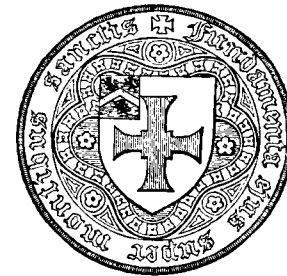


UNIVERSITY



OF DURHAM

RIDDELL MEMORIAL LECTURES

Sixteenth Series

THE UNKNOWN STATE

A Plea for the Study of Government

*Delivered before the University of
Durham*

BY

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EXCHANGE

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I

THE DECAY OF POLITICAL THOUGHT

§ 1

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-

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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 *Deutschum*.

§ 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-

selled 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.

It is here, of course, that I encounter the fence which all Riddell Memorial Lecturers must either jump or refuse: the fence of asserting the validity for all men of what I personally believe, but cannot prove. In this particular race, for which I have entered, I have no choice; for it is also the fence which all governors of men must jump sooner or later. If I am to finish the course, I must propound the philosophy of government that I believe to be approximately true. It may be only a hypothesis, but it must be one hypothesis; for, however much the State may restrict its claims on the obedience of its citizens, its claim, when asserted, is at any given moment absolute, and absolute obedience cannot be exacted, even for a day, in the name of alternative theories of authority. The philosophy of government that I believe to be true is a Christian philosophy. I must try to propound that philosophy in my next lecture. In my final lecture, I hope to apply it to some of the practical issues of government, as I foresee them in (let us say) the next twenty years.

II

A CHRISTIAN PHILOSOPHY OF GOVERNMENT

§ 1

I HAVE said that a philosophy of government must be based on a coherent view of human nature. Now, a base should be broader than the structure it supports. The physician, for example, who believes that physical health is based on mental health will not be enlightened by a psychology which can express itself only in physical terms. Nor can the jurist find a secure basis for a philosophy of law in a philosophy of human nature which can express itself only in legal terms, in terms, for instance, of 'natural rights'. This trick of circular argument is the familiar pitfall which every sound scientist avoids, but into which every political philosopher seems to fall, not least the scientist who attempts such philosophy.

Here, a Christian philosophy of government starts with one great advantage. The Christian can express human nature only in terms of its relation to God; and, if God be what the Christian believes Him to be, man can have no rights against Him. Indeed, in any legal sense, man can have no duties to God; for the essence of legal duty is limitation and definition, but there can be no bounds to the Divine Will nor to man's function of conformity with it. Like the communist, the Christian asserts that man has lost his most valuable possession and that he can regain it; but, unlike the communist, the Christian must refuse to describe that loss as a loss of rights. He must even refuse, at the outset of his argument, to describe the present consequences of that loss and the future hope of recovery in the legal language of slavery and emancipation. That language is scriptural, but it belongs to the application of Christian philosophy, not to its principles. For the Christian, the Divine Will is the only reality; at the outset of his attempt to understand himself, he must have the courage to forget himself in the presence of the purpose of God.

The purpose of God is that man who is the image of God

shall become partaker also of the nature of God. The means to that end is the knowledge of God. All men are capable of knowing God, but their capacity must be gradually developed. God therefore reveals Himself progressively to men as they are able to understand Him. As the revelation deepens towards intimacy, it becomes possible to say that God imparts Himself to men as they are able to receive Him, that God dwells in men and that God's life is manifested in men. To this relationship, no man is compelled, and access to it cannot be gained, nor progress in it attested, by observance of a code. The language appropriate to it is the language of learning and belief, of fatherhood and sonship, and, ultimately, of men changed by full knowledge of God into the likeness of God.

This relationship of men to God has obvious consequences in the relationship of men to each other. In the purpose of God, the community of mankind is a reflection of the communion of its members with God. Its bond is that of a family, growing in the presence of its head and drawing from him the unconstrained impulse to mutual service. To embody and display this relationship of men to God and of men to each other is the function of the society called the Christian Church. But it discharges it subject to one essential limitation.

That limitation is the loss which man has suffered. Belief in that loss seems to have been common to civilized man in all ages. It may be only a translation into historical terms of an obvious fact: of that contradiction in man's nature pictured by Plato 2300 years ago, in his image of the charioteer of the middle heavens, one of whose ill-matched pair of horses strains upward to the gods, while the other drags downward to the earth. It is difficult for the human mind to reconcile that contradiction with belief in a beneficent Creator except in terms of an historical 'fall'. However that may be, the Christian description of man's loss is that man has frustrated the purpose of God by rejecting the direct access to God which he was intended to enjoy. He has rejected it because he has preferred a shorter cut to what he covets most in God. God rules all things; man, the partaker of the divine nature, is destined to share that rule; but man, the image of God, is already able to control his own environment. He has preferred the immediate exercise of that control to a painfully attained understanding

of how God wills that it should be exercised. He has preferred the knowledge of his own power to the knowledge of God. The Christian can describe this rejection, like the communist, in the language of usurpation, but he prefers the language of pathology, for what is important to him is, not the act of a few successful snatchers after power, but the general malady of mankind. That malady is a corruption of the appetite and an infirmity of the will. It infects the company of the Christian Church, as it infects all men, defacing its life and discrediting its character.

