V.—CRITICAL NOTICE.

The Metaphysical Theory of the State. By L. T. HOBHOUSE.
London: George Allen & Unwin, Ltd., 1918. Pp. 156.

PROF. HOBHOUSE has given us what is in many ways a wonderfully fine book, which deserves to be read and re-read as a counterblast to the Anglo-Hegelian glorification of the "State" by every one who is interested in the theory of *πολιτική* in the wide Hellenic sense. With the main principles of Prof. Hobhouse's argument the present reviewer, at least, feels himself heartily at one. It has rarely been his good fortune to meet in modern literature with a better or more convincing exposition of the fundamental proposition that morality does not rest on the State, but the claim of any State to allegiance on morality, or a more careful examination of the fallacies which beset the once popular identification of the "State" with the embodiment of the "real" will of its subjects, and of this "real will" with the good. If "general will" is either only a name for the ends willed at a given moment by the "damned compact majority" or a "*vox nihili*," if a man's "real will" (assuming that the words mean, as they should for the purposes of the identification of the "State" with God, what a man *actually* wills), is often far from being directed to true good, and if the "State" is only one of a number of interpenetrating social organisations, and I think Prof. Hobhouse establishes all these theses, the whole argument for regarding the nation-State as a superhuman source of rights against which no individual can have any rights of his own collapses completely. We find ourselves back again face to face with the good old Christian and English doctrine of indefeasible "natural" rights, and discover how much more truth there is in the theory of the "social compact" than the new Machiavellianism of nineteenth-century *Realpolitiker* has been willing to allow. At the same time I cannot but feel that, good as Prof. Hobhouse's book is, it might have been better still but for a certain tendency which runs through it to give up to party what is meant for mankind. The exposure of the fallacies of the worshipper of the State does not depend on any premisses involving propositions likely to be denied by an intelligent man whatever his "party" in local politics may be. Nor is the exaltation of the "State" into a god, or, at least, a vice-gerent of God, who can "do no wrong," confined to any one political party. It may appear as legitimist glorification of the "divine right" of a

monarch, as Napoleonism, as the alleged philosophical justification of collectivist regimentation or "proletarian dictatorship". But Prof. Hobhouse has a way of writing as though the doctrines which he attacks were somehow the peculiar property of "Conservatives" and as though Conservatism were another name for the exploitation of a whole community in the selfish interests of a particular class. "Rebel," "revolutionary," seem to be with him always epithets of praise, and the "rebel" to be identical with the "idealist" and even with the "philosopher and statesman". He has, in fact, a very poor opinion of the wisdom and honesty of all past or present rulers. From the true considerations that, speaking generally, institutions are not fashioned *en bloc* by a single intelligence, but grow, and that they are the results of compromise between parties none of whom ever foresee much of what will come out of their conflicts or co-operations, he tends to draw the conclusion that almost any individual who condemns existing social institutions and propounds a Utopia of his own is likely to be wiser than the society against which he revolts.

Now no one should complain that the temperamental bias of a writer on problems of social philosophy shines through his theories. The thing is inevitable, and it may fairly be said that Prof. Hobhouse's bias is a useful corrective to that of Prof. Bosanquet, against whose *Philosophical Theory of the State* Prof. Hobhouse's book is a direct polemic. But it ought to be clearly understood that so strong a temperamental bias seriously affects the historical value of much that Prof. Hobhouse says. It is not historically true that the theory which makes the State, as the embodiment of the "general will," superior to moral obligations has any special connexion with political Conservatism. As Mr. Hobhouse himself has to admit, it was not the "reactionary" Hegel, but the revolutionary Rousseau who invented the doctrine of "forcing" the dissentient "to be free". The theory was acted on by French revolutionists long before Hegel found it convenient as a defence of the personal rule of Hohenzollerns. At the present moment it is not likely to be acted on by "Conservatives," but very likely to be abused to the worst ends by "proletarian" dictators wherever political power falls into their hands. The men of the French Revolution had made the forcing of "freedom," as they understood it, on the "slaves of George and Francis" an excuse for aggressive warfare long before there was a German Empire with a *Kultur* to be imposed on the world at large. If we imagine that Tsars and "aristocracies" are the only or the most dangerous enemies of the national freedom of the individual we are likely to have our eyes painfully opened for us before long. Precisely because I set a high value on my own personal freedom, I would myself sooner fall into the hands of any monarch or aristocracy than into those of Mr. S. Webb or Mr. Smillie. "What Frenchman," said Johnson once to a speaker who was denouncing monarchy, "is hindered from passing his life as he pleases?"

