. But no conceivable world organisation could be regarded as by itself a perfect guarantee against war, and I am certainly opposed to laying too much stress on the importance of the legal organisation itself.

As regards representation of states the Charter effects an ingenious compromise between giving all states an equal voice and making their votes proportionate to their population. The principle of the equality of all states is sometimes extolled as though it were the only democratic principle; but while it is valid if it means that a state must not be treated unfairly just because it is weak, it is not, if it means that each state should have an equal say in deciding how the world is to be run. That would mean giving an unfair share of power per man to the citizens of small states, and so would be undemocratic. On the other hand, to give to each state a number of votes in strict proportion to its population, though the only really democratic method, would lead to results that certainly would not be tolerated. If this method were adopted,

China would have ten times as many representatives as Great Britain and four times as many as the United States, and India would be in a rather similar position. Without casting any reflections whatever on the Indians or Chinese, it must be admitted that few Englishmen or Americans would care to be governed by a body in which these two countries had together four or five times as much say as the Anglo-Saxon peoples. This is not due to racial prejudice only, but to a doubt whether people of such different (we need not use the invidious word "inferior") tradition, upbringing, interests, and outlook are qualified to have such an enormous share in determining the destinies of Europe and America. This is an argument for the development of separate regional systems. It may be admitted that China should have a larger say in deciding questions which concern the Pacific than should France or Britain, but certainly, despite her larger population, she ought to have less share in deciding questions which concern Europe. Various methods might have been used to strike a mean between the two systems of representation, but some mean certainly would have had to be found. We must admit that any system of representation otherwise than in proportion to population involves a partial sacrifice of the democratic element in the constitution. But democracy, though important, is not the only good, and some concession here is obviously necessary if there is to be a world organisation at all. Even the democratic United States has put up with one house in which no one of the federated states, despite their great differences in population, has more representatives than any other, and nobody, so far as I know, has suggested on that account that the United States is not a democracy. The method actually adopted, namely that of giving a veto to each of the five powers which are indisputably of outstanding importance, though rough and ready, has the great advantage of avoiding the very intricate and

invidious negotiations which would have been involved in working out in detail a system that gave a different number of votes to different states and yet did not fix the number by the straightforward method of counting the inhabitants. Since it gives each state one vote, it also has the advantage of keeping the Assembly from being too large and unwieldy in character, and of providing one body where the small power can speak on terms of full equality (as far as that can depend on legal means) with the great. Further, if the voice of a great power is overweighted when it is a question of her opposing a measure, it is underweighted when it is a question of her positively supporting one. A great power cannot give any more votes in support of a measure than can a small one. This is to the good, because we cannot in any case make important measures depend on a bare majority, and it shows how far the Big Five are from trying to be mere dictators. But the advantages which I have mentioned would still be secured if any two instead of any one great power were given the right of veto, and if a great power were not allowed the right to veto sanctions against itself. No doubt some states outside the Five deserve a bigger say than others, but these may hope to gain a place in the Security Council more frequently than the small states.[19]

Just as different states may be distinguished as autocracies, oligarchies, and democracies according to the political relations between individuals in the state, so we may distinguish different possible international organisations according to the relations between states. The international organization set up by Rome and that to which conquerors, including Hitler, have aspired was autocratic, involving rule by one state, and this would be true as regards all other nations even if the single state in question happened to have a democratic constitution itself. The international organisation based on the

[19] This is contemplated in the Charter (Ch. V, Art. 23, 1).

Holy Alliance of 1815 and the system which some people proposed to set up after this war, according to which the world would be controlled by an alliance of the Big Three or the Big Five, were oligarchic.[20] The League of Nations was intended to be democratic, and it was so as regards relations between states in so far as each state had one vote. But owing to the vast difference in the size of states no system which was democratic as regards states could be democratic as regards individuals, and since states are only groups of individuals the latter is the real democracy. Further, even apart from this a system which allowed a single state by the exercise of its veto to outvote all the rest could not be said to be really democratic even in respect of the relations between states. The San Francisco Charter on the other hand provides a mixed form of government with a democratic element but taking full account of the principle that it is dangerous to allow too much of a divergence between voting powers and the power to enforce measures. This is, I think, the main argument used for the special position of the Big Five, and it is also envisaged in the Charter in relation to the election of other members of the Security Council, since it is laid down that in their election "due regard" should be "specially paid, in the first instance, to the contribution of members of the United Nations to the maintenance of international peace and security and to other purposes of the organisation." [21]

In the early stages of a new and precarious organisation where we must have the risk of dissolution, civil war, and failure to carry out the laws more in mind than with a single well established state, this principle is correspondingly of more importance. One must not take too tragically the partial sacrifice of the democratic element involved. No modern

[20] In my opinion Lippmann's proposals partake a good deal too much of this character.

[21] Art. 23, par. 1.

state can be wholly democratic except on paper, because the people cannot govern themselves in detail, and in the case of a rudimentary organisation of world scope with vast masses of illiterate people included in some of its component states, less in the way of democracy must be expected. Furthermore, as I have already insisted, it is not democratic but the reverse to insist on the equality of all states, large or small, unless we mean only equality in the eyes of the law. But the stronger the democratic element in the United Nations is (compatibly with its efficiency) the better, and some considerable democratic element is necessary if it is to serve its purpose at all. This it provides, unlike the international organisations founded on conquest.

Turning to the second main point of difference between a federation and a league, namely, that relating to the control of armed forces, we again find that the Charter makes a compromise, but one inclining very much more to the league side of the antithesis than to the federal side. In a genuine federation the main armaments must be directly and permanently under the control of the central government; in a mere league the states retain control of their own armaments but undertake to utilise them for the benefit of the whole organisation. According to the United Nations Charter each state keeps its own national armaments, but in case of military sanctions being imposed, undertakes to supply the international authority with a quota of armed forces fixed by previous agreement.[22] "These forces, once dispatched, are to be under the control, not of the national government which sent them, but of an international organisation, the Military Staff Committee," [23] though the extent of this abdication of national control must not be exaggerated in view of the fact that the committee will consist of the "Chiefs of Staff of the perma-

[22] Art. 43.
[23] Art. 47, par. 3.

nent members of the Security Council or their representatives" together with those of any other states taking a leading part in the application of the sanctions.[24] This seems to envisage a system like the joint control of the British and American forces during the Second World War, an arrangement never regarded as involving the abdication of national sovereignty. The air force contingents, as distinct from contingents of the other forces, must be held immediately available.[25] The scheme marks an advance beyond the League of Nations in several respects:

(1) Any state is obliged to take part in military sanctions if called on to do so by the Council, and it is not to be left to its own discretion in each case to decide whether it shall help, as it was in the League. The extent of the military help obligatory on a state is not, however, to be fixed by the Council but is to be limited to what it itself has agreed to furnish; but the agreement is to be made in advance of any particular emergency.

