

UNIVERSITY



OF DURHAM

RIDDELL MEMORIAL LECTURES

Sixteenth Series

THE UNKNOWN STATE

A Plea for the Study of Government

*Delivered before the University of
Durham*

BY

LORD EUSTACE PERCY

HUMPHREY MILFORD
OXFORD UNIVERSITY PRESS
LONDON

PRICE 2S. 6D. NET

UNIVERSITY



OF DURHAM

RIDDELL MEMORIAL LECTURES

Sixteenth Series

THE UNKNOWN STATE

A Plea for the Study of Government

*Delivered before the University of
Durham*

BY

MR. LOPD EUSTACE PERCY

HUMPHREY MILFORD
OXFORD UNIVERSITY PRESS
LONDON

CONTENTS

I. The Decay of Political Thought	3
II. A Christian Philosophy of Government	18
III. Experiments in Christian Positivism	32

Published 1944

Reprinted 1945

I

THE DECAY OF POLITICAL THOUGHT

§ I

THESE lectures are delivered in the belief that a revival of the neglected study of government is the most urgent need of the present day, and that universities have a special responsibility to make it a learned study.

It is a neglected study because, like religion, it has to do with reconciliations, and modern thought dislikes to reconcile. That is the difficulty with which all Riddell Memorial Lecturers have to contend. The scientist, inured to conflicting hypotheses within his own field of thought, knows that premature attempts to reconcile them are apt to stop inquiry short at a half truth. He is more ready, therefore, than his scientific grandfather to respect religion and ethics as independent fields of inquiry; but more ready also to distrust them when they try, as they must, to co-ordinate human thought in terms of the will of God or the duty of man. He does not deny the possibility of a reasonable religion or a rational standard of duty; but he doubts whether such perceptions can ever be more than a personal focus. He may think that such a focus is the most important thing in education; but, if he does, he can only advise young men to live, as well as think, experimentally, working out in personal life the reconciliation between knowledge and duty which cannot be given them in public doctrine.

Such advice may be nobly given, as Sir William Bragg gave it to us here three years ago. Indeed, there may be little difference between such scientific moralism and the quietism which has often characterized an age of faith, between the scientist's personal focus and the anabaptist's 'inner light'. But there is one field of thought and action where it breaks down, and it is unfortunately the field to which the human race has always devoted its strongest energies and much of its acutest thought. It is possible to content oneself with a merely hypothetical God, but not with a merely hypothetical govern-

ment. Man's most consistent effort has been to find a way of living at peace with his fellows on the basis of laws generally acceptable to their reason and conscience, and compatible with their common sense of individual freedom. To that effort of civil-ization the gospel of personal focus can make no logical contribution, for, in so far as it points anywhere but to the million personal focuses of anarchy, it points to the single personal focus of a dictator.

The scientist, as a scientist, can, I think, find no escape from this dilemma. He may dream of a strictly scientific system of personal ethics based on the ascertained facts of physiology and psychology; but personal ethics cannot be directly translated into law. It is the savage who identifies law with ethics; the modern name for such savagery is totalitarianism. The civilized lawgiver's peculiar problem is that of *selecting* ethical rules for general enforcement, and the scientist has still to find a rational standard of selection. Admitting, perforce, the expediency of political authority, he must content himself with the expediency of the moment as the sole measure of its scope; and that measure, again, fits dictatorship better than it fits the rule of law.

This, I suspect, is the real explanation of the complaint that (except in war) parliamentary governments make too little use of the scientist. It is not that such governments disdain new knowledge, but that the scientist, as a scientist, tends to disown any standard of social action. He can point to what it is expedient to do, but he has no eye for what may justly be enforced. He is apt, therefore, to exasperate governments by seeming to preach despotism in administration and free thought in jurisprudence, without appearing to feel the intellectual discomfort of such an attitude. Indeed, it would be easy to write a history of civilization in which the scientist is fated to play the unwilling part of the death-watch beetle; it would be tempting to show that, whenever the path of law has run downhill to a Divine Caesar, the descent has begun in a Lucretius.