There is every indication that under the well-regimented Socialist bureaucracy of the Fabians, or the working-class tyranny dreamed of by Mr. Smillie and his friends, very many Englishmen would be very effectually prevented from living as they please.

So, again, there seems no reason to presume that the social "rebel" is necessarily an "idealist" or a "statesman and philosopher". A man may be a rebel for the sake of a high ideal, no doubt. He may also, in a time of revolution, stand fast by the established order for high ideal reasons. On the other hand acquiescence and revolt alike may be, and often are, prompted by purely selfish and sordid motives. There are "rebels" who deserve no more sympathy than the *Apache* whom they resemble. There must surely be something wrong about premisses which lead *a priori* to the conclusion that Marat or even Hébert had the advantage of Burke in "philosophy and statesmanship". The fact is Prof. Hobhouse starts with a pessimistic estimate of social institutions which seems as unfounded as the optimism which he very justly ridicules. It is, I would suggest, not at all a fact that a governing class always "makes the laws" in its own class-interest, and with no regard at all for the good of the community. That was just the false assumption of Thrasymachus rightly exposed by Socrates in the *Republic*. What is true is that class-interest does often vitiate legislation. This does not in the least mean that it is the mainspring of all legislation. Thus, for reasons which have been forcibly expounded by Hobbes, the most absolute of monarchs is bound, even if it were solely for the sake of his dynasty, to aim at the well-being of his subjects, and in our own history we owe an inestimable debt to the legislation of such personal rulers as Henry II. So again, during the period from 1688 to 1832 when the "country gentlemen" were the real rulers of England, much that was indefensible was done from class-interest, but it would be a ridiculously short-sighted verdict to say that the whole, or even the main, attention of the ruling class of the period was concentrated on their class-interests. After all they governed on the whole well, certainly not worse than the manufacturers who succeeded to their position after 1832 or the demagogues who have replaced the manufacturers. It would at least be no very startling paradox to maintain that Sir Robert Peel was a *more* public-spirited and more intelligent "statesman" than the present Prime Minister, though Peel did belong to the "capitalist" class and Mr. George does not. Indeed, it seems to me that Prof. Hobhouse's zeal for democracy leads him to lengths which are really inconsistent with his own convictions. His own convictions appear to be almost those of the philosophic Anarchist. He seems to regard all restraint on the wishes of any man to do as he pleases as an evil, though a necessary evil, and to be anxious to reduce it to a minimum. But experience seems to show that real democracy is more intolerant of the freedom of the dissentient individual than any other kind of social system. You may see this, for example, in the United

States of America. You need not obey the laws there, if you can command the money required for setting the machinery which delays their operation at work, or if you have the active sympathy of the crowd on your side. But if you seriously offend the local majority you are lynched. A man who speaks his mind as freely as Prof. Hobhouse and has so individual a "mind" to speak, is just the kind of man who would find life intolerable in the kind of community to which, as a political party man, he seems to have given all his sympathies. I would suggest that Prof. Hobhouse should at least think again about a question which he appears to have decided a little hastily. He seems to assume that institutions,—except, possibly, in a democracy,—embody only the passions, not the intelligence, of their authors, while the opinions of the "rebel" express intelligence and not passion. Is this not less than just to established order and more than just to "rebels"? When a man is in violent revolt against the law of marriage, for example, how often are his "free love" opinions the result of calm and unbiassed study of human life, how often a mere disguise for his desire to get rid of his own wife or to annex some other man's? On the other side, there are surely some institutions to which Prof. Hobhouse himself is attached, not because he expects to "make" anything out of them, but because he judges them to be for the good of men. And he will not suggest that no one who happens to be more "conservative" than himself can be capable of the same kind of disinterestedness. I could also wish he would ask himself whether he is clear about his preference as between pacific Anarchy and democracy. I believe the first is his "real flame" and the second only his Euphelia. Well, the arrangement which allows a man Euphelia and Chloe at the same time is an agreeable one, but each is best kept ignorant of the other's existence. Democracy cannot avoid the coercion of the Anarchist who is so much of an "aristo" as to prefer his own judgment to that of the compact majority, and real Anarchy is essentially anti-democratic. If you are an Anarchist you *must* find the *vox Dei* not in the *vox populi*, but, so far as your affairs are concerned, in *yourself*. And finally, in view of his tendency to Anarchy, as shown in his assumption that any restraint on my liberty to do as I please involves evil, I wish Prof. Hobhouse had explained exactly what he means by the "equality" on which he insists as necessary to a sound social order. If I may do so without offence, I recommend him to re-read *An Enemy of the People*.