(2) The forces would be under the control of the international body and not of the national state sending them.

(3) All members of the Security Council are to be permanently represented at headquarters, so that in the event of aggression a meeting could be summoned at once.[26] An appeal by one of the parties to the Assembly, which was allowed under the League of Nations and naturally might result in considerable delay, is not to be permitted under the United Nations Charter.

(4) A permanent Military Staff Committee, which will have power to make arrangements *prior to an emergency* about the methods of applying military sanctions, is to be set up.

(5) The Security Council has power to make binding (and not merely advisory) recommendations, not only in order to stop aggression, but in order to remove grievances which might eventually tempt a state to aggression, and therefore apparently could legally alter the *status quo* compulsorily, unlike the League of Nations. How far such extensive powers will be exercised remains to be seen.

[24] Art. 47, par. 2.
[25] Art. 45.
[26] Art. 28, par. 1.

(6) The famous "gap" in the League of Nations Covenant [27] allowing war under certain circumstances disappears. But in effect there still remains a gap, for in the event of the Big Five not being all in agreement or of seven votes being unobtainable in the Security Council for any particular course there will be no legal means of dealing with the situation. The chief advantages over the system adopted in the League of Nations lie in the greater powers conferred on the Council and the more efficient arrangements proposed for the application of military sanctions. Economic sanctions against an aggressor, in theory, though not in practice, automatic under the League,[28] are to depend on the decision of the Council in each case, may be either partial or complete, and are compulsory on members at the request of the Council independently of any previous agreement.[29]

The United Nations have, I think rightly, accepted the pre-war French view that the question of sanctions is prior to that of disarmament, since a state cannot be expected to neglect to make provision for its own security by means of its national forces unless it is protected in some other way. No doubt a race in armaments is a grave menace to peace, because one nation may be very much tempted to strike before its prospective opponent is ready. But if nations feel safe, they will not wish to waste money on armaments; and, if they do not feel safe, the complicated business of negotiating disarmament treaties with reference to all the different kinds of armaments and the invidious business of providing supervision will almost certainly prove impossible (except where one side is in a position to impose its will on the other by force). So they must be given a feeling of security before they can reduce armaments, not *vice versa*. If there were a system of collective security in which they had real confidence, the difficulty would be, not to persuade states to limit their armaments, but to persuade them to contribute their

[27] Covenant of the League of Nations, Art. 12, par. 1.
[28] Art. 16, par. 1.
[29] Charter of the United Nations, Art. 41.

rightful share in armaments to the security of the whole. There would then be no more likelihood of an armament race than of a race in which each person tried to pay more income tax than his neighbour. But we shall have to wait long before such a conception of armaments comes to dominate the thinking of statesmen. On the other hand we must not lay too much emphasis on sanctions, as if that were almost the sole purpose of the organisation. One can usually attain a negative result better by concentrating, not directly on it, but on a positive end incompatible with what we wish to avoid, and there would be little danger of war if the nations concentrated their main endeavours on a great effort to raise the standard of living throughout the world, the main good which could be achieved by *political* action, and were not distracted from this by not only selfish but short-sighted views of what was to their own advantage. "An international government which thinks first of all of scattering benefits will seldom need to impose penalties"; [30] and the more the United Nations Organisation is associated with positive and beneficent acts—and not mainly with prohibitions and sanctions—the more popular will it be and the less inclined will states be to secede. According to the Charter, one of the fundamental aims of the United Nations is "to promote social progress and better standards of life in larger freedom," [31] and the machinery is there in the Charter for dealing with economic matters; it remains to be seen what use will be made of it. But in any case it is essential that sanctions should be kept in reserve for an emergency, as within a country we keep in reserve the police.

So much I had written prior to August 1945, but what is the relevance of the discovery of the atomic bomb first re-

[30] Brailsford, *Olives of Endless Age*, p. 328.
[31] Preamble to Charter.

vealed in that month? The political effects depend, I think, very much on the technical question whether it is likely to be practicable by a sudden attack to render a state incapable of using atomic bombs before it has been able to launch any, that is, I suppose, in the first hour or two of the war. To this question I am not, and indeed probably nobody is, in a position at present to give an adequate answer, so I shall examine the political implications of the bomb first on the assumption that this will not be practicable, and then ask what difference it will make if it is practicable, or thought so.

On the first assumption at least the atomic bomb will provide a far stronger deterrent against going to war than the world has ever known before. The value of this is often minimised on the ground that you cannot end war by fear, and I certainly should not like to rely entirely on deterrence even by atomic bombs. But I do not think that the appeal to past experience which shows that deterrent motives have not been effective in the past is at all conclusive in this case, since a situation like the present has never yet arisen in human history. Because aggressors did not abstain from wrong-doing on account of the lesser evils of past wars, it does not follow that they will not abstain if they know that, whether they win or lose in the end, all their chief cities will have been wiped out within a few hours from the time at which they launch their attack. To have recourse to an analogy, very many men are not deterred from drinking too much alcohol because they know that it is bad for their health, but how many would not be deterred if they believed that to drink another drop would mean that they were crippled for ten years and their children killed? We cannot argue inductively that, because men were not prevented in the past by a lesser deterrent, they will not now be prevented by a greater. In fact we find that in both 1914 and 1939 Germany launched her attack in the (not very unreasonable) belief that she

would gain an easy victory without sustaining crushing damage herself, and the same applies to Bismarck's three wars, in which cases the expectations of the aggressor were fulfilled. States have waged wars in recent years despite the likely prospect for themselves of almost complete destruction, but these were not aggressors starting a war, but states which would never have dreamed of beginning the conflict, but were fighting for their national existence in face of an attack. It is an exaggeration to say, as does Professor Woodward,[32] one of the few persons who have yet had time to publish a work on the political implications of the atomic bomb, that "a policy of *laissez faire* could succeed, if at all, only on the hypothesis that a user of the atomic bomb would suffer as much damage as he inflicts." It might succeed even if he anticipated suffering much less damage, provided he thought the damage likely to be great enough to make the gains of aggression not worth the cost even in the case of victory. This might well occur, since even a few dozen or less atomic bombs, at least of the bigger and better sort we are kindly promised soon, might reduce a state, even if technically victor, to a condition worse than that of the vanquished after most wars. That the beaten state would suffer still more would hardly seem to be adequate consolation. But then if there is a good chance of the fear of the atomic bomb even without international control preventing long-planned aggression, it is much more doubtful whether it would prevent the outbreak of war in a sudden crisis where the government of some state lost its head and struck first in desperation, thinking that it might thus gain the advantage and fearing that somebody else might otherwise anticipate it. To counter that we need a conviction that to strike first, so far from improving one's chances, would spoil them; and for this we

[32] E. J. Woodward, *Some Political Consequences of the Atomic Bomb*, p. 16.

require international institutions such as have been set up at San Francisco but should be adapted to deal with the atomic bomb.

