

POLITICAL SCIENCE AND GOVERNMENT

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GARNER'S POLITICAL SCIENCE AND GOVERNMENT

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PREFACE

IN the writing of this book my aim has been primarily to provide college and university students with a fairly comprehensive and up-to-date textbook on political science and government. It is hoped that the book may in some degree serve also the needs of others who are interested in the fundamental problems of the state and in the organization and functions of government.

The subject matter covered is divided into two parts. Part One deals with the nature, scope, and methods of political science and its relations to the allied or auxiliary sciences; the nature, constituent elements, and attributes of the state; nations and nationalities; theories concerning the nature of sovereignty; and the various forms and associations of states. Part Two is concerned with forms and types of government; the elements of strength and weakness of the different forms; the principal theories that have been maintained in regard to the proper functions of government and the actual practice in the past and to-day; constitutions, their nature and types; the theories which have prevailed in the past relative to the nature of the suffrage, and the electorate as it is constituted to-day; and, finally, the constitution and rôle of the legislative, executive, and judicial organs of the more important states of the world. An attempt has been made to compare and evaluate the varying solutions reached in the different countries and to draw such conclusions as reason and experience seem to warrant.

The World War was followed by many fundamental changes in the governmental organization, especially of European states. Monarchies were transformed into republics or reorganized and made more democratic; rock-ribbed autocracies were overthrown and replaced by popular governments; long-established political unions were dissolved; powerful states were split into fragments and some of their parts erected into new states; new constitutions, with elaborate bills of rights proclaiming the sovereignty of the people and providing safeguards for individual liberty, took the place of those promulgated by

kings or framed by aristocratically constituted assemblies. Nearly everywhere the suffrage was extended; in states where democracy was hardly known before the World War, it was now made practically universal, direct, and equal for both men and women. The system of parliamentary responsible government, which had never gained a foothold in Germany during the existence of the monarchy and had been scorned as incompatible with German notions of government, was now introduced at a stroke, both in the Reich and in the individual states of which it is composed. Direct popular election of the president and democratic devices such as the initiative, the referendum, and the recall, which before the War had been regarded as radical and dangerous, were also introduced. All together these changes constituted a remarkable transformation in the political organization of Europe, the principal facts of which I have endeavored to set forth in this book.

For a time it looked as though Europe, if not the world, had been made, in the language of President Wilson, "safe for democracy." But later, here and there in Europe, states deliberately turned their backs upon democracy and repudiated it as a failure. In Italy and Spain and to some extent in Hungary and Poland, dictatorships of individual leaders gained such control as to exclude completely the democracy that we know and practice in the United States. In Russia a dictatorship of the proletariat, founded on the very negation of the principle of democracy, is struggling to maintain itself, and to convince the rest of mankind that it is the most rational and efficient of all forms of government.

The World War brought also widespread changes in the hitherto prevailing conceptions regarding the organization and functions of government. Political traditions long established and regarded as sacrosanct have been denounced as antiquated and out of harmony with modern conditions. Large numbers of persons have become radicals, in varying degree, and are attacking some of the most fundamental principles upon which the economic, social, and political structure of society has heretofore rested. Others, more moderate and respectable, are demanding changes in the existing system of legislative representation, political autonomy for the great economic, religious, and professional associations into which society is organized, the further extension of the functions of the state, more comprehensive

systems of state insurance, on the theory that society should assume the risk for all injuries which its members suffer, and also other alleged reforms. It must be admitted that an increasing number of persons whose sympathies and predispositions are distinctly democratic have lost, in some measure, their old-time faith in democracy and are asking themselves whether the claims of its founders and exponents are really justified by the results. Lord Bryce, himself an illustrious champion of the superiority of democratic government, did not conceal his pessimism, and men who share his skepticism are not lacking in America. But both he and they frankly confess that they cannot suggest anything better to take its place — at least nothing that would be acceptable to those to whom belongs in the final analysis the right to determine the form of government under which they are to live.