To come now to particulars. In a way, I am glad that Prof. Hobhouse should have composed a direct answer to Prof. Bosanquet's book. Every one who holds with Plato that politics is applied ethics must have felt that an exposition of the view that there are no rights against the State by a philosopher whose authority carries such weight as Prof. Bosanquet's ought to be directly answered, even if one thinks, as I incline to do, that *The Philosophical Theory of the State* is the weakest work Prof. Bosanquet has given

us. Yet, in a way, Prof. Hobhouse is hampered throughout his own reasoning by his choice of Prof. Bosanquet for his "drunken Helot". Prof. Bosanquet's second thoughts, as shown in the revised edition of his book, seem often to qualify the doctrine to the point of explaining it away, as Prof. Hobhouse himself recognises. Hence it often becomes necessary for him to distinguish between very different possible meanings which can be extracted from Prof. Bosanquet's text, and, for purposes of refutation, to adopt that which is ethically worst though logically most consistent with Prof. Bosanquet's express premisses. I suspect that in all these cases Prof. Bosanquet's bark is worse than his bite, and that his practical conclusions are not much more different from Prof. Hobhouse's own than might be expected from a difference in temperament, and Prof. Hobhouse seems to be of the same opinion. This inevitably gives a certain air of unreality to the monomachy between them. Also, I think, another consequence is that the great *practical* defect of Prof. Bosanquet's work goes unnoticed except in one incidental remark. So far as I can see, the practical mischief in Prof. Bosanquet's book is due not to Hegel but to the Charity Organisation Society. He does not really think, whatever he may say, that the State can "do no wrong," but he does seem to be quite serious in holding that the right spirit in which wrongs, whatever their origin may be, ought to be redressed is that of a Committee which takes a cold and unemotional interest in social statistics and social problems but has no sympathy with the individual as an individual, no bowels of mercies, and no capacity for white-hot generous indignation. The sufferer from a wrong seems to be regarded by Prof. Bosanquet and the C.O.S. not as a "brother for whom Christ died" but as a "case". Of course I know that in dealing with the diseases of the body politic, as in dealing with those of the natural body, it is well that the intellect of the physician should not be obscured by uncontrolled emotion. This, no doubt, is why physicians make it a rule not to treat their own nearest and dearest, but to put them under the care of a brother practitioner. And I own I suspect that a social reformer of the temperament of Mr. Hobhouse would be, in practice, in some danger of hanging the wrong man rather than no one when his indignation at some social evil is keenly aroused. But Prof. Bosanquet seems to carry detachment to an extreme. He seems to me, too often, to forget that however dispassionate we may be in our analysis of social disease, when the time to act comes, you must feel personal sympathy with your patient warmly if you are going to do him any good. Skill in diagnosis is by no means all that is wanted to make the great physician. I believe Prof. Hobhouse right in holding that the apparent emotional defects in Prof. Bosanquet's attitude are largely due to a purely false metaphysical opinion that all evil is illusory and that the worst things in the world, if we only knew more, would be seen to be "necessary to the perfection of the whole". The denial of contingency seems to me to be fatal to ethical seriousness if one is in earnest with it, as some of the Eastern philosophies

are. I am not sure whether Prof. Hobhouse means to suggest that such a denial is a necessary consequence of a genuine Theism. If he does, I believe he is mistaken, but the point need not be argued here.