We must now consider whether the situation could be met by an agreement between all states not to make the bombs. I may perhaps have been proved wrong by the time this book appears, but I cannot say that I am at present at all optimistic about the chances of such an agreement. It would be too dangerous in a matter of life and death like this to rely on the good faith of all nations. Inspection would therefore be necessary. Now I think it would be much more difficult to induce all "sovereign" states to agree to inspection than to induce them to forswear the use of atomic bombs. Worse still, it is at present a very doubtful question whether any system of inspection could be devised that could be counted on effectively to prevent their manufacture without involving an inquisition so severe that none but the defeated countries of Germany and Japan could be expected to submit to it. At the time of writing, the machinery required to produce the bomb is enormous in size and the materials needed very rare, but these circumstances favourable to inspection may easily not continue, and if the bomb could be manufactured in ordinary factories out of ordinary materials of commerce, inspection would be difficult indeed. This is of course not a subject on which to dogmatise, even if I were a scientist: the forecast often made that it will in a few years be possible to make them in this manner may not be fulfilled, or science, for anything I know to the contrary, may be able to invent new devices for dealing with the situation (for example, instruments which would accurately locate the site of atomic bombs in the process of manufacture even at long distances); but it is clear that we cannot at present count on inspection being thus rendered practicable. And if a system of inspection were set up which was ineffective or if states were to

sign an agreement not to make the bombs without there being any system of inspection at all to ensure its being carried out, this would be to run the risk of putting the less at the mercy of the more unscrupulous. It therefore seems unlikely that states will give up the right to make atomic bombs, though they may well be prepared to pledge themselves not to use them in war unless the other side does so first (whatever may be the value of this pledge). And there seems to be a consensus among experts that the process of manufacture cannot be kept secret for long.

This makes it all the more desirable that there should be a force under the United Nations Organisation ready to launch an attack with atomic bombs against any state which itself employs these terrible weapons against another. The ethics of preparing weapons which can destroy whole cities indiscriminately even to prevent others being destroyed may be questioned, but I think the only logical course for a person who questions it is to be a pacifist, and it may be that the only way of preventing this sort of thing from happening is for an international organisation to have the like weapons for use if it does happen. Woodward suggests that there should be "a simple pact that if any power used the atomic bomb without the *unanimous* [33] approval of other members of the Security Council, the Association as a whole would join in immediate retaliation," [34] this retaliation to be effected by the national forces of the several states with the atomic bombs at their disposal. The chief difficulty about this seems to me to be that the power which first used the bombs might retaliate by using them on some of the countries which, in carrying out this pact, bombed her. It might thus inflict quite irreparable damage on the whole fabric of their civilisation,

[33] The italics are my own. Contrast the present system by which unanimity is required for action but not for inaction.

[34] *Some Political Consequences of the Atomic Bomb*, p. 18.

though vanquished in the end by them. Further, in fear of the threat of such damage, even great powers might shrink back at future "Munich" conferences and condone the aggression with a face-saving agreement, till each was itself attacked. This is an argument for leaving this kind of sanction, not to the national states, but to an international force. Another argument in favour of this course is that the invention of the atomic bomb makes speed of action far more important in warfare even than it was before. The world is not ready yet to adopt such a method in regard to all warfare, but it is conceivable that it might be in regard to this particular menace, provided the international force were to be brought into action only if a state either used atomic bombs in war or opened an attack on the international bases for these bombs. But obviously, to be fully effective, the employment of the international force would not have to depend on the agreement of the five great powers, which even if obtainable in a given case takes time. It seems that it might be better to have an arrangement by which it was automatically brought into action by a standing commission against any power which dropped such bombs. After all it would not be difficult to know whether they had been dropped, unless other projectiles are subsequently invented which approach them in deadliness; and in that case these should also be prohibited subject to the most powerful sanctions at the disposal of human beings. As a safeguard against attempts to seize or to put out of action the international bases where the bombs were concentrated, it would be probably desirable also to give the commission the right to use atomic bombs in repelling such attacks. The great advantage of such a scheme, and one which should appeal to the great powers, which have usually been jealous of such intrusions on their sovereignty as would be involved in an international force, is that it would then be pointless of the state that had first used the bombs to re-

taliate on them, and would only bring on its own head the forces of the great powers attacked as well as of the international force. Retaliation against the international force would be less easy and less disastrous, because it would presumably be dispersed in widely separated, sparsely populated parts of the world and would have located its atomic bombs and the focal points of its organisation underground. An air force might be needed to drop the bombs, but it is likely that it would soon be possible to aim them as projectiles without planes.

The alarm has been raised that an international force might become a world tyrant, but for various reasons I do not think this danger serious. While you might demolish aggressors, you could not govern the whole world by atomic bombs, and though there would have to be some military forces available to defend the international bases, it is not to be supposed that an international force would be provided large enough to occupy all other countries; what international force there was, being composed of men of very different nationalities, would be likely to split up if an attempt at world government were made by its leaders; and if national states could still make atomic bombs of their own, as they probably would expect to do, this would at least be a safeguard against any risk of such a tyranny. It would no doubt not be possible to create an international force sufficiently strong by itself to defeat in a fight to the bitter end any conceivable combination of states, but neither would it be necessary. What is needed as a safeguard against aggression is something less than this. The minimum is that the two following conditions should be fulfilled. First, any state should have reason to anticipate that, if it attacks another, it will itself suffer such widespread damage and paralysis of national life as to make victory not worth a war even in the eyes of a prospective aggressor. This will prevent aggression deliberately planned

in advance against a state which is not expected itself to attack, but it would not eliminate "preventive wars" undertaken because a state anticipated aggression from another and so thought it better to strike first. Secondly, to avoid this kind of war we need an international force sufficiently strong and reliable for the advantage of having this force on one's side and not against one to outweigh any advantage thought to be gained by striking first. A force could surely be built up which was strong enough to gain these ends without being strong enough to tempt its leaders to make a bid for the control of the whole world.