As to the question whether opinions now widely held are sound or unsound in principle and whether the remedies proposed would remove the evils complained of, there is, naturally, much controversy. Whatever the facts as to this may be, all must admit that never before, perhaps, was there more urgent need for sound political and economic thinking in all countries where the ultimate power of decision rests with the people. It is important, therefore, that those upon whose shoulders will devolve, in time, the task of determining these questions, and especially the students in the colleges and universities, who, it may be assumed, will be leaders of thought and opinion in their respective communities, should be qualified to distinguish between political and economic theories which are sound and practicable and those which are not; between institutions which are genuine and those which are spurious; and between policies which would produce economic and social justice to all classes and those which would result in unequal justice. It is believed that this capacity may be acquired, in some degree at least, from the study of political science as it has been expounded by the great text writers of the past and especially from the study of the history and the practice of governments and the results of experience as they are recorded in political treatises.

I shall be happy if this book, which is presented as a modest storehouse of information on these matters, should prove helpful to students in evaluating the merits of different systems of government and of the theories which have been propounded in regard to the proper organization and functions of government.

For the benefit of those who may wish to pursue their studies of particular subjects beyond the necessarily limited discussion contained in this book, I have provided at the head of each chapter a select bibliography of the best literature dealing with the subject treated therein, and in footnotes I have cited in considerable abundance other sources of information.

In parts of this book I have incorporated, usually with some changes, certain portions of my earlier treatise "Introduction to Political Science." I am indebted to my colleague, Professor John A. Fairlie, for having read several of the chapters and for having given me the benefit of his wise criticism.

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TABLE OF CONTENTS

PART I. POLITICAL SCIENCE

	PAGE
CHAPTER I. NATURE AND SCOPE OF POLITICAL SCIENCE	I
I. Terminology	I
II. Definition and Scope	7
III. Is there a Science of Politics?	11
 CHAPTER II. METHODS OF POLITICAL SCIENCE	 15
 CHAPTER III. RELATIONS OF POLITICAL SCIENCE TO OTHER SCIENCES	 28
 CHAPTER IV. THE NATURE OF THE STATE	 46
I. Terminology and Definitions	46
II. The State Distinguished from Other Associations	61
III. The Ends of the State	69
 CHAPTER V. CONSTITUENT ELEMENTS AND ATTRIBUTES OF THE STATE	 74
I. Population	74
II. Territory	77
III. Other Elements and Attributes of the State	101
 CHAPTER VI. STATE, NATION, AND NATIONALITY	 109
I. State, Nation, and Nationality Distinguished	109
II. Development of the Principle of Nationalism	123
 CHAPTER VII. STATE, NATION, AND NATIONALITY (<i>continued</i>): THE RIGHTS OF NATIONALITIES	 133
 CHAPTER VIII. SOVEREIGNTY	 155
I. Nature and Origin	156
II. Kinds of Sovereignty	159
III. Characteristics of Sovereignty	170
IV. Indivisibility of Sovereignty	172
V. Austin's Theory of Sovereignty	179

	PAGE
CHAPTER IX. SOVEREIGNTY (<i>continued</i>)	182
VI. The Theory of Limited Sovereignty	182
VII. Attacks upon the Doctrine of Sovereignty	194
CHAPTER X. THEORIES OF THE STATE	203
I. The Juridical Theory	203
II. The Organismic Theory	211
III. The Contract Theory	222
IV. The Idealistic or Metaphysical Theory	228
CHAPTER XI. FORMS AND TYPES OF STATES	240
I. Principles of Classification	240
II. Modern Classifications	249
III. Part-Sovereign States	256
CHAPTER XII. ASSOCIATIONS AND UNIONS OF STATES	265
I. Principles of Classification	265
II. Personal and Real Unions	268
III. Confederations	273
IV. Federal Unions	280
V. International Administrative Unions	294
VI. The League of Nations	297

PART II. GOVERNMENT

CHAPTER XIII. FORMS AND TYPES OF GOVERNMENT	303
I. Classification	303
II. Monarchy, Aristocracy, Oligarchy, and Democracy	305
CHAPTER XIV. FORMS AND TYPES OF GOVERNMENT (<i>continued</i>)	322
III. Cabinet Government	322
IV. Presidential Government	340
V. The Swiss System	344
VI. The Soviet System of Russia	345
VII. Unitary and Federal Governments	346
VIII. Other Forms of Government	356
IX. Succession of Governmental Forms	361