In his opening lecture Prof. Hobhouse, where he is insisting on the indispensability of ethics as one of the bases of social philosophy, has some remarks which might perhaps provoke a little criticism. Social philosophy, we are told, has primarily to deal with the ideal at which we should aim, but this ideal "must grow out of reality," "it must be that which we can become," "must be sociologically possible". Prof. Hobhouse's point is that social science is the study of the "sociologically possible," and that it is thus a study of events through their causes. In the popular phraseology of the day, social philosophy deals with "values," social science with "facts," but the former implies the latter. "Even as pure theory, the philosophical view cannot afford to disregard the facts." Unfortunately, there "exists a form of social theory which repudiates in principle" this distinction between social philosophy and social science. This is the theory that the world actually is already perfect. I have already, I hope, made it clear that I fully agree with Prof. Hobhouse that sound ethical and political theory are impossible if we start with the assumption that what ought to be is just what happens to be. But I am not wholly satisfied with his conception of social science as distinct from social philosophy. You certainly cannot discover what ought to be by merely asking what is and how it has come to be. But how is it proposed to make a *separate* study of the "sociologically possible"? How do we learn what it is possible for us to become except from the knowledge of what we ought to be? We know what we ought to be, and we learn from what we ought to be what we can be. It is because we know that we ought to live the good life that we believe it possible to live it. On this point Kant's doctrine seems to me substantially right. Even to the question of "fact" *What am I?* the truest answer is that I am a being such that I *ought* to pursue certain ends, a being who ought to discover truth, to do good and to make what is beautiful. Prof. Hobhouse seems to me to leave too much of the type of theory he rejects standing when he concedes that we need to find out, by some method incomprehensible to me, what we can be before we are in a position to formulate our "ideal" for ourselves. I should rather have maintained that we start with the knowledge of what we ought to be, and that "social science" is altogether confined to the humble task of indicating means to an end which has already been prescribed for us by ethics before we begin to consider "facts" and laws of causal connexion at all. This is not to justify the "ethics of revolt". They are usually prompted by annoyance with a world in which the "rebel" cannot have everything as he would like to have it. But the only question of ethical significance is the question not *What should I like?* but *What is good?* It is only a very thoughtless Hedonism

which confuses the first of these questions with the second. I do not think Prof. Hobhouse is, in intention at any rate, a Hedonist, but I think he does at times fall into a confusion between what we wish for and what is good which creates needless difficulty in his social theory and leads him to an unduly pessimistic estimate of the actual. He sees the world very much as a "vale of tears" because he tends to argue that all of us have to go without much we desire, and to be disappointed of your desires is always evil, though it may be an unavoidable evil. But is it so certain that the mere failure to gratify your desire is evil as such? Surely the answer is "that depends on what you are desiring". If a man desires what is not good, it is better that his desire should be thwarted, or, it may be, overridden by the social order with its penalties. The evil in this case is not the thwarting of the desire but its existence. "It is not good for men to get all they wish for," as Heracleitus said. There are real evils enough in the world without adding to the number the failure of the fool to get the worthless things on which he has set his fancy. But unless we reckon the disappointment of the fool as a real evil, the world does not turn out to be so black as Prof. Hobhouse is inclined to paint it. It is no more all evil than it is all good, and, though it is right to be keenly alive to the amount of preventible evil, it is also our duty not to brood sullenly on our own hardships and disappointments, but to cultivate the habit of keeping our eyes open to the sources of happiness that are always open to us. "There's always the wind on the heath," and there is always that supreme Beauty which some of us call God and others call by other names, and from these sources of delight no one but ourselves can separate us. I do not want to say a word which could be taken for a moment as a denial that the suppression of injustice is a universal duty, but I cannot help remarking that it is not from the mouth of the real victims of "social oppression" that the doctrine of "revolt" usually comes. Envy and carnality do more than "oppression" to make the red-hot "social rebels".

I suggest that Prof. Hobhouse has allowed his justifiable opposition to any doctrine which sacrifices the well-being of individual men and women to a fancied well-being of a mythical leviathan to mislead him into an unduly egoistic conception of the end of life. Certainly the State and its institutions have no value except as ministering to the well-being of men and women, but it does not follow that to minister to a man's well-being is the same thing as to provide him with what he likes. He may like what is bad, and in that case you do not minister to his good at all by putting him in the way to get what he likes. Hence I cannot think, as Prof. Hobhouse seems to do, that there is anything necessarily evil about the restraint which life in society puts on a man's freedom to "do all he likes". This conception that freedom and law are not really compatible seems to me to vitiate some of the things which Prof. Hobhouse says in his otherwise excellent treatment of *Freedom and*

Law and The Real Will. Prof. Bosanquet would, I think, be able to make out a strong case against some of the contentions of both these chapters. Prof. Hobhouse seems to me not quite alive to the ambiguity of the words "want" and "to want". When it is said that *A* wants *x*, this may mean either (1) that *A* wishes to have *x* or (2) that it would be good for *A* to get *x*. It is only when the phrase is used in the second sense that it can be said that it is always an evil that *A* should not get the *x* he "wants". And when the words are so used, they may refer to something which *A* does *not* wish for. (E.g., "what you want is a jolly good thrashing" may be neither more nor less than the truth.) Since many, if not most, of the things we "want," in the sense of lusting after them or being discontented because we can't get them, are bad, I see no reason to hold that it is *per se* an evil thing that the existence of law and order means that all of us have to go without many of these things. In fact I should think a society in which I was not hindered by force, if needs be, from gratifying some of my wishes, morally very bad indeed.