The present arrangements might still be retained in regard to wars in which atomic bombs were not employed and the international bases not attacked; that is, for these the United Nations Organisation might retain the veto system (though I should prefer some modifications) and might use national forces. But no doubt there would be great difficulties about instituting an international force even for the limited purpose I have suggested. The chief disadvantage of thus trusting "atomic sanctions" to a purely international force as opposed to the alternative method of joint action by the national forces of the powers seems to me to be that there would be more danger that such a force would be stinted.

The introduction of atomic bombs seems also likely to increase the influence of small states relatively to large, and thus to reverse the trend of the last hundred years. At no time in the world's history could a very small state (at least of the same kind or level of civilisation) hope to beat a very large one if the latter was prepared to persevere in its attack; but attacks by large states on small did none the less often fail, because the latter were able to inflict so much damage on their assailant that he did not think it worth while continuing the conflict, and there were no doubt many cases where would-be aggressors abstained from attacking a small state

only because they did not think the gain worth the loss that they would incur. They will certainly be more likely to think it not worth while than they ever were if the small states have, and can use, atomic bombs. Even if the air force of the small state is outnumbered, a few planes could presumably get through, and even these might drop enough bombs to destroy the chief cities of the aggressor; but in any case it is, I suppose, almost certain that means could be devised of firing atomic bombs as projectiles without the use of planes. No doubt the small state would be more vulnerable and would suffer proportionately more, but even if the big state has far more numerous and effective bombs than the small, the opportunity of damaging his enemy still more will not alter the fact that the aggressor himself will suffer damage so grave as to outweigh any but the strongest possible motives for war. It will be fantastic to incur such damage for the sake of a port, a supposed national minority, or a strategic frontier; and to attack a small state, as has so often been done in the past, with a view mainly to obtaining a stronger position for fighting a subsequent war against big states will be sheer madness even from the narrowest nationalist point of view, since the damage suffered by the victor will be so great as to weaken his own military position far more than it could be strengthened by any such local strategic gain. Further, the small states will know this, and, in so far as political influence depends on military strength, their position will be in consequence much strengthened relatively to that of the great powers. Since it has been a commonplace of recent thought on international politics that as a result of recent military developments the disparity between great and small powers has become larger than it ever was, this is of importance and may in course of time affect even the San Francisco constitution itself.

Let us now ask what difference it is likely to make if it is

thought practicable to destroy altogether the capacity of a country for using atomic bombs by a lightning attack with such bombs before it has had the opportunity to drop them itself. It seems to me that this would have two main effects, one bad and one good. It would have the bad effect of giving an aggressor a chance to strike even against a power which possessed atomic bombs without having himself necessarily to face wholesale destruction. On the other hand it would probably have the good effect of putting the aggressor in a position in which he could not so easily make an effective use of threats. For, if he warned another state that he would bomb the latter in the event of non-compliance with his demands, the other state would then be likely to find it safer to retaliate by an immediate attack on him, and this would be especially so if he tried to produce a "Munich" settlement by intimidating great powers. It would, however, counteract to some extent the tendency I have just mentioned toward a strengthening of the relative position of small powers against great. Complications are introduced by the fact that such a lightning attack might be thought by the aggressor to have a much greater chance of success than it really had, but in any case he could presumably hardly hope to knock out all the powers capable of using atomic bombs by a single lightning blow, and would not therefore be in a position safely to defy the United Nations Organisation as a whole.

It must be emphasised that the San Francisco scheme falls far short of a real world federation. In such an organisation the member states would be either wholly disarmed or limited to weapons that could not be of any effective use, except for maintaining internal order; but such a scheme must of course be regarded as utopian at the present moment. The most even an extreme optimist could have hoped in the present generation would have been the establishment of an international and the prohibition of national air forces, and even this seems

to have been definitely rejected. The possibility of combining national and international forces should however be carefully considered.[35] But, world federation or no world federation, the prevention of war by sanctions must rest on deterrence—the threat of harm for the aggressor. If the harm with which he is threatened is compatible with his winning the war he may face it, but he is hardly likely to do so if he anticipates almost certain defeat. It is devoutly to be wished that war might be avoided as a result of nobler motives, but, as within a single state the imposition of legal penalties does not mean that everybody does right only through fear of the law, but that they are needed as a safeguard against the worst citizens, similarly with sanctions for states themselves.

We must in any case face the fact that, if a situation arose in which powerful member states possessing something like half the military resources of the United Nations (or perhaps, allowing for the reluctance of other states to put their back into the struggle and for strategic circumstances such as interior lines, a good deal less than half) were dissatisfied to such an extent as to be prepared to fight rather than to let their grievances remain unredressed, and a similar group of states were prepared to resist by force rather than to redress the grievances, no system of sanctions could be relied on to avert war. Even an international force would have been likely to split up into hostile factions under such conditions, according to the nationality of its members. The only sure hope is by good management of international affairs to prevent such conditions arising. No doubt there always will be grievances; but we may hope that nations, unless either intolerably wronged or perverted by vile propaganda and a vile education, will realise that even a victorious war is in ninety-nine cases out of a hundred a far worse evil than is the con-

[35] *V.* Ely Culbertson, *Total Peace*, and *Summary of the World Federation Plan.*

tinued suffering of what they consider a grievance. All that has to be done to avert war is to prevent the grievances reaching a point where war seems to many people a lesser evil than their continuance. We need not assume that the existence of some injustice and some unsolved disputes will *necessarily* produce international war, any more than they necessarily produce civil war in a state. But we must remember that one of the most important functions of international government is to remove and prevent injustices, both as an end-in-itself and because the injustices, if carried beyond a certain point, are likely to lead to war. On the other hand we must also remember that the prospects of securing peace are not wholly dependent on the working of the organisation set up at San Francisco. There are good hopes that we are now entering on an era in which no state capable of waging a large-scale war will have any unsatisfied demands so serious that it could, even if very foolish, consider their satisfaction as worth a modern war, or will be so frightened of another big power as to deem a preventive war desirable; and this even apart from an international organisation would mean that there was no war. We cannot count on such a state of affairs enduring for ever, but war is such an obviously objectionable institution that its recurrence might well be almost impossible once we had lost the habit of fearing it after a long period of peace. But I am well aware that it is possible to take a less optimistic view, and the risks are such that we must adopt every available means to counter them. It is possible that war might not recur even without a world organisation of the San Francisco type, but we cannot afford to take the risk.