	PAGE
CHAPTER XV. ELEMENTS OF STRENGTH AND WEAKNESS IN DIFFERENT FORMS AND TYPES OF GOVERNMENT	365
I. Monarchy	365
II. Aristocratic Government	379
III. Democratic or Popular Government	387
CHAPTER XVI. ELEMENTS OF STRENGTH AND WEAKNESS IN DIFFERENT FORMS AND TYPES OF GOVERNMENT (<i>continued</i>)	412
IV. Unitary and Centralized Government	412
V. Federal Government	417
VI. Cabinet Government	423
VII. Presidential Government	431
VIII. The Best Form of Government	438
CHAPTER XVII. THE PROVINCE OF GOVERNMENT	446
I. Theories Relative to the Functions of Government: The Anarchist View	447
II. The Individualistic or <i>Laissez Faire</i> Theory	451
III. The Socialistic Theory	476
IV. Observations and Conclusions	489
CHAPTER XVIII. CONSTITUTIONS	498
I. Nature, Necessity, and Origin of Constitutions	498
II. Kinds of Constitutions	507
III. The British and French Constitutions Contrasted	516
IV. The American Type	520
V. Strength and Weakness of Different Types of Constitutions	524
VI. Essentials of a Written Constitution	528
VII. Development and Expansion of Constitutions	533
CHAPTER XIX. THE ELECTORATE	542
I. Nature of the Electoral Function	543
II. The Constitution of the Electorate	558
III. Woman Suffrage	563
IV. Existing Suffrage Requirements	572
V. Factors Which Determine the Value of the Electoral Privilege	580

	PAGE
CHAPTER XX. THE LEGISLATIVE ORGAN	589
I. Distribution of the Powers of Government	589
II. Origin and Development of the Legislative Organ	595
III. Constitution of the Legislative Organ	600
IV. Upper Chambers	614
CHAPTER XXI. THE LEGISLATIVE ORGAN (<i>continued</i>)	625
V. Constitution of Lower Chambers	625
VI. Representation of Minority Parties	648
VII. Professional or Occupational Representation	655
VIII. Nature of the Legislative Mandate: Rôle of the Representative	665
CHAPTER XXII. THE EXECUTIVE ORGAN	676
I. Principles of Organization	677
II. Modes of Choice of the Chief Executive	685
III. The Term of the Chief Executive	695
CHAPTER XXIII. THE EXECUTIVE ORGAN (<i>continued</i>)	705
IV. The Executive Power	705
V. Relation of the Executive to the Legislative Power	723
VI. Types of Republican Executives	734
CHAPTER XXIV. THE JUDICIARY	747
I. Rôle and Functions of the Judiciary	748
II. Organization of the Judiciary	780
III. Appointment, Tenure, and Removal of Judges	792
INDEX	805

PART I. POLITICAL SCIENCE

CHAPTER I

NATURE AND SCOPE OF POLITICAL SCIENCE

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- WILLOUGHBY, "The Fundamental Concepts of Public Law" (1925), ch. 1; also his article "The Value of Political Philosophy," *Political Science Quarterly*, vol. XV (1900), pp. 75 ff.

I. TERMINOLOGY

Lack of a Precise Nomenclature. — It is characteristic of political science that, differing from the natural sciences, it lacks a

precise and generally accepted nomenclature. Such terms as "state," "government," "politics," "administration," "nation," "nationality," "liberty," "democracy," "oligarchy," "people," and many others are used in different senses and convey different meanings to different persons. Frequently they have both a technical or scientific and a popular meaning, each differing from the other though used without discrimination. This is regrettable because it often leads to confusion and misunderstanding, such as one does not encounter in the literature of the natural sciences, where the terminology employed is more precise and exact.¹ Sheldon Amos remarked that some of the terms employed, having a double meaning and being capable of a favorable or unfavorable use, are sometimes distorted by writers and speakers and used for the purpose of subserving a momentary or special interest or for supporting a particular thesis.²