Yet we are, perhaps, more ready today to recognize the Church's character, as demonstrating at least the possibility of positive goodness; for to us has been undoubtedly demonstrated the actual existence of positive evil. We know, from our own experience, that the lust of power is no mere revolt against law, but that it is rather an essential lawlessness that pre-exists all law. We have seen, nakedly revived in the heart of conventional Europe, the raw violence of the earliest empires of the Middle East, combined with the mystic worship of a Saviour Caesar. We have seen the power of this combination over the mind of men; we recognize St. Paul's description of the rejectors of God: boasters, inventors of wickednesses, conscienceless, faithless, pitiless, merciless; and, recognizing it, we know it, with St. Paul, to be but the magnifying mirror of ourselves. In the light of that revelation, we can understand the recurring panics of Christendom, throughout its history, at the sight of lawless genius in the seat of government. Our social peril is not, as we thought after the last war, the Acquisitive State, the distortion of law to serve economic selfishness; it is the will to power which can be satisfied only by arbitrary domination. We are beginning to understand again that the deepest conflict in the human heart and in human history is, not between the law-breaker and the law-abider, but between the ambition which knows no law and the love which needs no law.

It is in this setting of positive good and positive evil that we have to consider the relativities of law. Man has frustrated the purpose of God, but he has not defeated it. The purpose remains unchanged, but the education of man has been set back to a more elementary stage. Having lost his direct access to God by lawlessness, he must be brought back to it by the

discipline of law. Having refused to know God as father, he must learn to know him as master. Law is the restraint of man's lawlessness towards his fellow-man; it is the preliminary remedy for his constitutional malady; but, above all, it is the elementary revelation of God's nature to men who must be schooled in righteousness before they can apprehend love.

§ 2

Here we come definitely into the domain of historical fact. The history of civilized man is the history of the creation of the Moral State. That may be said to be man's one historical achievement; or, rather, it is man's one historical adventure, whose end is still to be achieved. Only along the line of that adventure is there any continuity in his history; but along that line the continuity is unbroken. The thread runs from Jerusalem to Athens across the catastrophe of the sixth century B.C.; it runs from Rome to Aachen and Winchester across the Dark Ages of our own era.

It is at this point that, I humbly think, the classical Christian philosophies of government have gone wrong. I am not delivering a statement of the Christian faith, and I must be forgiven if I seem to speak summarily of the central fact of that faith. The Christian believes that, 1900 years ago, men had reached a stage in their schooling when the way of direct access to God could be reopened to them. He believes that it was reopened by a culminating revelation of the nature of God. The result was the creation of the Christian Church. For nearly three centuries the teachers of that new society assumed the continuity of the old society of the Roman State, first as God's minister of an old order which must co-exist with the new until the consummation of all things, and later as the corrupt Babylon which must survive to be judged in the day of God's vengeance. But the events of the succeeding century threw them off this balance. They saw the Church established as the only permitted religion of the Roman State; they saw this new Christian State collapse in a welter of barbarism. Out of this confusion emerged, under the hand of Augustine and others, a new theory, itself confused, that the Church had, in some sense, superseded the State. There was still an Earthly, as well

as a Heavenly, City, distinct in their functions at any given moment; but it was the mission of the Heavenly City to convert and absorb the Earthly. The performance of that mission would be the key to all future history; the rise and fall of evanescent rulers would but confirm the triumphant progress of a Church destined, not only to inherit the heavens, but also to rule the earth.

The historian, as Professor Powicke remarked in his Riddell Lectures six years ago, cannot confirm this philosophy of history. I should say that the historian cannot confirm it because it is philosophically and theologically untenable. In so far as the Church is, what its early teachers believed it to be, an elect body, living in a communion of love beyond the law and learning the exercise of spiritual powers which belong to a future state of being, it is evidently unfitted, by its essential character, for the formulation and enforcement of law. In so far as it is, what it once was but is progressively ceasing to be, a *respublica Christiana* whose membership is practically identical with that of the State, it cannot claim that its members no longer need the discipline of the State. In either case, the Church cannot claim to be a 'redeemed community' in any other sense than that its members know that the price of their emancipation has been paid. The whole language of its scriptures and its creeds commits it to belief in a future emancipation not yet accomplished. It lives by hope; and, for the present, it claims only that its members have graduated from the education of servants to that of sons, while still needing the restraints of a master's discipline.

