

THE PROMISE OF AMERICAN POLITICS. By T. V. Smith.¹ Chicago: University of Chicago Press, 1936. Pp. xxix, 308. \$2.50.

LEGAL scholars have long been urging that law is instrumental. Some few have asked: instrumental for what? To achieve what social ends should we, can we, shape our legal concepts? Here is an eloquent answer from an author who is both a practical politician and a professional philosopher. From a chaos of competing "isms" he seeks to create a political philosophy—an "invigorating myth," "a moral vocation"—for our "middle-income skill group."² He asks himself these questions: What ideals are practicable? How can we use these to improve pressing conditions? How can we come to terms with impracticable ideals? Today multitudinous doctrines beat upon the senses of the common man. Liberalism, socialism, fascism, communism, anarchism—all these have a natural history, have causes like other causes, and hence must have something to teach us. Each must be searched for its practical wisdom.

For his moral base—his ultimate ideal—Professor Smith takes a properly conceived individualism. Politicians and a chosen few are not to be allowed to "realize" themselves in a manner denied to other men through the "rose-colored ambiguity" of the word. "We want to know what *kind* of individualism they believe in, to whom it applies, and on what terms." The kind of individualism they should believe in is that celebrated by prophets and poets: an individuality of the mind, of the imagination; an individuality that finds its chief joy in things cultural. Value is in "the significance and enjoyment of things, rather than in the things themselves." "The more important goods for personality formation are not competitive." They can even be increased by being shared. The ideal of rugged individualism is right, "eternally right" in asserting that the human individual, human desire, is all that really counts. But *rugged* individualism is not a practical ideal. It has provided individuality for too few individuals; it has not meant an equal chance for all; "it concentrates upon competitive goods which for some men to get means for other men to lose." Hungry men cannot achieve individuality. "Life's higher values can be approached only through fulfilling the lower ones." Individualism must not mean "a monopoly by a few upon the concrete means of individuality."

From this moral base the author moves into politics. Liberalism is the political philosophy that emphasizes most the individualism he likes. Pure individualism is romance; it founders on the contradictory psychology of anarchism; it is the form, historically, that anarchy has taken in America. Liberalism recognizes "a social necessity" that must be mastered through organization. How much organization? The test is moving, relative: the less, the better—for individuals need room to grow the pleasures of the mind;

1. State Senator, Fifth District, Illinois; Professor of Philosophy, University of Chicago.

2. The three quoted phrases I borrow from Lasswell, *The Moral Vocation of the Middle-Income Skill Group* (1935) 45 INT. J. ETHICS 127. Professor Smith acknowledges debt to this article and to Lasswell's recent books, *WORLD POLITICS AND PERSONAL INSECURITY* (1935) and *POLITICS: WHO GETS WHAT, WHEN, HOW* (1936).

but enough must be had to secure an equal opportunity for all. Before this "deeper right" to equality, the civil right of private property must yield. Liberalism — expanded to its governmental maximum — takes in socialism. Some forms of property are not incompatible with liberty and even enhance personality; but "there is a point beyond which a government devoted to liberty will not let private property alone." The final question is: "Who can do the business best for the greatest number of people?" Here another beauty of liberalism emerges. It seeks to answer this question by means that promote individuality. Its technique is that of consent; it is based on the theory that "each man is the best judge of what he desires." If in a world of competing goods few of us do know what we want, how much less can we know what another wants. "That society is best fitted to fulfil wants which encourages the fullest participation of all men in its processes." It is best because it develops the individual and puts his energy and intelligence at the disposal of all citizens. Such a society must of course preserve as "natural" rights inviolability of the person and freedom of thought and speech.

Fascism — Italian type; the German is summarily dismissed as blood-thinking — comes next. This the author condemns for both ends and means. It has no ethics: ethics is "the theory of the hope for a good life for all." It is not individualism, "but individualism's bastard, pure egoism." To one man only does it permit full individuality. Behind the mystical "nation" or "state" stands Mussolini, "who gluts himself on power and publicly gloats over his glut." The technique of fascism is coercion. It lives on violence; it breeds self-immolation, not individuality. Its only value is in its emphasis upon "solidarity" — community, fraternity — which "enshrines the deepest sense of security known to men." But the form in which this ideal is conceived and the means adopted to secure it must brand fascism "as an ethical pretender of the lowest order."

Communism receives kinder treatment. It is condemned not for its ends but for its means. Communism is in fact a glorification of the ends of liberalism. Its major ideal is the maximum of individuality for all. What liberalism has done for castes, it would do for classes. The root difficulty of capitalism is that most men must gain subsistence in a way that makes a full life impossible. Communism, amidst other blessings, would give every man an opportunity to train himself for anything he chooses and even to shift jobs after choice. Sometimes this is carried to the impossible perfectionism of a "state of society in which every individual can do as he damn pleases." But, however moral the ends of communism, its means are of the grossest immorality — completely divorced from the ends. They are fascist, violent. The hope of an ultimate transition to non-violence is futile. Even Lenin knew that men do not voluntarily renounce power. Men seek safety and deference as well as wealth; the problem of control is not mastered but intensified when their struggle is shifted to such intangibles. Imagine Stalin voluntarily abandoning the broad expanse into which his ego has spread. The Communist leaves unplanned, to luck, the one end — the classless society — by which he justifies violence. The copy theory of knowledge ("as familiar as John Locke") upon which the great dialectic is built is impotent to predict

the future. Pending the promised withering away of a dictatorial state, "power is just sweet power behind the scenes."