Here, then, as it seems to me, is the supreme intellectual issue of our time. Originally, man set out to search nature in order to find himself. Later, in Bacon's words, he still conceived the knowledge of himself to be 'the end and term of natural philosophy in the intention of man'. But he had to

recognize that such knowledge was also 'but a portion of natural philosophy in the continent of nature'; and as that continent has opened before him in all its immensity, he has moved altogether away from any ambition to explain the universe in terms of himself. He is only the explorer and prospector; he is neither Odysseus hoping to return to an old home, nor Aeneas seeking a new one. He asks only freedom of movement, freedom to tell what he finds, and freedom to grow by his own experience.

Yet, at the sound of this one word 'freedom', all such metaphors burst like bubbles. For man is not born free; free thought is not enough to win him his freedom; having won his freedom, he cannot abdicate philosophy and remain free. His freedom depends upon the constant re-interpretation, in response to changing circumstances, of three fundamental affirmations: that there exists, in any human society, an authority entitled to override the will of its individual members; that its individual members have, nevertheless, rights which this authority is not entitled to override; and that both authority and individual have positive duties, by the punctual performance of which alone the balance of their respective rights can be preserved. The modern thinker has shown that he is ready to be persecuted for these affirmations, to fight for them and to die for them; but he has equally shown that he is not concerned to argue them. For, alas, martyrdom is no argument; if the self-immolation of the German people in these last years has not attested a truth, neither has the self-sacrifice of their victims. The blood of the martyrs has never been the seed of any church; it can only fertilize the seed of a reasonable belief. The record of Europe and America in the past twenty-five years has been, in this matter, the record of an intellectual failure. We who have been trained to challenge the universe by our reason, have been content to live our social life by instinct. It is surely from the consequences of such illogical contentment that we have barely rescued ourselves in these last five years; if we continue in it, Hitlerism will not be the last enemy who will deny to us the freedom even to be conscious of our own slavery.

§ 2

The most characteristic symptom of our intellectual failure has been our attempt to escape from the study of government into the study of some vaguer entity called 'society'.

The oldest vice of political thought is a weak craving for analogies. The two most popular analogies have been with the human body and with physical order in the universe. Modern science has given a new twist to each of these myths: to the myth of the 'body politic', an evolutionary twist; to the myth of a 'political system', a twist away from the 'degree, priority and place' of sun and planets towards the miniature constellations of atomic physics. This latest analogy has proved especially seductive, because it seems to get rid of the uncomfortable contrast between political and natural law. It reduces both to a mere law of averages: a normal 'pattern of behaviour' which the physicist can discern in his electrons and the vital statistician or the psychologist in the human citizen.

The fallacy of all such pretty pictures is the assumption that a human society is either a self-evident entity like the human body, or has been ascertained to be an entity by investigations of its structure as thorough as those of the astronomer or the physicist. That assumption is the charter of what are now called the 'social sciences'; and it is false. A society is simply a number of human beings living in a certain degree of geographical contiguity. Every science which is concerned with the study of individual man is a social science, in the sense that man is a gregarious animal; but in any other sense, there is only one social science. What the 'social' psychologist or biologist, or the professor of 'social' medicine, really means by his title is that, especially under modern conditions of life, there are certain aspects of his science which are of immediate concern to governments. In other words, the only social science is political science.

Political science is the study of human beings living in a particular kind of association, called a State, where they regulate some part of their conduct in obedience to rules enforced upon them by persons selected for that purpose, in accordance with procedures laid down beforehand. This identification of political action with the regulated exercise of force is an

unpopular fact, because it has been made the starting-point of a dozen rash philosophies about the origin and purpose of political authority. But it is a fact. The distinguishing mark of the citizen is that, as such, he is the object of regulated compulsion to social behaviour, in contrast to the members of any other community who, as such, are only liable to expulsion for unsocial behaviour. And the distinguishing mark of the *free* citizen is, not only that he accepts such compulsion, but that, in greater or less degree, he shares in its exercise. This compulsion is the only purely social fact. All other social activities become social because they are already the activities of individuals, singly or by twos and threes. Law alone is a new creation in society; and the State, in which it is created, is the only society which is something more than the aggregate of the actions and interactions of its individual members.