As a great additional help in preventing wars one may recommend the formation of societies all over the world whose members would pledge themselves not to fight or do war work for their country in a war against the United

Nations Organisation. A vast number of people who would not be prepared to sign a pledge never to fight or support a war under any circumstances would agree to such a conditional pledge, and no government would dare to go to war if there was a prospect that a very large proportion of its citizens would refuse to aid in the war effort.

It is not sensible to point out a number of minor disadvantages in any proposals for working toward the abolition of war and then treat the question as settled thereby. Obviously, any big world change is going to carry with it some collateral disadvantages for many people, but these are hopelessly outweighed by the horrors of war. Obviously, no kind of international government which men can suggest is going to work perfectly, especially at first; but even if it does not work very well we must compare its working, not with ideal conditions, but with the terrible way in which the previous system or lack of system has worked. To object to such proposals, as statesmen often have done, on the ground of minor inconveniences and risks, such as that sometimes the decision of an international tribunal will go against us, is to act like a man who, though in great danger of dying from malaria, refuses to take quinine because it is bitter and tastes nasty.

Another difference between a federation and a league is that in the former the individual is in certain respects directly controlled by the federal government, whereas a league can only control individuals indirectly through the states to which they belong. In this respect the United Nations Organisation is obviously a mere league, and it is not practical politics to try to make it anything different. It would no doubt be easier to prevent wars if a bellicose prime minister and a general staff who were violating disarmament conventions could be arrested in peacetime like private criminals by international police; but such a procedure presupposes the grant to the

international authority of powers which we cannot for a long time yet expect states to concede.

I was more attracted by the federalist suggestion that a nation's representatives in the international deliberative bodies should not be appointed by the national government, but elected directly by the people. This would be quite compatible with the non-acceptance of the other federalist proposal that representation should be in proportion to the number of citizens. If men go to the international body as delegates (or even heads) of their own national governments, they are almost bound to think of themselves as sent to get what they can for their own country by negotiation with other countries, rather than as impartially helping to frame laws for the good of all mankind; and it is urged that this would be much less so if they did not represent their government but were elected by their countrymen, as members of parliament are elected by the voters in a given constituency. I am more doubtful about this now, because it seems unlikely that a person would succeed in being elected as representative of his country or in keeping his seat at the next election, unless he were prepared to have an eye first for the real or generally supposed interests of his own country, just as much as is the case with a present cabinet, especially as the issues of such an election would be explicitly issues of foreign politics, and not as with ordinary elections mainly of internal policy. If the elections were effected by proportional representation,[36] however, as the federalists propose, it would mean that a country had among its representatives

[36] Whatever we may think as to the desirability of proportional representation in elections to a national parliament, it seems necessary in such a scheme as this if we are to make sure that the representatives of a nation will not consist entirely of members of a single party (or group of allied parties), unless indeed we subdivided each state into many constituencies. It would still remain open to a state to have what mode of election it thought fit for its own parliament.

men who did not support the government, but belonged to a minority party of some kind, and this would not only make the super-national parliament far more genuinely representative, but would have a strong tendency to break down national barriers. For members of similar parties in different countries would often feel themselves more in sympathy politically than members of different parties in the same country, so that the influence of national divisions would be weakened by cross-division of parties. There would probably soon develop international parties, at least on questions of economics.

There is, however, no evidence, as far as I know, that such a proposal was seriously entertained by any of the people who drew up the San Francisco Charter, though the present British Foreign Minister has now put it forward as an ideal. It has been objected that it would be unworkable, since the policy advocated by the popularly elected representatives might clash with that of the government, thus leading to hopeless complications. The answer to this from the federalists' point of view is that there would be no room for a clash, because the state governments and the federal government would have different functions according to the constitution. There would be no foreign policy for a nation-state to conduct except in matters which were left outside the jurisdiction of the federation and with which the country's representatives in the federal parliament had therefore nothing to do. As regards matters under the jurisdiction of the federation, a state government would have no right to do anything but obey. But this answer presupposes a greater advance in the direction of federation than it is at present possible to make, and there are serious difficulties about grafting the institutions appropriate to a system in which the unit is the individual on to a system in which the unit is still the state. A further difficulty, recognised by federalists them-

selves, is raised by the fact that not all states are democratic. A non-democratic state, or a state which, though nominally democratic, practised a one-party system, would see that its representatives all voted the same way on any issue of importance and would therefore be at an unfair advantage over against a democratic state. The advocates of federal union have been so impressed by this point that they have given it as a cogent reason for insisting that membership of the proposed federation should be confined to democracies, but in the world organisation we must take account also of other states.

It is not possible at the present moment to say much about the economic aspect of the United Nations Organisation, since we can have little idea how much use will be made of the Economic and Social Council in practice. The Charter at any rate leaves it open for the Security Council (though not the Economic and Social Council) to introduce binding recommendations, at least in cases where international peace is held to be threatened, and these might affect economics. But no doubt the acceptance of recommendations in economic matters will be mainly voluntary for a very long time to come, as in the League of Nations. Of course, once they are ratified by states, the conventions or recommendations will become binding laws; but many of the most important economic activities of the organisation need not take the form of laws. Its most effective influence in the realm of economics might well turn out to be exerted by floating loans on certain conditions, by action on the currency of the kind that can be effected by huge corporations, by buying in a slump and selling in a boom, thus helping to even out violent trade oscillations, or by the use of advertisement and propaganda (I do not mean in the bad sense of the latter term). A great amount of international economic regulation not involving the passing of laws or the use of police measures may evolve out of

the inter-allied arrangements in the reconstruction period following the war. As Lippmann has suggested even in regard to the national state,[37] so *a fortiori* in an international organisation, government intervention in economic matters may most often take the form not of commands but of compensating action to counteract certain tendencies judged undesirable. It should, further, be a valuable function of the international organisation to help undeveloped, semi-developed, or temporarily bankrupt, independent states by loans which did not involve the political dangers to their independence that loans from great powers, or financial or commercial interests protected by the latter, have too often brought in their wake, and by administrative advice on a strictly voluntary basis. The function of supplying loans was to some extent fulfilled by the League of Nations,[38] and not without success, but it is no doubt capable of more extensive development. It certainly should not be merely an *ad hoc* affair, but represent a settled policy for furthering peace and plenty. The idea of raising the standard of living in countries where it is low by international loans for development is a very attractive one, and would benefit not only the countries in question but also the richer countries, which would thus find an export market for their goods. International control, otherwise than by agreement, of tariffs, and still more of immigration, will no doubt have to wait a long time, if indeed they are ever to become realities.