The Christian philosopher of government must, therefore, accept the fact that the authority and functions of the Moral State have not been essentially changed by the Christian revelation. If that is a paradox, the consequences of not accepting it have been sufficiently demonstrated in history. The Christian who has thought it beneath his dignity to take an Old Testament view of the State has been invariably forced into taking an Old Testament view of the Church. An early Christian Father saw this danger in the millennial dreams of his contemporaries, and the language he used to describe those dreams fits exactly every Christian attempt to regard the rule of Christ as having been, in any literal sense, established in the Church,

or as being in process of establishment through the Church. The Christian who makes that attempt is driven to express his conception of the Kingdom of God in the same terms that Jewish nationalists once used to describe the Kingdom of Israel: in terms of *μικρὰ καὶ θνητὰ καὶ διὰ τὰ νῦν*—'of mean things, and mortal, and of things as they are'.

Yet the assertion that the Christian revelation has not changed the character of the State requires one evident qualification. If the function of law is to reveal, within its limits, the nature of God, it cannot be unaffected by the culminating revelation of that nature which the Christian believes to have taken place. The Christian governor and the Christian citizen must measure their laws by that revelation, in so far as it is translatable into terms of law. That principle is clear, but its application is usually the reverse of what might be expected. For the Christian revelation has added little to, and subtracted little from, the field of moral law; even the strictest interpreters, for instance, of the Christian law of marriage would regard it as little more than the fulfilment of principles implicit in a pre-Christian revelation. The main teaching of Christianity in this field is, rather, that observance of the moral law must be measured, not by the letter, but by the spirit. But that is equivalent to saying that its observance must be measured by a standard which the State cannot and ought not to apply. It is the business of the legislator and the judge to define and enforce the letter of the law; they must adapt and reinterpret the letter to fit the changing circumstances of social life; but the moment they claim to look behind the letter to the spirit, they deprive the citizen of the security of known law and expose him to all the dangers of discretionary decrees. A modern example is the expedient of the 'indeterminate sentence', once so popular with American reformers of the criminal law. It has an air of Christian mildness, for it appears to substitute cure for punishment; but it makes the citizen's freedom or servitude depend upon the discretionary judgement of official experts. In other words, the Christian revelation has not changed the standard of State law, but has bidden men not to be content with that standard.

The real significance of the Christian revelation to the Christian governor and the Christian citizen is that it enlightens

them to see their due place in the whole purpose of God. It dignifies their work by assuring them that they are indeed God's ministers, and that the Moral State is, indeed, a revelation of the righteousness of God. On the other hand, it sets clear limits to their ministry, by reminding them that social or individual salvation is not by the law, even if it be God's law, and that men have therefore higher duties than the law can enforce, for the performance of which the law must leave them free. It is only, I think, in this sense that the 'Christian State' is a reality, is something more than a State whose office-bearers and citizens happen to be, for the most part, Christians. A Christian State is a State which accepts this enlightenment and, while necessarily legislating only in the letter, brings this spirit to its deliberations on policy.

§ 3

It is this apparently modest view of Christian government that has, in fact, rescued the great adventure of the Moral State from its repeated failures. From the dawn of history in the Middle East, the village community was the unit of the moral law, popularly defined and popularly enforced. It remained so as successive empires engulfed it, levying tribute, exacting service, dictating forms of State worship, taking over such parts of the moral law as seemed essential to imperial order, but leaving its life otherwise untouched and unimpaired. Its rudimentary moral integrity was one of tradition and environment, incapable of transplantation. Then, in Greece, the village community became the City State, but lost all integrity in the process. That failure generated some of the most powerful political thinking in human history; but for that, the Greek City State might be written off as the Neanderthal man of political evolution. The age of empires returned, until the old adventure began afresh in the village communities of barbarian invaders. In the course of centuries this new experiment was pushed much further than the old. Throughout Europe it grew into federations, into local parliamentary institutions, until, in at least some countries, folk custom grew into the common law of a nation, and the delegates of local communities, who came to grant subsidies to the central

administration, became the representative governors of the realm. If this old adventure, which had so often ended in a blind alley, showed thus a new vitality, a new capacity for expansion, a new power of expressing moral integrity on the scale of national government, it derived this power directly from the new sanction given by the Christian revelation to the pre-Christian idea of the Moral State.