The Terms "Politics" and "Political Science." — What was said above in regard to the ambiguity of the terminology of political science is illustrated by the use of the term "politics" (derived from the Greek words *polis* and *politeia*), which is defined in the dictionaries and textbooks as both an art and a science and is used by text writers in both senses.³ The obvious objection to the employment of the term in this dual sense could be removed by restricting its use to describe the activities by which public officials are chosen and political policies promoted, or, in a wider sense, the sum total of the activities which have to do with the actual administration of public affairs, reserving the term "politi-

¹ Jellinek remarked that there is no science which is so much in need of a good terminology as is political science; "Recht des modernen Staates," p. 129. Compare also Willoughby, "The Fundamental Concepts of Public Law," p. 19; Bryce, "Modern Democracies," vol. I, p. 15; and Fairlie, "Politics and Science," *The Scientific Monthly*, vol. XVIII, p. 33. Compare also the remark of President Lowell, that the study of politics "lacks the first essential of a modern science — a nomenclature incomprehensible to educated men." *American Political Science Review*, vol. IV, p. 1.

² "The Science of Politics," p. 2.

³ Gilchrist ("Principles of Political Science," p. 2) justly remarks that the term "politics" when used in its original Greek sense is unobjectionable, but since modern usage has given it a new meaning it is useless as a scientific term.

cal science" to describe the body of knowledge relating to the phenomena of the state. Careful writers, of whom the Germans are the most representative, have generally observed this distinction. They distinguish between the terms *Politik*, *Staatspraxis*, and *Staatskunst*, on the one hand, and *Staatswissenschaft* and *Staatslehre* on the other. Thus Bluntschli, in his treatise "Theory of the State,"¹ says, "politics" (*Politik*) is more of an art than a science and has to do with the practical conduct or guidance of the state, whereas "political science" (*Staatswissenschaft*) is concerned with the foundations of the state, its essential nature, its forms or manifestations, and its development.² Other writers, such as Bryce and Seeley in England and Burgess and Willoughby in the United States, have observed this distinction and have employed the term "political science" rather than "politics" in their treatises dealing with the origin, nature, organization, and sphere of the state.

The Terms "Theoretical" and "Applied" Politics. — Some writers, who apparently hesitate to admit that the study of the phenomena of the state is properly a science and who therefore regard with skepticism the term "political science," have nevertheless recognized the validity of the distinction referred to above

¹ Pages 1, 3.

² A goodly number of German, English, and American writers, however, employ the term "politics" in preference to the term "political science"; for example, Jellinek, Holtzendorff, Treitschke, Waitz, and Sidgwick. As to the distinction between "politics" as an art and "politics" as a science see Bluntschli, "Politik" (vol. III of his "Lehre vom modernen Staat"), pp. 1-6; Holtzendorff, "Principien der Politik," chs. 2-3; Von Mohl, "Encyclopädie der Staatswissenschaften," p. 543; Treitschke, "Politics" (Eng. trans. by Dugdale and Torben de Bille, 1916), introductory chapter; Jellinek, *op. cit.*, p. 13; and Rehm, "Allgemeine Staatslehre," pp. 9-10. Willoughby ("The Fundamental Concepts of Public Law," p. 7) distinguishes between the science and the art of politics. The science of politics, he says, seeks an accurate description and classification of political institutions and the precise determination of the forces which create and control them, while the art of politics has for its aim the determination of the principles which it is necessary to observe if political institutions are to be efficiently operated. A singular use of the term "politics" is made by Goodnow in his work entitled "Politics and Administration," where it is employed to denote the activities of the state which have to do with the expression of the state will, in contradistinction to the term "administration," which is concerned with the execution of the state will.