So again, I find such an assumption as that the "interest" of the "million" must be "greater" than the interest of the "one" (p. 30) highly ambiguous. If it means that it is better that a million persons should enjoy true good than that only one should, I agree. But so understood, the remark does not make in any special way for "democracy". If it is meant that it is reasonable that what a million persons wish for should be done rather than what one person wishes for, the proposition may be disputed. The "one" may be Socrates or Christ and the "million" may be sots or rogues.

It naturally follows that I find it hard to agree with Prof. Hobhouse's views about obedience. He will have nothing to do with the doctrine of winning true freedom by obedience. Obedience (p. 59) is always the choice of "the lesser evil," because it means doing what I do not wish, submitting my will to that of some one else, and this is always an evil, though not so grave an evil as the submission of a greater number of wills to mine. So we are told on page 35 that the man who subdues passion and follows principle is not really free, because obedience to principle means the inhibition of passion or impulse. Since, as Prof. Hobhouse adds, distraction between rival passions or impulses is not freedom either, it begins to look as though freedom meant something quite impossible under any social conditions from those of complete Anarchy to those of thorough-going regimentation. If it is an impossibility, it can hardly be the important thing Prof. Hobhouse assumes it to be. But surely it is plain that in aiming at what we are convinced is true good we do feel ourselves free, even though we may have to inhibit unruly motions of the soul towards what is judged not to be true good. And is it not equally plain that we only learn to choose true good, and to choose it steadily by a training in obedience to *just* law? Prof. Hobhouse seems to hold that the real meaning of freedom is following, without internal or external

let or hindrance, a self-chosen end, be it what it may, and the real meaning of obedience is submission to the wishes of another. No doubt, to be free at all you must be living for an end you judge to be good, but to my mind, the really important point is not simply that you judge this end to be good, but that your judgment is also a true one. And so, to my mind, obedience need not be submission to the will of another, because it is that other will; it may be submission to one's own conviction about good. Thus the ordinary good Christian will say that it is the supreme rule of life to do what God wills, but he means always to imply that God wills what is *per se* right and good. I cannot myself see that it is ever an adequate reason why a thing should be done that *I* will it; the one really satisfactory reason for doing anything is that it is good that it should be done. We shall never recover a sound Ethics until we once more make not the "self" but the good the central concept of our moral philosophy.

It is this touch of over-insistence on what the Hegelians would call "bare" or "unmediated" selfhood which makes me feel that Prof. Hobhouse's attack on the notion of a "real" will, other than the conscious choices of an individual person is hardly as successful as his criticism of the conception of the *volonté générale*. The controversy about the "real" will seems to me at least itself only half-real. Prof. Hobhouse will hear nothing of the notion of "degrees of reality": with him, of every subject you must say either that it is real or that it is not. This means, of course, that the "real" is taken as equivalent to the "actual". But though any one is free to use the word "real" in his own sense, if you do choose to identify the real with the actual, your identification makes nonsense of the writings not only of the philosophers who have spoken of an *ens realissimum* but of those of the poets who talk, for example, of "Forms more real than living man". We may say, no doubt, that Anselm or Shelley was talking mere nonsense, but at least they thought they meant something, and it might be worth while to try to find out what that something is. In the case of the controversy about the "real" will, Prof. Bosanquet would, I conceive, admit what is urged against him. He would not maintain that the "real" will of which he speaks is a series of actual conscious choices. On the other hand, however, he has himself given excellent examples by way of illustration which ought to make it clear that he means something quite definite. I remember that he speaks, for example, of the blame which we bestow on the police if a bad accident results from their failure to protect a crowd from the consequences of ~~its~~ own impulsive acts. When this happens, no one supposes that, as a "psychological fact" the crowd who expose themselves to injury by breaking down barriers actually frame a conscious volition which is thwarted by the ensuing accident, but this criticism only shows at most that the *name* "real will" is perhaps not the best which could be devised for our relation to what we care about supremely. It does not show that a man is unfree, in any sense in

which to be unfree is evil, because the police will not let him endanger his neck. Or, to take a different example, has Prof. Hobhouse ever read *Le Docteur Pascal*? If he has, he may remember that one of the leading ideas of Zola's story is that "love" between a man and a woman is often "camouflaged" desire for offspring, though it is only when the desired child is there, or is on the way, that the parties become alive to the fact. This is, I should have supposed, a notorious fact, though, of course, it is not the fact that the desire for the child has consciously been present all along. Yet it would be carping at words to cavil at the phrase, "what Clotilde in *Le Docteur Pascal* wanted all the time was maternity".