This history of the Moral State is, it will be observed, also the history of what we vaguely call democracy. The Christian interpretation of that idea is the crux of any modern philosophy of government. No thinking Christian can seriously believe that 'the people' are the source of political authority, that the Moral State springs fully armed from the corruption of the human heart. Nor can the historian believe it; for, if the village community was the original unit of the moral law, it was the unit also of superstition and lynch law, from the vegetation magic and human sacrifices of the Levant to the *lex talionis* and the blood feuds of primitive Europe. The moral law of the village could not be simply transplanted because its roots were entangled with these other roots; it could be transferred only by being reformulated and re-delivered by a more than popular authority. The Moral State begins always in such a delivery of the Law. That truth is attested by all history; its significance, the source and sanction of law so delivered, is the central argument of the Old Testament. But there are two other points in that argument: that law thus authoritatively delivered is still expressed in terms of a man's duty to his *neighbour*, in terms of personal, and therefore local, contacts; and that this law must be popularly accepted. God reveals through chosen ministers his righteousness as a code to be enforced; but, in principle, he will compel no man to accept his revelation, and, in practice, no code of personal relations can be centrally enforced unless it represents the moral sense of local communities. There must, therefore, be an initial popular assent to its enforcement—initial, because it cannot thereafter be withdrawn. It is, perhaps, not fanciful to say that these twin ideas of lawgiving and 'covenant' remained ideas until they were materialized in the society of the Christian Church: until the centralizing law-giver became a consecrated King and the village or borough community a Christian con-

gregation. It is certainly not fanciful to say that, while a modest view of the Christian State achieved this marriage of authority and democracy, more ambitious philosophies of Christian imperialism have constantly hindered and threatened to dissolve it—from the medieval wrangle over 'criminous clerks' to the invention of modern democratic theory by the propagandists of the Counter-Reformation. For, ironically enough, it was the Jesuits, intent on proving the supremacy of Church over State, who first argued that, while priests derive their authority from God, princes derive it *only* from their people.

There follows a doubt: whether any rational form of constitutional government can be effectively preserved except in this spirit of Christian revelation and under conditions suited to its practical expression. Given the spirit, the conditions chiefly necessary for its expression seem to be limitations of size and function. The limitation of function has been, perhaps, sufficiently indicated in what I have already said. The limitation of size is more important than is commonly realized. The constitutional State must be large enough to raise the central authority of law above local contentions, yet small enough to generate, out of the life of local communities, in support of central law, a 'popular conscience which can covenant for what it knows'. Political invention has hitherto failed, even by the device of federalism, to create a stable constitutional government in any territory more populous or less compact than that of the United States of America—and there only at a cost which seems to preclude imitation on the larger scale of India or China. This may well be the distinctive political problem of the twentieth century. The only attempt yet made to solve it has been that of the U.S.S.R.; and that experiment seems more likely to generate a unity of religious devotion to a Divine State than a sense of common responsibility for the interpretation and maintenance of the moral law. It is in presence of these failures, and of this enormous note of interrogation, that our contemporaries often speak so lightly of international government and of world federation.

But where these conditions of spirit and organization do survive, a further conclusion must be drawn: that the sanction of popular assent to the enforcement of new law may be extended beyond the moral law, which is the State's primary

function, to any purpose of charity or necessity, domestic or international. Indeed, with some hesitation, I think this statement may be put even more strongly. Modern democracy is an attempt to give to every citizen an equal share in determining the principles of State policy. In so far as this equality is real (and we all know the significance of that qualification), the Christian State may have even a duty to call upon its citizens to express, through its agency, in any particular field of human relations, that love of the brethren which is proper to the life of the Christian Church, but which the Church may have no present means of expressing in that particular field. The occasions for the exercise by the State of such duties of Christian agency have arisen specially in the modern world, with its large populations, its economic complexities and its international anarchy. In the crises continually threatened by such conditions, the Christian State may well appeal to an ideal of equality beyond its own reach. Let me quote a classic statement of that ideal. 'Albeit God hath ordained distinction and difference in the regiment and administration of civil policies, yet in the hope of the life to come He hath made all equal. Of the prince doth God require that he refuse himself and that he follow Christ Jesus; of the subject He requireth the same. Neither is any of God's children so poor but that he hath thus much to bestow; neither yet is there any so rich of whose hands God requireth any more.' Where such an equality of self-renunciation can find no sufficient outlet in the life of the Church, it should not be denied an outlet through the agency of the State. Only let the State remember that it is then, as it were, collecting a free-will offering, which the moral law gives it no right to exact. Once more, however rigid may necessarily be the letter of its revenue laws or its laws of social insurance, however onerous may be its international engagements and the armaments they may entail, what matters here is the spirit of its government and of its citizens.

And, of course, it is just this spirit which it is so difficult to preserve under the practical conditions of a reforming democracy which is also a great international Power. During the past forty years, the only occasions on which any British Member of Parliament has felt able to summon the British electorate to an equality of self-renunciation have been occa-

sions of actual war or of general economic collapse. At all other times he has felt his noblest impulses of social reform degenerate, on his own lips, into promises of benefits to a majority at the expense of a minority; he has seen the realities of international obligation degenerate into an irresponsible faith in the efficacy of 'pooled security' as an excuse for selfish isolationism. A Christian who has passed through this experience may be forgiven for reverting to the language of an old-fashioned theology: if God has judged the peace-loving democracies of the modern world to be unfit for peace, has not the Judge of the whole earth done right?