by distinguishing between "theoretical" and "practical" (or "applied") politics, the former term being employed when referring to the fundamental characteristics of the state without reference to its activities or the means by which its ends are attained; the latter when referring to the state in action, that is, considered as a dynamic institution.¹ Thus everything that relates to the origin, nature, attributes, and ends of the state, including the principles of political organization and administration, falls within the domain of "theoretical" politics, while that which is concerned with the actual administration of the affairs of government belongs to the sphere of "applied" or "practical" politics. The majority of writers to-day, however, prefer the term "political science" instead of "theoretical politics"; and the simple term "politics" instead of "applied politics" or "practical politics." Some writers² employ the term "science of politics;" others, the "theory of the state," like the *Staatslehre* of the Germans, because, as one author remarks, "it gives a clearer idea of the wide nature of the field of inquiry" and at the same time "avoids the necessity of a delicate and intricate discussion as to whether the study of politics is a science or a philosophy."³ In spite of all objections, however, the term "political science" (*Staatswissenschaft*, *science politique*, *scienza politica*) has come to be more generally employed by the best writers and thinkers to describe the mass of knowledge derived from the systematic study of the state, while the meaning of the

¹ The distinction between "theoretical" and "applied" politics has been observed by Jellinek, Holtzendorff, Janet, Cornewall Lewis, Alexander Bain, Sir Frederick Pollock, and others.

² For example, Amos, Bagehot, and Pollock.

³ McKechnie defends the use of this term. He criticizes the use of the term "political science" for the reason that it "often conveys the idea that it is merely a study to be entered upon as a means to party ends, not as a resolute endeavor to find truth for its own sake." The term "science of politics" he finds equally objectionable for the reason that the term "science" is associated with logical and rigorous methods of investigation and experiment applied to such objects as they are adapted to, while the word "politics" is associated with all that is changeable and contingent in the affairs of a nation, rather than with the principles of absolute and universal truth. "The State and the Individual," pp. 28-30.

term "politics" is confined to that of the business or activity which has to do with the actual conduct of affairs of state.¹

The Political Sciences. — Against the single term "political science" the objection has been urged that it does not correspond with the facts, since there is no single science dealing with the state, but rather a group of related sciences, each concerned with particular aspects of it. Thus, it is said, the modern state is a very complex organization which presents itself under divers aspects and is capable of being studied from many different points of view. The mass of knowledge relating to each phase or aspect of the state has developed a history and a dogma of its own quite distinct from the rest. The phenomena of each have become so numerous and complex as to create a necessity for special treatment by the investigator. Thus the tendency has been to group them into separate categories and treat them as distinct sciences.² The plural form, the "political sciences," therefore seems to correspond more nearly with the facts and is preferred by many writers, especially the French, who commonly speak of the *sciences morales et politiques*.³

¹ On the use of technical terms in political science see Lewis, "Methods of Observation and Reasoning in Politics," vol. I, ch. 4.

² Compare as to this Dunning, "Political Theories, Ancient and Medieval," p. xxi; Giddings, "Principles of Sociology," ch. 2; and Gilchrist, "Principles of Political Science," p. 1. The last-named writer observes that the science with which we are here concerned has really developed into a number of independent sciences and that it is impossible to draw absolute lines of demarcation between them. "Whenever," says Giddings, "phenomena belonging to a single class, and therefore properly the subject matter of a single science, are so numerous and complicated that no one investigator can hope to become acquainted with them all, they will be divided up among many particular sciences." *Op. cit.*, p. 31. This, he asserts, is what has happened in the case of the study of the phenomena of the state. Dunning likewise remarks that the so-called "branches" of political science have "sloughed off and expanded until each has a history and a dogma quite too comprehensive for any but special treatment." *Op. cit.*, p. xxii.

³ Compare Du Sablon, "L'Unité de la Science" (1919). Among those who have defended the plural term may be mentioned Von Mohl, Holtzendorff, Lewis, Dunning, and Giddings. Von Mohl, in his "Geschichte und Litteratur der Staatswissenschaften," published in 1855, vol. 1, p. 126, classified the "political sciences" as (1) general political theory (*Allgemeine Staatslehre*); (2) the dogmatic political sciences, including public law, political ethics, and the art of politics (*Staatskunst*), including diplomacy, administration, etc.; and (3) the historical political sciences, including constitutional history and statistics.