The establishment of a Trusteeship Council for colonies may be welcomed, but it is too early to compare this with the mandate system under the League. It does seem to me that, if they are in earnest about international co-operation,

[37] *The Good Society*, pp. 47ff.

[38] *Cf.* the financial rehabilitation of Austria and Hungary in the early twenties and the loan for settling Greek refugees from Turkey after the Greek defeat in 1922.

the victor powers ought to place under the trusteeship system all their own colonies except those which are capable of immediate self-government, and that the duties of the Trusteeship Council should be taken very seriously so as to include not only the prevention of oppression or unfair economic discrimination, but also the investigation of the social services available for the natives, as indeed is apparently contemplated in the Charter.[39] It is the duty of a power holding a colony not merely to refrain from doing positive harm to the natives but to develop educational, medical, and other social services in the colony to a far greater extent than has hitherto been done. If the power in question thinks that a colony is not worth having on these terms, it could always hand it over to be governed directly by the United Nations Organisation itself. If we take on ourselves the responsibility of governing other peoples, we are under a very special obligation to govern them for their benefit. It is lamentable and a serious ground for blame that more has not been spent by colonising powers on these services, when a few million pounds from the Exchequer—the cost of one day or less of war—spent annually, for example, on an adequate medical service, would save untold suffering and millions of lives (and also pay for itself in time by its indirect effects on the wealth of the colony and therefore its imports from the governing power, though this should not be the main motive for spending it); and, while we have hardly reached a stage at which we can by international action *compel* a state to spend more on its colonies, it would be salutary for inadequate attention to these matters to be publicised and made subject to the comments of the

[39] Art. 88. "The Trusteeship Council shall formulate a *questionnaire* on the political, economic, social and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such a questionnaire." *V.* also Art. 73.

powers which do not themselves own colonies [40] and therefore would not be held back from criticism by ulterior motives. It might encourage a healthy competition and pride in wise and profitable spending for the benefit of one's colonies. It may be doubted, however, whether international supervision can do what is expected of it by the merely periodic visits for which the Charter provides,[41] and whether it would not be desirable to have permanent representatives of the organisation in each trust territory.

Another sphere where the Organisation might well have been given supervisory power over the states is in regard to minorities. This problem is in some respects specially suitable for international treatment: first, it is a potent and frequent source of disputes threatening war where a neighbouring country comprises inhabitants of the same nationality as the minority deemed to be oppressed. Secondly, from the nature of the case this is a question where the international government is much more likely than the national to be in a position to display impartiality. Any general objection against interference by states in the internal affairs of other nations is apt to recoil on itself here through being at the same time an argument against interference by the national state with a minority belonging to another nationality within its own borders. The League of Nations made an attempt to deal with this problem, but its provisions for minorities did not go far enough. In the first place they affected only some minorities, namely, those inhabiting certain tracts of land that changed national ownership as the result of the treaties which ended the First World War. Secondly, instead of relying on the receipt of petitions from affected minorities to be considered by officials at the international headquarters, the

[40] These powers constitute half the total membership of the Trusteeship Council according to the Charter (Art. 86, par. 1).

[41] Art. 87.

League should have appointed full-time resident inspectors with full opportunities to mix personally with all classes of the minority, and it is much to be desired that such a step might still be taken. But in that case it is highly desirable that here, as in its other work, the international body should be regarded not merely or mainly as a policeman but as a friend and adviser who will, by mediating in difficult cases and by placing at the disposal of those concerned the fruits of research and experiment in the treatment of minorities throughout the world, help both the minority and the state government to work out between them and apply a policy which will be to the benefit of both parties. But exaggerated estimates of the importance of national sovereignty make the international protection of minorities much more difficult than it need be.

There are those who say that the San Francisco scheme is no use because it does not abandon the old evil principle of national sovereignty, at least in the case of the great powers. There are those, at least among the great powers, who say that we cannot accept any scheme which does infringe national sovereignty. I do not range myself with either party. As I have already made clear, perhaps at excessive length, I can attach little value to national sovereignty; but a closer union which was not world-wide would, I think, be less satisfactory than a looser one which was. Had we followed some advocates of federal union and formed such an organisation comprising only the democratic western states, we should have in all probability irretrievably split the greater part of the world into two mutually suspicious camps, one consisting of the federation and the other of Russia and her allies, thus bringing about the disaster which we to-day fear. It would have been better if the great powers had abandoned legal sovereignty; but the retention of this by means of the institution of the veto seems to have been a necessary condi-

tion without which the U.S.S.R., and perhaps even the U.S.A., could not have been included. One must not, however, oppose the notion of a federation to that of a league in such a way as to suggest that there are no intermediate alternatives, and we may hope that the United Nations Organisation will gradually, by explicit amendment or tacitly in the course of its working, come nearer to a federation.

A conclusion commonly drawn from the present crisis is that it has shown the bankruptcy of human reason. This is a grave error; the crisis has on the contrary only shown what happens if human reason is not applied. Whatever dictated the courses that led to our present troubles, it was certainly not reason, which taught quite plainly that the nation-state must subject itself to law. It was the refusal of men either to use their reason or to apply the results of their use of reason in action. It is significant that the Nazi creed includes the conscious and thoroughgoing apotheosis of irrationalism; but it is not only the Nazis who were at fault in failing to apply reason to political affairs. The aversion to reason is often combined with far more edifying views than theirs, for instance, when it masquerades as the handmaid of religion; but even so it is highly dangerous. If we do not trust to reason to find the right way, to what are we to trust? To God? But can we expect God to supply us with a ready-made solution if we are too lazy to get rid of the confusions in our own minds and think for ourselves? If it is true that to win the war we must trust in God and keep our powder dry, it is true that to win the peace we must trust in God and keep our ideas clear. To intuition? But intuitions must be tested, confirmed, and clarified by reason. To morality? But reason is needed to enable us to see what is right.[42] I know well enough that