To assert this is not, of course, to deny that there are other forms of association which influence their members in particular ways, or that these influences—let us say, industrial fatigue—may be scientifically studied without direct reference to State policy. But it is significant that the oldest of the modern 'social' sciences, that of economics, though largely concerned with non-political forms of association, was born, thrived and flourished in this country as an effort to teach wisdom to statesmen. It is significant, too, that, since English economists won their political point in free trade, their successors have tended to lose themselves in social surveys which they cannot focus into argument. A similar doom of ineffectiveness seems to haunt the new 'science' of town and country planning; it has remained a social aspiration because its exponents have failed to set it in the framework of a political doctrine.

That doom haunts also the recent fashion of 'social' history, with its somewhat impish handmaid anthropology. The historian must, indeed, humble himself always to remember the humanist's confession of faith: that manhood and womanhood are more wonderful than citizenship, and that men are greater than their institutions. But he must not turn truth into nonsense by supposing that they are more social than their institutions. History is focus, and the focus of a society is in the constitution and commands of its sovereign. It is only

there that the historian can assist the student of society to use the primary methods of scientific investigation, the methods of direct observation and classification; for it is only there that social man commits himself to identifiable forms of social action. When a contemporary historian asserts that Sir James Frazer has proved the relativity of man's religious beliefs, he is merely avowing the necessary limitation of his own science: that he can classify such beliefs only in their relation to laws and institutions. In his religious beliefs, man is an inveterate syncretist, who hides the god of his real worship in a pantheon of borrowings. Cain experiments with blood sacrifice; Abel has his lapses into vegetation magic. Man is on historical record only in his acts; and by his political fruits alone can his social character be historically judged.

But perhaps the most dangerous form of 'socialism', in this sense, is the form it takes in educational thought. Much of our fashionable attempt to 'educate for citizenship' is curiously reminiscent of the degenerate Roman cult of *Fortuna*, the Luck of the State, or of *Romanitas*, the 'pattern of behaviour' proper to Roman citizenship. I have actually heard, from a serious democratic thinker, the phrase 'allegiance to environment'—as who might say, 'the old school tie'. Alike to Socrates and to Hampden, at an interval of two thousand years, the whole social inheritance of Athens or England was solidified into a *lex terrae*, the Laws of the City or the Law of the Land. But the modern democrat, like the citizen of imperial Rome, dissolves even actual law back into the gases of sentiment and tradition. He has never heard of *Romanitas* and he does not realize how near he is to *Deutschtum*.

§ 3

We are, then, to study the State; and, at the outset, we must note that its most obvious characteristic is a moral contrast. Those who wield the powers of the State do so in the name of duty, yet they are precluded, to the extent of their political functions, from regulating their conduct wholly by the highest standards of duty inculcated by all the greatest moral teachers of mankind. Their family loyalty must fall short of the precepts of Confucius; they must act where the Buddha coun-

selling abstention from action; they must judge where Christ commanded them to forgive. In a word, the human law of the State cannot coincide with the divine law of love.

Wherever men have cared to think out principles, this contrast has been felt and faced. Christian thinkers, in particular, have long ago found ways of reconciliation. But these philosophies have been worked out for monarchies rather than for democracies, and we have, perhaps, hardly taken into account how much the moral contrast is sharpened when it has to be translated from terms of the ruler's authority and the subject's obedience into terms of the universal duty of all free citizens.

It is not only that, then, every Christian, in emergencies, must reconcile for himself Christ's injunction against resisting evil with the call of the State to take up arms against foreign aggression or domestic disorder. It is much more that the difference between his Christian and his civic duty becomes one, not of occasional practice, but of consistent temper. The central assumption of English-speaking democracy, in particular, is that the citizen must not only be ready to resist general social disorder, but must instinctively think of even offences against himself, not as personal injuries, but as threats to the safety of his neighbours. He must not leave prosecution to the police; he must himself charge the assailant of his person or the thief of his property. He is not entitled to forgive; and where this civic temper fails, in Ireland or in Chicago, free government breaks down.