According to the latter view a political science is one which is concerned, not necessarily with the state in all of its aspects or relations, but with any particular phenomenon of the state or any class of phenomena either as a whole or incidentally, directly or indirectly. Thus there may be as many political sciences as there are conceivable aspects or forms of manifestation of the state. In this sense sociology, political economy, public finance, public law, diplomacy, constitutional history, may be denominated political sciences, since they all deal either primarily or incidentally with some class of phenomena belonging to the state.¹ Those who maintain that the singular form accords more nearly with the facts argue that in reality the above-mentioned sciences are rather coördinate social sciences than independent political sciences. Thus, says one writer, in support of this view, "The various relations in which the state may be conceived may be subdivided and treated separately, but their connection is too intimate and their purpose too similar to justify their erection into different sciences."² Without attempting to pass judgment upon the respective merits of the two views, it is safe to say that either form may be justified by distinguishing between political science in its strict sense, that is, the science which deals exclusively with the phenomena of the state, and political science in the wider sense as embracing all the sciences which deal with particular aspects of state life, such as sociology, history, economics, and others. When used in the former sense, the singular form should be employed; when used in the latter sense, the plural is justifiable.³

¹ Giddings even enumerates philosophy as one of the "political sciences." *Op. cit.*, p. 27. See also his "Province of Sociology," in the *Annals of the American Academy of Political and Social Science*, vol. I, p. 66. In some of the Scotch universities today the professor of philosophy is also professor of political science.

² Munroe Smith, "The Domain of Political Science," in the *Political Science Quarterly*, vol. I, p. 5. Among others who have preferred the use of the singular term may be mentioned Burgess, Jellinek, Lieber, Sidgwick, Seeley, and Willoughby.

³ See Jellinek (*op. cit.*, pp. 5-6), who points out the necessity of distinguishing between the science of the state in the larger sense of the word and the sciences of the state in a stricter sense which may be designated as disciplines. See also Von Mayr ("Begriff und Gliederung der Staatswissenschaft").

II. DEFINITION AND SCOPE

Views of Eminent Authors. — It was a saying of a Roman jurist that all definitions are dangerous because they never go far enough and are nearly always contradicted by the facts. The truth of this observation applies as well to general propositions in political science as to those of the civil law. Nevertheless, it is equally true, as has been well said by a noted political writer, that “to obtain clear and precise definitions of the leading terms is an important achievement in all departments of scientific inquiry.”¹ The renowned Swiss scholar Bluntschli defined political science (*Staatswissenschaft*) as (“the science which is concerned with the state, which endeavors to understand and comprehend the state in its fundamental conditions, in its essential nature, its various forms of manifestation, its development.”)² Gareis, a German writer said, “Political science considers the state, as an institution of power (*Machtwesen*), in the totality of its relations, its origin, its setting (land and people), its object, its ethical signification, its economic problems, its life conditions, its financial side, its end, etc.”³ Jellinek, one of the ablest of European publicists, distinguished between theoretical political science (*theoretische Staatswissenschaft oder Staatslehre*) and applied political science (*angewandte oder praktische Staatswissenschaft*). Theoretical political science was again subdivided by Jellinek into the general theory of the state (*allgemeine Staatslehre*) and special or particular theory of the state (*besondere Staatslehre*). The former has for its purpose the study of fundamental principles. It considers the state in itself and the elements which constitute it; not the phenomena of a particular state, but the totality of all the historico-social aspects in which the state manifests itself. Furthermore, the dual nature of the state, that is, its character both

¹ Sidgwick, “Elements of Politics,” p. 19. Compare also Bain, “Deductive and Inductive Logic,” p. 547, and Rehm, “Allgemeine Staatslehre,” p. 1.

² “Allgemeine Staatslehre,” being vol. I of his “Lehre vom modernen Staat,” p. 16. Compare also Holtzendorff, “Prinzipien der Politik,” p. 10.

³ “Allgemeine Staatslehre,” in Marquardsen’s “Handbuch des öffentlichen Rechts,” vol. I, p. 1.