Some, who do not think this language too old fashioned, may believe that the judgement of God has been directed against the cowardice of parliamentarians and popular electorates; others, that it has been directed against the more essential vices of a social system based upon gross inequalities of wealth. My own view on that issue must be postponed to my final lecture. The point I wish to make now is the one I implied earlier in this lecture when I spoke of the 'relativities' of law. The statesman has not to deal, because God's law of enforceable righteousness does not deal, with absolute good and evil. He must work in the medium of social circumstance. Remembering that his fundamental aim is moral improvement, he must judge the probable moral effect upon his citizens, both of law itself and of the processes by which law is made and enforced, given the character of his citizens, the texture of their social system and the machinery of government at his command. That is his special *expertise*. In governing 'backward' peoples he must be careful not to distort, by novel constraints, the human nature which he can compel, but cannot suddenly change. Still more must he beware lest, seeking to give outlets to the Christian spirit of a Christian nation, he deforms that spirit by the very opportunities he offers it. He must count it a tragedy that so many programmes of social righteousness, propounded to-day in the name of religion, can be most easily translated, under the conditions of parliamentary democracy, into the maxim that practical politicians will best serve God by appealing consistently, at successive elections, to the crude self-interest of their fellow-citizens. On the other hand, he may well hope to find an antidote to this characteristic vice of

democracy in the international obligations of the post-war world, an antidote which will operate most surely if it is administered in the form, not of new schemes of world government, but of old British experience. For, with all our national and imperial sins, we in this country have at least resisted the temptation to change the frame of our laws as we grew into an empire, and have been content to see that empire develop, not into a federal monster, but into an international constellation. For some of the practical purposes of peace, that constellation has shown itself too weak; but it has at least demonstrated, not once but twice in the present generation, that the spirit of free-will offering is not an idealist's dream, but a present power in the government of nations.

§ 4

It is by no chance that my argument in this lecture began with the sublimities of the Divine Purpose and has ended in the work-a-day portrait of a compromising statesman. For, with all deference to a great essayist, only Christianity can justify compromise. Compromise is to the statesman what scientific method is to the scientist. Since the days of Beccaria and Adam Smith, political thinkers have tried to apply to the science of politics what Hooke said earlier about the science of nature: that it 'has been too long made the work of the Brain and the Fancy; it is now high time that it should return to the plainness and soundness of Observations on material and obvious things'. But in politics this scientific attitude has proved unstable. That is the whole history of English liberalism. For the mere positivist cannot rid himself of the universal human belief in human perfectibility; nor long conceal from himself 'the plainness and soundness of the observation' that the unregulated human individual shows no settled tendency towards perfection. Consequently, he has no sooner formulated his doctrine of Social Statics than he begins to ask the way to Utopia. It is the function of our Herbert Spencers to produce Mr. Lloyd George, and to condemn the rare Lord Haldane to political isolation. But if there be a way of human perfection in which law plays, at best, a subordinate part, the statesman can take pride in playing that part, without feeling

that he thereby denies the validity of the human aspirations which he cannot himself satisfy. The nurse's devotion to the sick man's hourly needs does not deny his hope of recovery nor the doctor's power to heal; on the contrary, it assumes the hope and the power and is inspired by that assumption.

It is this Christian positivism, if I may use the phrase, that needs today the thought and teaching of universities. At first sight, it might be thought that universities are already busy with such thought and teaching. Witness our departments of Social Economics, with their careful temperature charts of this or that industrial area. But I have already suggested, in my first lecture, the weakness of such surveys. In one word, they are material for the administrator, not for the statesman. They reflect the contemporary preoccupation with urgent administrative projects: with housing campaigns to overtake a shortage, with business agreements between mineowners and mine-workers, with periodical patchings of old age pensions or unemployment benefits, with rate relief to industry and agriculture, with wheat acreage and hill farming, subsidies and tariffs. From such administration, and from the increasingly elaborate surveys on which it is based, there emerges no outline of settled law. Law is the statesman's instrument, and it is the study proper to humanists; for, in civilized countries at least, the objects of administration may, within a reasonable margin of error, be conceived as *things*, as bricks and milk, or even teeth and tonsils; but the objects of law are always men and women, not mobilized for particular tasks in which they are professionally skilled and which the State requires to have urgently performed, but living their whole life from birth to death within the framework of liberties and obligations, of contract and personal status, allowed or prescribed by the lawgiver and covenanted for by the citizen. Government by interims is always bad government; it is possible for multiplied legislation to destroy the very conception of law.