[42] "Reason" includes "intuition," but also reasoning. For a fuller discussion of this subject *v.* my published British Academy lecture on *Reason and Intuition.*

commonly in individual ethics the greatest difficulty lies in doing what we see to be right and only the lesser in seeing what is right; but this book is a discussion of the latter difficulty and not of the former, and in politics failure in this respect has produced enough evil in all conscience. Indeed, when one considers the past political crises of history, it looks as if even more harm has been done by the stupid conservatism of tolerably good (perhaps even very good men, like some of the inquisitors and some of the opponents of humane factory legislation) than by the deliberate ill will of anyone. Time after time in the world's history disaster has come because people would not accept till too late the reforms for which the times were ripe; let us be warned by the two great disasters which have already befallen us to carry through well the reforms which we need, and on which we have now begun, before it is too late to avert the ruin of our civilisation by still more destructive wars. No country seems to have learned what it should have learned from the first calamity; and all countries of importance contributed in varying degrees to the second calamity through their failure to apply their reason to the steps needed to avert it.

Probably if all men had good will we could avoid wars (though not gain the highest life), without much exercise of intelligence, and no doubt reason without widespread good will might fail to save humanity from war. But since good will is widespread but not universal, nor altogether to be counted on at all times in almost any one, careful reasoning and planning as to the best precautions against war are necessary. Democracy is essentially the political principle which stands for government by discussion, and at its best by reason; and the principle of democracy together with the principle of law and the ethical principles which any decent man applies in his individual conduct needs extending to cover world politics. Ethics cannot be proved *in toto* by reasoning,

but in order to deal with this problem of war all that is needed is to apply in the practice of states the ethical principles that have long been recognised and by most people applied in individual action (for most people, though far from perfect, obey the laws and do not rob, or use violence). The work of extending these principles to the state, since it is a matter of consistency, that is, of making one's political ethics consistent with one's individual ethics, is essentially a work of reasoning rather than intuition in so far as the two can be separated at all, though no doubt we must add that reasoning about it is of no use if through moral defects men do not apply in practice the results of the reasoning. The war won, what is required to end the nightmare of wars from which we periodically suffer is not a heroic sacrifice nor a supremely ingenious piece of political machinery, but merely the guidance of our political actions by reason (or common sense, if you like to put it that way) so far as to apply consistently to states those ethical principles which are generally recognised as applying to individuals.

INDEX

Aggression, prevention of, 104, 237 ff., 271 ff., 292 ff.
Aristotle, on democracy, 111, 112
Associations, as contrasted with states, 196 ff., 201 ff.; rights of, 61, 62
Atomic bombs, political effects of, 296 ff.

Beveridge, Sir William, report of, 51; on socialism, 84
Bosanquet, B., on rights, 23 n.; on the state, 65, 91, 93 n., 190 ff.
Brailsford, Mr. H. N., *Olives of Endless Age*, 295
Britain, 24, 148, 161, 164, 184, 248, 261, 262
Broad, Professor C. D., on conscientious objectors, 71
Burns, Dr. Delisle, 108, 109, 152, 165, 166

Cabinet Ministers, in a democracy, 125, 140 ff.
Capital levy, 44
Capitalists and capitalism, 10, 158 ff., 263 ff.
China, 51, 252, 289
Christianity, 36, 243, 261
Church, in relation to state, 104, 204 ff., 208
Civil rights, 9
Civil service, 146 ff., 169, 170
Civil war, 160 ff.
Collective security, 270 ff., 294
Colonies, 246, 313
Communists and Communism, 100 n., 158 ff., 232, 264
Confiscation, as opposed to compensation, 46
Conscientious objectors, 68 ff., 195. *V.* Pacifism.
Consent, argument for democracy from, 112 ff.
Conservatives, 49, 126, 161
Contract theory of state, 2, 21, 44, 113, 217 ff., 224
Cripps, Sir Stafford, *Democracy Up to Date*, 169
Culbertson, Mr. Ely, 305 n.
Culture, influence of democracy on, 123
Curry, Mr. W. B., *The Case for Federal Union*, 260, 267

Democracy, 54, 55, 90; Ch. III *passim;* in international affairs, 277, 278, 283, 284, 287 ff., 310, 316
Denmark, 150
Dictatorships, 55, 114, 149, 165
Disarmament, 148, 298; of Germany, 227 ff., 243, 244
Duties, 17, 22; *prima facie*, 33, 34, 42 ff.

Economic factor in politics, 126, 158, 264 ff., 295, 310 ff.
Education, in relation to the rights of the individual, 13, 63 ff., 69, 70; for politics, 64, 65, 66, 144, 170, 268; philosophy in, 8, 144
Ends, as opposed to means, 3, 127, 131 ff., 142, 143
Equality, 149; of states, 288 ff.
Ethics, as branch of philosophy, 3 ff., 174, 175 n.; of states, 179 ff., 195 ff., 316, 317
Eugenics, 63
Executive, 82
Expediency, as opposed to duty, 36, 72, 185 ff.
Experts, in politics, 123 ff.

Fascists and Fascism, 12, 28, 130, 152, 163 ff., 176
Federations, 25, 26, 259; international, 230, 262, 263, 277 ff., 304, 307 ff., 313 ff.
Follett, Miss M. P., *The New State*, 119 n., 171, 172

Force, and the state, 202 ff., 271 ff.
France, 248, 261 ff., 294
Free Speech, right of, 12, 39, 40, 41, 53 ff., 85, 86
Free Thought, right of, 13, 60, 63, 64

Germany, 96, 97, 153, 164, 227 ff., 296, 298; annexations from, 248 ff.; partition, 250. *V.* Nazis.
Greece, ancient, democracy in, 111, 125, 165
Green, T. H., *Principles of Political Obligation*, 23

Health, right to, 50 ff.
Hedonism, 30 ff.
Hegel, G. W. F., on liberty, 92; on the state, 175, 176
Hitler, Adolf, 113, 152, 164, 172, 236, 272
Hobbes, Thomas, as totalitarian, 12, 21, 104, 105
Hobhouse, Professor L. T., *Democracy and Reaction*, 138; *The Metaphysical Theory of the State*, 191, 197 ff.
Hocking, Professor W. E., *Present Status of the Philosophy of Law and Right*, 15, 16; *The Lasting Elements of Individualism*, 58, 59
Holland, 249