Up to this point, however, the classic philosophies of reconciliation hold well enough for the free citizen, as for the magistrate. The danger point is reached only when the area of legal compulsion becomes so wide that the free citizen loses, perforce, his saving sense of tension between two standards of duty; when he no longer painfully reconciles his civic duty with the Sermon on the Mount, but ceases to be conscious that any reconciliation is necessary. Today, as this civic temper is applied to the tasks of social reconstruction, it is just this danger point that is reached and passed. Here is the modern democrat's blind spot. In no previous period of history has the claim been so proudly made that the ordinary citizen is the source and regulator of political power; yet in no previous period has the ordinary citizen had so little experience of the

actual use of such power. The paradox is sharpest in England. National democracy has come to us gradually and late: so gradually that we have preserved almost perfectly the primitive doctrine of the village community, that the headman or the constable is only the citizen specialized by division of labour; yet so late that, except as occasional prosecutors, we have been almost completely superseded, as enforcers of the law, by our specialized servants. So, over the whole field of social reform, compulsion presents no difficulty to us; it has become almost silly to question its use where any social end is to be gained. We can advocate, for instance, residential schools for all mentally defective children, without ever visualizing the agonies of compulsory separation which our policy entails. Because of this blindness, we can honestly affirm that our standard of political action is the Golden Rule, whereas it is, in fact, the very different rule of 'the greatest good of the greatest number'. Under that rule, we have come, almost unconsciously, to accept compulsion as the normal method of what the Greeks called 'the good life'. There can, at first sight, be no deeper moral contrast than between this civic temper and the temper of Christian brotherhood.

This normalization of compulsion is not a new phenomenon in history, but it is a very curious one. There are, in fact, two kinds of compulsion to social behaviour: the compulsion of justice and the compulsion of convenience. The one seeks to regulate the relations of man to man on the basis of the old aphorism that justice is 'the constant will of giving to every man his own', and can be expressed in terms of man's personal duty to a personal neighbour. The other seeks to regulate the business of the whole community, regarded as a corporate entity, and must be expressed in terms of a man's duty as a citizen to 'society'. It has been on the frontier between these two conceptions that the constitutional struggles of Englishmen and Americans have been mainly fought. They were fought particularly at the point where national defence merged into war 'as an instrument of policy'—where the personal duty of defending one's neighbours against attack from without gave way to the impersonal obligation to pay war taxes to the State: an aid to a Plantagenet king, shipmoney to a Stuart, stamp tax to a Hanoverian. But today, the two conceptions may, perhaps,

best be distinguished at their point of intersection in the economic field. Medieval legislation against 'forestalling' and 'regrating' restrained practices which might be held to be incompatible with the duties of individual producers to individual consumers; but legislation today restraining a farmer from selling milk direct to a consumer, or from selling it at less than the retail price, can be justified only on the ground that a national business of milk marketing can best be organized on these lines.

This is an old story. It is, for instance, the seventeenth-century story of *Raison d'Etat* and *Salus Populi Suprema Lex*. But observe what has happened. In that century, familiar as it was with the ideas of Law and Justice, Reason of State was urged as justifying emergency exceptions to settled law. Its constitutional opponents did not deny the reason; but they denied the exception.* The reason must be brought within the law, and it has been so brought. Conscription has superseded the press-gang. But the law of State interest, thus absorbed into the law of human relations, has tended increasingly to leaven the whole lump of the law. We can watch the process best in such an essentially humane field as that of education, where we find ourselves constantly trying to revive in our mind our early perception of our personal duty to a personal child, while in fact our legislation and administration move progressively to the measure of that cynical Reason of State enunciated by an old politician, and heedlessly repeated in a recent White Paper, that we 'must educate our governors'.

Of course, Reason of State thus normalized must change its name. Its modern name seems to be Equality. Obviously, no two human beings can be equated in their totality. To assert their equality is to make a judgement of value, to believe that certain characteristics common to both have a special importance to each. It is possible to state such a judgement in the commanding language of religion, in terms of the common duty and destiny of man. I shall have occasion to quote a classic statement of this kind in my second lecture. Historically, this conception of personal equality *sub specie aeternitatis* is the origin of all that seems to most of us most lovely in the social life of the Western continents, and most enduring in their

law. But this is not the equality that is invoked to disguise our modern Reason of State.