The real source of mischief in the Rousseau *cum* Hegel doctrine seems to me to be not the theory of the "real" will, but the confusion of this "real" will, or whatever else you like to call it, with the "general" will, and the further curious equivocation by which the "general" will—i.e., the will animating a corporate body, is identified with a will for an "universal" object. The first confusion seems to arise from forgetting that though we never will anything except *sub specie boni*, each of us actually wills "what appears to him to be good," and what appears to me to be good may often be bad. If we were all perfectly wise, and willed only what really is good, we could without leading to misunderstanding speak of the will for good as the "general will" or "will of the community". It is just because we have not all insight into the true good that there is no guarantee that the "community's will" is right. Prof. Hobhouse's criticism of this doctrine of the *volonté générale* (p. 50 ff.) appears to me admirable, except that I find it hard to follow him in what seems to me his view that "isolation" is the "core" of individuality. Surely it is by being what it is, not by not being something else, that the individual is individualised. Individuality cannot be mere negation. What Prof. Hobhouse is opposing when he maintains this negative view of individuality is, of course, Prof. Bosanquet's persistent attempt to represent individuality as something quite superficial, and individuals as capable of actual "inclusion in" an individual of a "higher" type. I am quite in accord with Prof. Hobhouse's repudiation of this doctrine, but I am not sure that his criticism of it is the true one. May it not be that the really pertinent criticism is that the theory rests on a confusion of the individual subject with that of which he is immediately aware? I do not see why the whole of what I am aware of might not also be apprehended by a second or a third subject. Even my "organic sensations" do not seem to me to be demonstrably unshareable. To put the point in popular language, I do not see that it would be impossible that my body should be "organic" to several intelligences. In that case, the "contents" of the various "experiences" would consist of the same constituents, with the difference that what was "focal" for one experient would be "marginal" for another, and that the "involuntary reactions" of one would be the "voluntary acts" of another. If this were the fact, some might

be tempted to identify the different experients, but this, I take it, would be a mistake. The "contents" of two such experiences might be identical, but the subjective attitudes of the experients to these "contents" would be different, and the two experients would therefore be two individuals, and not one. I am using my suggestion, of course, as a mere illustrative hypothesis, but there are known cases on record of pathological abnormalities which make it possible that the hypothesis may be something more than a fiction.

Is Prof. Hobhouse sure he is quite justified in saying that in a "democratic and uniform society" we "expect to find greater mildness in the use of penalties"? I mean, if we expect this, does experience show that the expectation is well founded? I am not sure that the statement does not require modification. It seems to be true that the penal code of an orderly democratic state is comparatively mild, but, on the other side, effective democracy seems to mean much the same thing as the domination of the local mob, and the local mob has a way of "penalising" disagreement with its prejudices by "lynching". In the United States it is harder to get a murderer executed after conviction by a lawful court than in most European countries, but if you give serious offence to the "boys," you are hanged, or, if your skin is black, burned alive by the local mob. The mildness of the penalties imposed by legal courts for offences against known law seems to be compensated by extension of extra-legal violence. Some of us would perhaps prefer a harsh penal code, fairly administered, to a "Terror," "Red," or "White," or to the extraordinary jurisdiction of Judge Lynch. It is after all, perhaps, only a secondary matter whether the constitution of a community is to be "democratic" or not. The great primary difference is that between societies which are ruled by known law, and societies which are ruled by caprice, whether the caprice be that of one man, of a few, or of the many. I myself should find it impossible to give any answer to the question whether "democracy" is a good thing or a bad, unless I were first told whether the democracy meant is one with a "fundamental law" or without one, and I should not suppose I am alone in my difficulty.

The chapters on *The Will of the State* and *Varying Applications* strike me as the best in Prof. Hobhouse's book. When allowance is made for the temperamental bias of which I have spoken, Prof. Hobhouse seems to me to say exactly what it is most necessary to say in reply to the deifiers of the State (*das Unthier, das Reich*, as Nietzsche calls it), and to say it so well that praise would be almost an impertinence. On the main issue, that, granted there is an embodied something whose will it is the whole of our duty to do, it is by no means clear that this something is the "State" rather than, e.g., the "Church" or the *Internationale*, he has the strongest of cases, and he does it the fullest justice. As I have indicated, I think a dispassionate court would find at any rate a verdict of "not proven" on some of the counts of the indictment against Prof.