My final lecture will be an amateur's essay in this Christian positivism: in the application of law to contemporary problems. But I must close this lecture by a reminder and a warning. If there has been a decay in the philosophy of law, there has been a decay also in Christian theology; and a revival in one will be ineffective without a revival in the other. The Christian posi-

tivist must really believe in the dualism between religion and law. Affirming that the law is not an instrument of perfection, he must really believe in a perfection that is not by the law. It is the weakness of contemporary Christian theology that it assumes a hope of perfection which it hesitates formally to teach. Asserting that the Christian is essentially a member of a community so organically one as to be properly described as the Body of Christ, it yet tends to express his Christian destiny purely in personal terms. It even encourages him to find all his social duties in citizenship, and to justify his absorption in politics by the strangely inverted argument that he must not selfishly confine himself to his business of personal salvation as a member of the Christian Church. In fact, the Christian has come to believe instinctively in that grand charter of Nazism formulated by Wellhausen sixty years ago: 'We must acknowledge that the nation is more certainly created by God than the Church, and that God works more powerfully in the history of nations than in Church history'. The historian can confirm that philosophy of history as little as he can confirm Augustine's. He must rather point to an historical contrast. The twentieth-century Christian sees a static Church in a changing world; the first-century Christian saw a static world and, at the heart of it, a Church travelling in the birth-pangs of a new creation and looking for the revelation of the sons of God. So far as the world is concerned, the historian cannot doubt the relative truth of the earlier picture, nor the dangerous illusion implicit in the later one. About the Church, he must be silent, except to note that, throughout the Christian centuries, it has been in its phases of change that the Church has most signally proved its power to change men.

III

EXPERIMENTS IN CHRISTIAN POSITIVISM

§ I

THIS final lecture is to be an essay in the practical application of what I have called Christian positivism. I am not qualified for the task, either as one learned in the law, for I have never been that, nor as a practical statesman, for I gave up trying to be one some years ago. I can only hope that a few grains of ore may be found in the dirt I shall throw up.

The primary function of law is to define the mutual rights and obligations of citizens towards each other. But it cannot begin to discharge that function until it has defined the authority that shall make and enforce law, and shall command the obedience of all citizens. Into that field of fundamental or constitutional law I shall not enter, except to note one fact. In this context, 'obedience' is the appropriate word. It is a word which has been so over-issued for centuries that it has almost lost currency in our days; and it is, perhaps, the first duty of Christian positivism to revalue it. It does not properly describe the obligation undertaken in a contract of service, or the respect or deference due from one individual to another in many human relationships. Man owes obedience only to God, and to such human authority as has (in the words of a Puritan Governor of Massachusetts) 'a stamp upon it from God'. Parents, and their immediate delegates, can claim such authority over their children, and spiritual pastors over their congregations; but only the State can, and must, claim it over all citizens, irrespective of their own choice. That claim, being absolute in its nature, would be intolerable if it were not limited in its scope. It is a dangerous half truth that freedom depends, not on the volume of the State's commands, but on their quality. Under the best laws, much-governed men are less free than lightly-governed men, for, whenever the law converts (as it often must) an obligation to a fellow-citizen into an obligation to the State, it substitutes a claim to obedience

for the give-and-take of mutual rights and duties between individuals. That fact is faithfully reflected in one much-criticized feature of English law: the denial of the citizen's right to sue the State. Whatever relaxations of that rule may be desirable, the rule itself is a salutary reminder that there can, in the nature of things, be no true mutuality in the relations between a citizen and his government.

This raises immediately the whole problem of what, in my first lecture, I called the 'compulsion of convenience'. The jurist ought, I believe, to regard the creation of each new offence against the State as, *pro tanto*, a confession of failure in the law's primary task of regulating relations between individuals. This is a hard saying, but it is a hard saying about a hard fact. There was a time when it was possible to draw a rational distinction between crimes against the State, to be punished by the State, and offences against individuals for which the law offered to the individual a remedy against the offender. But today such a distinction has become strangely artificial. The English State has, for instance, abandoned as hopeless any attempt to give to shop assistants a right as against their employers to limited hours of work; instead, it has enacted the Early Closing laws, which create a 'crime' against the State. Consequentially, it has found itself obliged to eliminate the hawker, again by creating a new 'crime'. Again, English law has, on the whole, maintained with some strictness, as between man and man, the wholly immoral principle of *caveat emptor*, refusing, beyond narrow limits, to place an obligation on the seller to inform the buyer of facts material to the contract of sale. It has, moreover, refused, on the whole, to give a buyer of defective goods a remedy against any person other than the immediate seller, who, under modern conditions, is generally innocent of real offence. On the other hand, where the quality of the goods sold has a direct relation to the public health, it has compensated the buyer for his helplessness by enforcing on the seller or producer standards of purity, of processing, and of accurate description, as obligations to the State. Or, to quote a different kind of example, in order that users of the roads may be less dangerous to one another, it is now a 'crime' to build a cottage within a given distance of a road which a local authority has earmarked for possible future

widening, not because the cottage is not urgently required, and not because the owner is not willing to waive any right to eventual compensation for demolition, but because the existence of such a building may infinitesimally increase the cost or difficulty of future public works.