India, 51
Individuality, 41, 42, 52 ff., 95, 99, 105, 106, 107
Initiative, the, 150
International armed force, 292 ff., 300 ff., 305
International law, 26, 40, 188, 208 ff., 286, 287
International organization, 2, 3, Ch. V. *passim.*
Internment, 47, 48, 58
Intuition, 6, 40, 315
Italy, 253

Japan, 252

Kant, Immanuel, 5, 108, 141

Laissez faire policy, 94 ff.
Laski, Professor H., 55, 142 n., 163, 266
Laws, duty to obey, 72 ff., 92 ff.
League of Nations, 196, 208, 261, 268 ff., 279, 282, 291, 294 ff., 310, 313; league as opposed to federation, 277 ff., 292 ff., 304, 305, 308 ff.
Legal rights, 22 ff., 106, 203 ff.
Lewis, Mr. H. D., 17 n.
Liberalism, 12, 55
Liberty, 91 ff., 97, 120 ff., 134 ff., 171, 190, 256. *V.* Rights.
Life, right to, 13
Lippmann, Mr. W., 50 n., 82, 83, 291 n., 311
Local government, 150, 171
Locke, John, on right to property, 49, 50

McIver, Professor I., *The Modern State*, 200
Mandate system, for colonies, 246
Means, as opposed to ends, 3, 127, 131 ff., 142, 143
Mill, John Stuart, on democracy, 120, 142 n.; on education, 65 n.; on rights of individual, 81, 99, 101
Minority, as opposed to majority in democracy, 114, 117 ff., 157 ff., 167 ff.; in United Nations Organization, 282 ff.; national minorities, 254 ff., 314
Mommsen, Theodor, on autocracy, 172
Montague, Professor W. P., on socialism v. capitalism, 87
Morris, Mr. F., *In Defence of Democracy*, 167
Motives, 17
Muir, Dr. Ramsay, *How Britain Is Governed*, 146
Murry, Mr. Middleton, *Heaven and Earth*, 55

Nationality and Nationalism, 136, 137, 253 ff., 264 ff.
Natural law, 104, 208

Natural rights, 12 ff., 34, 40
Nazis, political views of, 12, 19, 20, 28, 163 ff., 176, 179, 180, 213, 315; guilt of, 230 ff., 245; Nazi education, 64, 65; Nazi minority parties, 61, 62
Norway, 99

Pacifism, 35, 36, 272 ff., 299
Parliament, 25, 140, 157, 163, 164
Parties, political, 126, 127, 128, 137, 150, 309, 310
Paternal legislation, 78 ff.
Personality, as attributed to state, 177 ff.
Philosophy, and practice, 6 ff., 133 ff., 155; in education, 7, 8, 144
Planning, 82 ff.
Plato, and free speech, 54 n.; on democracy, 124, 132, 133
Poland, 249, 250, 251
Political Philosophy, 3 ff., 174 ff.
Political Science, 4
Poverty, removal of, 87
Prima facie obligations, 33, 34, 42 ff.; to one's country, 212 ff.
Promises, by a state, 43 ff. *V.* Treaties.
Property, right to, 12, 39, 48 ff., 94
Proportional representation, 150, 308
Psychology, and war, 260, 261
Punishment, 39, 46, 47, 70, 71, 192, 197, 198; of Germany 227 ff.

Reason, in politics, 201, 315 ff.
Rebellion, 56 ff., 73 ff., 194
Recall, of representatives, 150
Referendum, 151
Refugees, German, 235
Reparation, right to, 43, 45; from Germany, 247 ff.
Representative government. *V.* Democracy.
Retributive punishment, 231 ff.
Right, meaning of word, 11, 30 n., 78
Rights, civil, 9
Rights, of individual, Ch. II *passim;* 115 ff., 136, 155; of states, 275, 276
Robinson, Professor D. L., on rights, 16
Roosevelt, President, four freedoms, 108
Ross, Sir David, on *prima facie* obligations, 33
Rousseau, Jean Jacques, on democracy, 116
Ruhr, the, 250
Russia, 122, 248, 250, 314, 315

San Francisco Charter *V.* United Nations Organization
Shirer, Mr. W., *Berlin Diary,* 233
Sidgwick, H., *The Methods of Ethics,* 3; *The Elements of Politics,* 79, 80
Silesia, 249, 250
Socialism, 2, 82 ff., 96 ff., 160 ff., 263 ff.
Societies to oppose war, 306, 307
Society, in relation to individual, 14, 22, 29 ff., 78 ff., 190 ff.; as opposed to state, 198 ff., 211 ff.
Sovereignty, 24 ff., 102 ff., 193, 207 ff., 210, 255 ff., 267 ff., 274 ff., 279 ff., 314
State, concept of, 174 ff., 189 ff.; in relation to the individual, 27 ff., 91 ff., 105 ff., 190 ff., 211 ff.; in relation to world order, 255 ff., 267 ff., 274 ff.; ethics of states, 179 ff., 195 ff., 226, 316, 317
Stocks, Professor J. L., 151
Streit, Mr. C. R., on federal union, 278
Sweden, 150
Switzerland, 150, 153

Taxation, right of, 44, 45, 48 ff.
Totalitarianism, 20 ff., 41 ff., 89 ff.
Treaties, obligations of, 44, 183 ff.; peace treaty with Germany, 248 ff.
Trusteeship Council, 312, 313

Unemployment, 67, 68, 84
United Nations Organization, 276 ff.
United States, 25, 248, 261, 288 ff., 315
Universal laws, in ethics, 14 ff., 34, 35, 38 ff.
Utilitarianism, 30

Versailles, treaty of, 148 ff., 244
Veto, in United Nations Organization, 280 ff., 299 n., 302, 314, 315

War, ethics of, 35 ff., 188 ff., 223; causes of, 263 ff.; right to prevent by rebellion, 76 ff.; totalitarian liability to, 105; possibility of abolishing, 260; measures for prevention of, 267 ff., 280 ff., 286 ff., 298 ff.
Wells, Mr. H. G., *The Rights of Man*, 40
Whitehead, Professor A. N., *Adventures of Ideas*, 8, 54 n.
Will, real or general, 93, 113, 116, 118, 192, 193, 195, 197, 299
Woodward, Professor E. J., *Some Political Consequences of the Atomic Bomb*, 297
Worship, freedom of, 39, 60

Yugoslavia, 184