Bosanquet, but on the charge of confusing human society, the "brotherhood of man," with the Government for the time being, I do not see that any verdict is possible but "guilty," perhaps "with extenuating circumstances". Indeed, when I remember the extreme utterances in favour of passive obedience in the *Principles of Political Obligation*, I am not sure that it is not by a little favouritism that Prof. Hobhouse contrives to acquit T. H. Green.

Still, even in these excellent chapters, there seems to me to be a fair amount of special pleading. Thus it is observed, with too much justice, that most actual law is the product not of one will guided by clear insight into good, but of many wills, co-operating and clashing, swayed by very different and often very ignoble motives. This seems to me, however, a consequence of human imperfection which affects democratic government as much as any other. The "rule of the majority" often enough means in practice a combination of certain sections of society, each primarily concerned about its own advantage, to "exploit" others. Thus it seems to me quite possible that we may see in our own country the ruthless oppression of the so-called *bourgeoisie* by a combination between a lazy and vicious "proletariat" of loafers and a small ring of financial and political "bosses," both utterly indifferent to the "good of the whole". At any rate, I do not see how democratic institutions create any obstacle to the formation of such a combination. When one thinks of the bare-faced impostures by which the last General Election was won, one may be pardoned for wondering whether the best way to arrive at a fair estimate of democracy would not be to take all that Prof. Hobhouse has said of it, and all the Dean of St. Paul's has said, and try to "strike the average". On the other hand, it seems to me that the Anarchist in Prof. Hobhouse gets the upper hand for the moment when he maintains (p. 69) that the "spirit of world-history" is a "process in which States contend and destroy one another". Do they really never do anything else? Do they never co-operate and contribute to the building up of each other? The utterance reminds one of Shelley in his most pessimistic mood, but I can hardly believe that Prof. Hobhouse looks on history, as Shelley did by his own avowal, as a mere "disgusting" record of crime and folly.

Prof. Hobhouse returns to his point on p. 81 when he says, with obvious intention to extol the judgment of the individual "rebel," "when I will a thing, I clearly see what I mean to do". If this means that Prof. Hobhouse never takes a resolution without seeing clearly what, on a sane estimate of probabilities, will come of it, seeing "what he means to do" in all its bearings, he is a wiser man than most of us, and I would cheerfully exchange the best of democracies for the rule of the philosopher with Prof. Hobhouse as philosopher-king. But if Governments usually do not see very clearly what they are doing, "rebels" seem to me to be in much the same case. Did the promoters of the recent strike in the Yorkshire coal-mines see very clearly what they "meant to do"?

Or the "democratic" Cabinet which passed the Trades Disputes Act, and by doing so made the "strike against the community" possible? On the other hand, very few Governments known to history can ever have been so short-sightedly selfish as it is assumed at pp. 82-83 all Governments are. "The complete ἀδικία" described there might perhaps be nearly realised under a ruthless "proletarian dictatorship" or a thorough-going control of affairs by a group of Trust "magnates," but it goes far beyond anything that has ever been seen in our country, except perhaps in one or two periods of anarchy when there has been for the time no effective Government at all. It is to be hoped that such utter class-selfishness is a mere fiction, but if it is possible, surely it is just as likely to arise in the classes which are inevitably specially favoured by "democracy" as in any others. Arguing against the identification of the enactments of a governing class with the "general" will, Prof. Hobhouse pertinently reminds us that "it was not by the will of the peasantry that their fields were enclosed". True, but it was equally not by the will of the great mass of the people that 6s. a ton was recently added to the price of coal, nor will it be by the will of the *bourgeoisie* if they are loaded with taxation to provide one advantage after another for the industrials of the well-organised Trades Unions. But "democratic" institutions are quite powerless to prevent this form of injustice.

The carefully considered discussion of "conscientious objection" to the law on p. 90 ff. seems to me one of the best pieces of work in the book, but I think some injustice is done to the Government in the rhetorical attack on them in the note on p. 94 about the hardships suffered by certain objectors to military service. That there were cases of genuine hardship is undeniable. But they were caused, as I should say, in the main by a well-meant error on the part of Government. The rational course would have been to allow no exemptions on the ground of "conscientious objection," and to impose a uniform penalty. The conscientious objector would then, no doubt, have had to suffer for his objection, but in the world as it is, this seems to be the inevitable price for being before—or behind—your age in your "convictions". I, at least, should not think I had any right to complain if I were penalised for my conviction that it is wrong to do what my countrymen as a body think it a man's duty to do. The Government, meaning to be kind to the really conscientious objector, allowed such objections as a valid ground for exemption. This, of course, produced, as might have been foreseen, a crop of hypocrites who pleaded "conscience" as a mere excuse for shirking onerous and dangerous service, and the consequence was that the cruel task of finding out who were the real "conscientious" objectors, and who were the hypocrites, was inevitably thrown on local tribunals. That there was no uniformity of standard between the different tribunals—the chief grievance of which Prof. Hobhouse speaks—was again inevitable. The variations of standard really give no ground for attacking the integrity of the members of