It is difficult to criticize any of these laws, except perhaps the last, without denying that prevention is better than cure or that many citizens of a 'free country' are not free enough to assert the rights which the State may confer upon them. But it will be observed that all such laws have a common characteristic: their effects go far beyond their purposes, and may even defeat their purposes. In particular, their motive is often distrust of the 'big business', where there is no personal contact between employer and employed or between producer and customer; yet their effect, as often, is to intensify the specialization and the division of labour which favour the growth of 'big business'. And laws which thus go beyond their intentions may actually deflect a community's ways of thought. Thus, the characteristic defect of our civilization is its suppression of personal relationships; yet, because we constantly see the law attempting to correct the impersonality of business organization by the impersonality of State regulation, we conclude that the evil lies, not in impersonality itself, but in some feature peculiar to business organization, namely, the 'profit motive'. Or again, because urban by-laws, restricting the holiday employment of school children under the unnatural conditions of a manufacturing city, are automatically copied by rural education authorities, we conclude that it is wrong for a country boy to earn money, and physically harmful to him to do in the vicar's garden or in the farmer's field what he habitually does in the garden and farm plots of his school. Yet again, because the law has found it necessary to control the vagaries of the speculative builder, we are coming almost to believe that it is obscurely improper for any private person to build a house for another's occupation. National laws have always influenced national character, but under modern conditions of publicity the tendency of law to create superstitions and, in its turn, to be itself progressively influenced by such superstitions, has become an imminent danger to the whole system of parliamentary democracy. It is hardly an exaggera-

tion to say that, in a world whose chief needs are employment and a wider distribution of property, superstition, bred by law and reacting upon law, has gone far to discredit any personal relationship between employer and employed and to brand the whole idea of personal property with the stigma of 'vested interest'.

This last is probably the most dangerous superstition of all. 'Property', in modern language, means *too much* property, so the reformer takes for his motto 'no property'. But property in modest units, or its equivalent in assured personal status, is the basis of all freedom and of all responsible personal relationships. If, today, most Englishmen are not free, it is because their thinking is dwarfed to the time-scale of a weekly wage and a weekly tenancy of their home. Yet it is on that same time-scale that we now propose to calculate the ordinary man's minimum social security. Even on that scale, we will give him no unconditional right to his weekly dole, save in the form of children's allowance and old age pension, for (with all our talk of equality) we doubt the fitness of most men to use a personal endowment wisely. In a word, we can, we hope, distribute wealth by taxation, but we dare not distribute property. Alas! more dangerous to good government than any vested interest is a vested superstition.

The conclusion is, I think, that we need supremely now to submit our inherited laws of personal relationships to a criticism as keen, and as closely related to the actual facts, as that which Bentham brought to bear on the inherited legal systems of his day. In doing this, we should remember that what distinguishes the great legal reformer from his uninspired imitator is his recognition of the truth that virtue is a more important fact than vice. Perhaps the most ominous sign of decaying civilization is the journalist's maxim that 'virtue is not news'. We know our fellow-citizens, in fact, to be more virtuous, more honest, wiser and more disinterested, than the law expects them to be. Nay, perhaps more so than the law allows them to be. For the more one examines the laws of a highly developed civilization, the more literally one is inclined to read St. Paul's statement that law is itself the source of sin. In that, the communist is more often right than we care to admit, though he may draw the wrong conclusions from it. For instance, new

laws which require the citizen, directly or indirectly, to insure himself against his legal liabilities to other citizens, but which neglect at the same time to modify old laws governing the relations between insurer and insured, have the result of positively prohibiting the employer or the motor-car owner from behaving like a Christian towards the injured workman or the injured 'third party'. From the point of view of the insurance company, and of the law which safeguards its rights, the good citizens are the priest and the Levite; the good Samaritan is a bad risk. The art of government lies, not in continual accretions to law as circumstances or fashions of thought seem to demand, but in those 'interstitial changes of tissue' (I borrow the phrase, I think, from Justice Holmes) by which the body of the law is kept sound and is made serviceable to the good citizen. If the jurist long neglects that duty in any part of the law, he may find it impossible to restore the health of the whole body save by the surgical operation of a revolution.

§ 2

To give an example of such neglect is, inevitably, to enter upon controversial ground. The example I wish to give is peculiarly controversial; but I cannot shirk it, for the whole future of modern civilization seems to me to turn upon it. My example is the limited liability company, on which the livelihood of the modern citizen and the solvency of the modern State principally depend.

