AUTHORITY IN THE MODERN STATE

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AUTHORITY IN THE MODERN STATE

BY

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I AM tempted to believe that what we call necessary institutions are often no more than institutions to which we have grown accustomed, and that in matters of social constitution the field of possibilities is much more extensive than men living in their various societies are ready to imagine.

Recollections of de Tocqueville,
Page 101.

TO
MR. JUSTICE HOLMES
AND
FELIX FRANKFURTER
THE TWO YOUNGEST OF MY FRIENDS

NOTE TO THIRD PRINTING

THE argument on page 88, and, indeed, that of the whole of this chapter, should now (1927) be compared with the discussion in my *Grammar of Politics* (Yale University Press) where, in Chapters 2, 7, 8, 9, certain important corrections will be found. The discussion on the responsibility of the state on page 98 should be compared with my *Foundations of Sovereignty* (Harcourt, Brace and Company) where the views here summarised are developed in the third chapter. Apart from these things, I find little, after nine years, to change in essentials. The defect of the first chapter is its failure to discuss what is effectively meant by revolution. The curious will find that I have sought to remedy this in my little volume on Communism.

HAROLD J. LASKI.

London, July 2, 1927.

PREFACE

THIS volume is in some sort the sequel to a book on the problem of sovereignty which I published in March, 1917. It covers rather broader ground, since its main object is to insist that the problem of sovereignty is only a special case of the problem of authority, and to indicate what I should regard as the main path of approach to its solution. Where, therefore, the previous studies were, in the main, negative and critical, this book is positive and constructive. In the main, the evidence upon which its conclusions are based is French. That is because an earlier study of de Maistre convinced me that it is in France, above all, that the ideals I have tried to depict are set in the clearest and most suggestive light. I had originally intended to follow this volume by a third essay on the political theory of the Conciliar Movement. But it now seems to me more useful to attempt a definitely constructive analysis of politics in the perspective set by the first chapter of this present volume. Accordingly I have planned a full book on the theory of the state which I hope to have ready within a reasonable time.

For so modest a volume this book, like its predecessors, has debts too immense to go without acknowledgement. Among the dead, I would like to emphasise how very much I have learned from Acton and Maitland; their writings have been to me a veritable store-house of inspiration. Among living men, I owe much to Professor Duguit of Bordeaux, to Dr. Figgis, and, in spite of, and perhaps because of, our differences, to Professor Dicey. My old tutor, Mr. Ernest Barker of New College, is the unconscious sponsor of this, as of my earlier book. Indeed, if it has merit of any kind, it is to the teaching of politics in the Modern History School at Oxford that I would ascribe it.

Friends have been generous in their counsel. My colleagues, Dean Pound and Professor McIlwain, have been untiring in their constant encouragement; and from Dean Pound's own

writings, soon, one may hope, to be collected in some more permanent form, I learned the value of a pragmatic theory of state-function. My friends of the *New Republic*, particularly Mr. Francis Hackett, and Mr. Herbert Croly, have given me generous assistance. Mr. Graham Wallas has lent me great aid by friendly and suggestive counsel; and I found his "Great Society" an invaluable guide to many difficult paths. To an unknown critic in the London *Times* I owe the debt that keen comment must always create.

But the great obligation of the book is to Mr. Justice Holmes. It goes too deep for words; and I can only emphasise my consciousness that I shall never know how much I have in these years learned from the talks we have had and the letters he has written. They are things that come but once or twice in a lifetime.

One more personal word the reader will perhaps allow me. I began my other book with a sense that it might give pleasure to my friend A. R. Herron. He was killed before I could finish it. This book would have gone to my friend Frank Haldinstein, scholar of Christ Church and captain in the Royal Engineers. But his name, too, has been added to the list on which the Oxford of my generation will, with undying pride, write those of Arthur Heath, of Nowell Sievers, and of A. D. Gillespie—all of them of New College. When I look back on certain magic nights at Oxford and re-read these pages in the light of their memory, I realise how halting they are compared to the things they would have said. But I take it that for them the one justification of this conflict would have been the thought that we who are left are trying in some sort to understand the problems of the state they died to make free. To have known them was an education in liberty.

Lastly, as also firstly, every page of this book has in it the help my wife has given me. But to do more than mention that is unnecessary for either of us.

HAROLD J. LASKI.

April 21, 1918.
Harvard University.

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