the tribunals, or denouncing them as persecutors. I cannot help thinking that Prof. Hobhouse would be kinder and juster in discussing the blunders of bodies composed of "working-men".

I am a little surprised again to find Prof. Hobhouse, on p. 110, expressing unreserved approval of a well-known passage in the *Biglow Papers* which, if it means anything, means that every private soldier employed in a war which has been unjustly resolved on, is a murderer. This seems really absurd, particularly in the case of a war in which the combatants are not volunteers but conscripts. It is only reasonable that the ordinary private man, whose opportunities of knowing and judging soberly of the facts of the situation which has led to a war are so limited, should be held clear of the responsibility for the goodness of the cause. Of course, a man may have information which would make it his duty to refuse to serve, but it is nonsense to suggest that there were many men in this country during the late war who could have had special knowledge of this kind. To do the "conscientious objectors" justice, most of them did not make it their plea that *this* war in particular was unjust. Their objection was to war as such. And on the general question, one may fairly ask both Lowell and Prof. Hobhouse, neither of whom professes to regard war as always wrong *in se*, is the executioner who hangs a man convicted on the evidence by a legally constituted court a murderer, if it turns out afterwards that the man was *de facto* innocent? Is the turnkey who keeps a prisoner in custody a criminal if it is discovered that the man's conviction was a mistake? Is a hangman to refuse to do his office or a turnkey to release his prisoners unless he has first formed a personal opinion on the merits of the case? We usually hold that that is the business of the judge and jury, and that it would be intolerable presumption on the part of the executive officers to usurp the judicial function. Why is this principle to be rejected in the case of the soldier? I can only presume that Lowell was assuming that, in the special case of the Mexican war, every one who volunteered already *knew* that there was no justification for hostilities. I cannot suppose he meant anything so absurd as that the professional private soldier is always personally responsible for the decisions of the Government which employs him. One must remember that Lowell's lines are not addressed to professional troops; they are meant to deter civilians from volunteering for what Lowell held to be an iniquitous filibustering campaign. I am also not sure whether in some of the remarks which Prof. Hobhouse goes on to make about the distinction currently made between what a man may do as an agent of the State, and what he may do as a private gentleman, he keeps in mind the point that it is not quite clear that, when I act as a trustee for others, it is permissible for me to be as accommodating as I might if I were acting only for myself. For example, it is praiseworthy, in one's own concerns, not to insist on the letter of one's legal rights, but I doubt whether a trustee is not morally bound to insist on the full legal

rights of those whom he represents. This does seem to me to set certain bounds to the legitimacy of a policy of "graceful concessions". Of course, I do not mean for a moment to deny that no such considerations can be urged in defence of a great deal which "statesmen" have been accustomed to permit themselves to do on the plea of "reasons of state". I merely wish to suggest that in discussing these problems something of the dispassionate candour of Henry Sidgwick is as necessary as zeal for righteousness. I should not like to say myself, without qualification, that it is always wrong for an agent of the State to do what he would not do for himself in a private affair. I should prefer to say that he must not do the sort of thing an honourable man would judge it wrong to do as a trustee for a client.

As might be expected, Prof. Hobhouse hopes a great deal from a "League of Nations". I wish he had faced the difficulty which makes some of us rather less sanguine. Have we really very solid ground to hope that the judgments of such a League will always be given only after impartial scrutiny of facts, and will represent the honest convictions of the parties? If we have not, the findings of such a body will after all at best embody not what Rousseau calls the *volonté générale*, but only the *volonté de tous*. I doubt very much, for example, whether a League of any kind would have given a really just verdict on the issue between ourselves and President Kruger. Some of its members would have taken the side of Kruger merely from envy of the United Kingdom, others from a sentimental feeling for small countries as such, others to oblige powerful neighbours, while yet others would probably have supported our own contentions because it was to their own interest not to disoblige the United Kingdom. I gravely doubt whether a single vote would have been determined simply and solely by honest convictions about the rights and wrongs of the quarrel.

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