In a chapter on Parliamentarianism the author studies techniques for making each voice effective in government. The job is by compromise to create "a general will" where none exists in fact. Here the practical politician in the author appraises in a manner much too detailed for summary a number of concrete suggestions for the improvement of representative government.³

Americanism is the final title. Under this label the author assays our prospects for a liberal democracy and elaborates his invigorating ideal. He finds a "gerontocracy" of judicial review astride our democracy and most of our advantages over other nations lost save "some vague cohesive force of the 'American dream' of general opportunity and individual freedom." What we need to forestall a drift toward either fascism or communism is the ancient Greek ideal: the ideal that exemplifies "the life of the good man and the good citizen as one and the same." The good man is a man who is good for something; he must have that fecund attitude or habit we call skill—"skill achieved through sacrifice and fulfilled in service." The acquisition of skill through sacrifice gives a man integration, "a single self from a body of discordant impulses;" its exercise brings him deference as a reward for producing something of value for himself and others. Here "is to be found the highest human individuality and the deepest happiness of man." Here also is a principle of social dynamics. "Inventions produce and are in turn produced by a public morale (highly potential of deference) which is the very inwardness of good citizenship." Who are to be the carriers of this principle of good citizenship? The skilled middle class—expanded to include some 25,000,000 persons. This group has "at its common heart a great moral romanticism which can become economic realism through concerted action." But for the accomplishment of this end it is imperative that we keep down violence. A revolution to make the world safe for democracy is not likely to achieve more success than did a war for the same purpose. To keep down violence, the American politician must become a specialist, must acquire skill, in the art of compromise. He must be "a man who can compromise an issue without compromising himself." His vocation must be conciliation. It is in our tolerance of this royal, yet elected, breed of politician—our willingness to compromise "as regards all things which must be shared in order to go along together," our common acceptance of a governmental duty to maintain a standard of life, our concept of a private office as a public trust—that the author finds the bright promise of American politics.

Such is a bare summary of a rich and persuasive book. To many its message will appear obvious; but the quality of current discussions—of, for examples, the sit-down strike and the President's Supreme Court proposal—reaffirms the ancient adage that we need education in the obvious. A reviewer bent on violence could of course find much to indict. Some critics

3. To demonstrate the application of his principles to practical problems the author reprints as footnotes, throughout the book, speeches made by him in the Illinois Senate. For wisdom, wit, and eloquence these set a standard of impossible perfectionism for state senates.

may say that the author's approach is not scientific or objective — that he is merely trying to deck out his own errant prejudices as ethical verities.⁴ From a logical point of view Professor Smith's ethical doctrines are, to be sure, necessarily circular, that is, ultimately based on faith. But he is frank to confess the old trick of "levitation by bootstraps."⁵ And how can any ethical doctrine avoid the trick? Logic offers an infinite regress and science knows no ethical absolutes. This does not mean, however, that talk about ideals is futile. A sound psychology suggests that man has an irrepressible desire to think that he is acting rationally toward preconceived ends and, further, that goal words infused into a culture often become imbedded in "conscience" as preludes to action. By what "objective" standard can a realistic politician be blamed for taking advantage of this propensity of human nature to spread his own ideals? Other critics may suggest that the author nowhere develops his crucial concept of "individuality" into flesh and blood.⁶ That is perhaps a valid criticism of this book; but in an earlier volume, *Beyond Conscience*,⁷ Professor Smith has tried to fill in his outline as far as our present knowledge of psychology will permit. Revolutionist critics, more violent still, may object that the author destroys his own case when he asserts that men do not voluntarily relinquish power. The question is often asked: How are liberals by democratic processes to dispossess those who control the processes? To answer this, one can only reject its assumption about control; recent history, in England and America at least, shows an increasingly rapid expansion of socialistic liberalism. Finally, gradualist, and hence sympathetic, reformers may complain that the author makes no effort to meet the critical difficulty of drawing a line between what property is to be public and what private. But even an ambidexterous author cannot be expected to overwhelm heaven in one book; and the whole point of his philosophy is that there can be no absolute line, but only a shifting one, relative to time and place, and to be drawn by the political means of compromise.

In sum, I find Professor Smith's Utopia and his methods for getting there practicable. Further knowledge about human nature may require changes in blueprint and methods; but, while we await that knowledge, to law students who want a picture of politics and ethics that is realistic, yet not devoid of hope, I recommend both this book and its complement, *Beyond Conscience*.

MYRES S. McDOUGAL†

New Haven, Conn.

4. Compare the criticisms that were made of the last chapter of Thurman Arnold's *SYMBOLS OF GOVERNMENT* (1935). See, *c. g.*, Mechem, *The Jurisprudence of Despair* (1936) 21 *IOWA L. REV.* 669.

5. See his own review of the book, *Two Authors in Search of a Reviewer* (1936) 47 *INT. J. ETHICS* 105.

6. *Ibid.*

7. SMITH, *BEYOND CONSCIENCE* (1934).

†Associate Professor of Law, Yale School of Law.