For it is also possible for the lawgiver, not thus to ascertain and register men's essential equalities, but, in despair at their intractable inequalities, to give them an equality of his own for his own purposes, as equal subjects of a king, or equal voters in a republic, or equal members of a nation. The argument for equating a farmer in the Cheviots and a dockyard hand at Plymouth, strikingly unequal as they are in their environment, their culture, their means of livelihood, the kind of services they require from the State, and the kind of taxation they can best afford in payment for those services, is simply that, in a community of forty million persons, conducting a business of government in all parts of the world as well as in its island home, distinctions between citizens, carried beyond fairly narrow limits, are incompatible with business efficiency.

That argument is overwhelmingly strong; but it has to be most carefully watched. Sir Henry Maine summed up our grandfathers' idea of liberty in the formula that the movement of a progressive society was 'from status to contract'. But to the observer of the mid-twentieth century the direction of actual social movement seems to be rather from a diversity of personal status to a uniformity of social status; and the idea of contract seems to be characteristic of a progressive society only in the sense that it is the most peaceful method of breaking down the first kind of status into the second. The more active the government and the more inventive the citizen, the more surely does this levelling movement proceed. Its two chief agents are the tax-gatherer and the technologist: the one seeking to reduce men to manageable units of assessment for the collection of revenue, the other to manageable units of labour for handling improved means of production. This seems to hold true of all societies, from the most primitive to the most civilized, at all periods of recorded history; but it is in the most civilized that the process is keyed to concert pitch. Except in point of efficiency, there is nothing new in a Treasury reluctant to adapt the collection of income-tax to personal circumstances; nothing new in the gradual conversion of wage-earners from craft unionists bargaining for skilled status into machine minders dependent upon legislation for a minimum wage.

What is more new, is the levelling effect of efficient social reconstruction in an orderly democracy, a phenomenon usually associated, in the past, with violent upheavals of revolution and despotism. For instance, the hereditary fisherman of a Cinque Port, who buys his seventeenth-century cottage home with the help of a building society, finds that he has unwittingly contracted himself into the legal position of an owner of insanitary property; as such he is equated with the slum landlord and is liable to dispossession without compensation. Here, the argument for uniformity seems to me to be pushed beyond all moral limits, and it is only one instance of many such exaggerations which pass unnoticed in the reforming enthusiasms of the present day.

Whether or not I am right in this particular instance, those who defend the rule of settled law against the arbitrary discretion of dictators have today a challenging question to answer. In our resistance to the modern Fascist revival of seventeenth-century Reason of State, have we any better argument than that advanced, in effect, by the seventeenth-century defenders of English parliamentary government: that the citizen can be more effectively, if more slowly and gently, disciplined by 'a law which runs in certain and known channels', than by any emergency *Gleichschaltung*? And have we any longer, as they had, any principles by which we can reconcile the convenience of the State with justice between man and man, and thence with the ultimate truths of religion? Or are we merely modifying our opponents' creed, that the State is an end in itself, into the more polite metaphor that statesmanship is an 'endless adventure'? Do we really believe that, in this adventure, the choice of means to the end of the greatest good of the greatest number is any more a moral question than the mountaineer's choice of boots and a rope?

§ 4

The difficulty of putting this question to Englishmen is that we feel no need to answer it in our own island. We have grown so gradually into national family habits, that we are impatient of attempts to rationalize them. We reject unhesitatingly the doctrine of the State as an end in itself; but we are content to

reject it on mere grounds of tolerant common sense. We do not know enough about the making of omelettes to justify the breaking of individual eggs. We do not know enough about eggs to justify the ruthless elimination of the apparently unfit; and we do know that, unfortunately, an average of superior and inferior eggs will not compose an average omelette. Finally, our chance of producing, in the future, skilled cooks and impeccable eggs depends, we feel, precisely on our not preferring average goodness to individual excellence. Consequently, we prefer, where possible, to treat our eggs individually, by light boiling; in so far as omelettes are necessary, we will disguise them by a liberal use of condiments; we will take the necessary State with many grains of salt. Moreover, we have devised a system of cooking by a multiplicity of arguing cooks, which renders unlikely the rash invention of drastic culinary procedures. Government by discussion, which is the essence of our idea of parliamentary democracy, can be trusted not to interfere too much with liberty.

But, even if such common sense has been enough to guide our political practice in this island, how does it commend itself to countries overseas to whom we have introduced our ideas of the art of government? We commonly regard our record in Ireland as our one failure in that art; but in this, are we not dangerously self-complacent? We did not become the greatest practitioners of government in the modern world by a vain endeavour to communicate our instincts to communities of different heredities and environments. We had something positive to teach them in the common language of humanity. But, in our drift from justice and liberty to convenience and equality, have we anything left to teach them today?

It is our insensitiveness to this issue, I think, that wrecks the contemporary relations between Englishmen and Indians. The Victorian administrator in India was, no doubt, intent on the maintenance and extension of the British Raj for its own sake; but to him, and to those he ruled, that Raj meant explicitly the same definable rules of order, justice, humanity and good faith that were the foundations of government in his own island. Even in social reform there was no great gulf between Shaftesbury's campaign against child labour and John Lawrence's three commandments: thou shalt not burn thy

widows, thou shalt not expose thy female children, thou shalt not bury thy lepers alive. But his successor today must make a virtue of not applying to India the policies of social reconstruction which are increasingly the stuff of government at home. He is pledged to non-interference with the religion and social habits of the Indian people; still more, he is pledged not to employ the Russian methods by which alone such reconstruction could be carried out under Indian conditions. He often does not see that these self-denying ordinances leave him to champion the British Raj solely as an end in itself, or to attempt the establishment of parliamentary government in India again solely as an end in itself, since neither the British Raj nor a federal parliamentary constitution can, any longer, be convincingly represented as effective instruments in India of any principles of good government, conservative, liberal or communist. Among multifarious peoples whose common characteristic is that they think in terms of religion, he finds himself justifying the British Raj on the sole ground of efficiency, and parliamentarism on the sole ground of convenience.

It would be well for our peace of mind if this dilemma were posed no nearer home than India. For there is one philosophy that fits our growing practice, a very old philosophy, but one that shocks the world afresh each time that it is propounded under a new name. Its present name is communism. Much-governed men always resort to it because, once they have learnt to assume that compulsion is the normal condition of social life, it gives to compulsion an intelligible purpose, and to the compelled citizen a hope of ultimate relief. It teaches that all men are equal especially in one point: that they have lost a common heritage which is rightly and naturally theirs. Their heritage has been usurped by their governors—kings or priests or capitalists—and existing law has created a System which is the instrument of their bondage. That System has not only deprived them of their rights; it has degraded their nature. Law is the source of sin. But what law has done, law can undo. It can clear the cumbered ground of man's original Paradise, and can then set him free to cultivate it afresh. Social reformers profess to clear the ground bit by bit, and have no doubt about their authority to override any individual rights in the process;

but their mountains of compulsion produce only mice, for on no plot of ground that they clear is the settler free from the contaminating influence of the System that still reigns supreme in the surrounding areas. Why do they not make full use of the authority they so confidently claim, and strike at the root of the System as a whole?

Hitherto, this philosophy has made little impression upon Englishmen. There may be several reasons for that, but the most tangible reason is that the System thus denounced, as they know it, has given to even the poorest of them some privacies and liberties that they value, and has set a pace for their lives which they would be sorry to see quickened in the interests of greater social efficiency. More, the close texture of what I have called our national family life has led them to identify these benefits with the System itself. That System gone, they might feel more free in the factory and more equal in the municipal theatre; but could they keep those fireside pieties to which their affections cling? Conservatives love to elaborate this pretty picture of a society too slow and kindly to be tempted into revolution. It has been not untrue to the facts, but how much of it will remain true as we set seriously about creating that 'new world' of which we talk so much today? Reformers can dispense with a philosophy of government only so long as the citizen feels that he is being reformed by his own consent; but, once our old catchword of 'government by consent' ceases to describe the citizen's real feelings, he will turn, as he has always turned, from those who govern him by instinct and tradition to those who offer to govern him on intelligible principles for definable purposes.

And those principles and purposes must be religious, at least in the sense that they cannot be 'beyond good and evil'. They must be based upon a coherent view of what man is, of what constitutes for him a 'good life', and of the means by which it can be attained. Of such are the principles and purposes of communism, even when it proclaims the abolition of God; of such were once the principles and purposes of the Christian State, even when it denied most flagrantly in its acts the God it professed to worship; of such must be the principles and purposes of any political philosophy which seeks to govern men in the future without repeating the crimes of the past.