To the historian unlearned in the law, the industrial company of the nineteenth and twentieth centuries is the direct successor, by natural evolution, of the joint trading ventures of earlier days; the modern shareholder is the immediate descendant (let us say) of the 'proprietors' of the East India Company. That, too, is the common assumption of the trade unionist and of the general public; it is the assumption also of the director, who talks easily of 'the property of our shareholders'. But in law this view is wrong. Legally, a 'company' at any given moment is a board of directors, acting within the limits of Articles of Association. The shareholder is, not a partner, but a simple creditor; he has an 'equitable interest' in the company's transactions, but he has no insurable interest in its property.

On a winding-up, he can claim his share in the break-up value of the company's assets, but he invests his money on the assumption that the company will be wound up only when its assets are relatively valueless.

Yet, in order (presumably) that he may protect his equitable interest, this irresponsible creditor elects the directors. He neither is the company (even if he is the sole shareholder) nor owns the company, but he constitutes the company. This constituent power is seldom effective and its exercise cannot usually be more than a formality; but it invests the shareholder with the same sort of responsibility as that of a parliamentary elector. Indeed, this whole branch of the law is obscurely biased by the political analogies of the mid-nineteenth century. The director is elected, because that is constitutional good form. When elected, he is responsible to the shareholders, as a Victorian Member of Parliament was responsible to his tax-paying constituents. But his responsibility is for general honesty and due economy, with 'redress of grievances' affecting the personal interests of his constituents. He is not responsible to them for the conditions of employment of hundreds or thousands of workmen, any more than the Victorian M.P. was responsible to his constituents for the internal administration by the Crown of the Queen's Army and Navy. When 'enlightened self-interest' was thought the best guide to policy, such a division of responsibilities was natural; but today, when it has been superseded in politics by the principle that the interest and responsibility of both M.P. and elector extend over the whole field of government, its persistence in industry is neither understood nor trusted. If it is still understood and trusted more in the United States than in this country, the explanation may lie partly in the division of responsibilities still recognized in government by the American Constitution.

Yet, in face of this misunderstanding and distrust, the jurist, busy on the reform of company law, continues to conceive such reform almost exclusively in terms of protecting the financial interest of the shareholder against misrepresentation and maladministration. I believe that much of the current talk about the 'profit motive' is untrue to facts and dangerous to morals, because it transfers to a single scapegoat the love of money which is the sin of all men. But the trouble is that such

talk is not the invention of sentimental propagandists, but the cold assertion of the law. Current profit (as opposed even to the prudent administration of property) is the only interest which the law recognizes in the shareholder. The legislator, therefore, tends increasingly to assume that it must be the predominant interest also of the director whom the shareholder elects. Reasoning thus, the legislator drifts into absurdity in his administrative statutes and is forced into something worse than absurdity in his statutes of high policy. He places responsibility for observance of safety regulations in mines, not upon the company, but personally upon the colliery manager who is the company's servant; and he balances his denial of the shareholders' responsibility for anything but their own financial interests by absolving the workmen from any responsibility for respecting those interests. It is not trade union law alone which has reintroduced ordeal by battle as the normal method of regulating personal relationships in industry; it is company law itself which has disabled the State from offering any other legal remedy to the employer or to the employed.

Here is the most urgent challenge to political invention ever offered to the jurist and the statesman. The human association which in fact produces and distributes wealth, the association of workmen, managers, technicians and directors, is not an association recognized by the law. The association which the law does recognize, the association of shareholder-creditors and directors, is incapable of production or distribution and is not expected by the law to perform those functions. We have to give law to the real association, and to withdraw meaningless privilege from the imaginary one. But the statesman shows little sign of fitness for this task, mainly, perhaps, because he still tends to be misled by the political analogy. If he is alive to the problem at all, he thinks of it in terms of 'industrial democracy', of giving to the workman voting rights similar to those now possessed by the shareholder. The analogy is false, for there is no similarity between the management of a property and the government of a State. And, even if the analogy were true, it would point in almost the opposite direction. In English theory and practice, at least, parliamentary democracy does not consist in the direct election of an executive; and continental

experience indicates that a democracy which tries so to constitute its executive destroys itself. So the positivist, seeking to fit law to the cold facts, must turn for clarification and definition from the compromises of statesmanship to the logic of the jurist.

Having said that, I must not myself presume to suggest remedies, but it is not, I suppose, difficult to guess in what general direction they lie. 'Trust' was the most respectable word in the language of the law until it was applied to certain industrial combinations; it may prove in the future to be the most powerful word in that language if it is now applied to the whole field of industrial association. The jurist shrinks from the diminution or transfer of property rights, even to fit changed facts; but he will readily modify, in such circumstances, the purposes of a trust. And in this field, such modification can be effected without real injustice. An unlimited trust for the benefit of the actual members of an industrial unit, whose livelihood depends upon its prosperity, subject only to a redefined liability to its creditors, limited to fair interest and sinking fund on their loan, will deprive those creditors of no expectation on which, in these days of economic revolution, they can reasonably rely. The difficulty lies, of course, in the method by which such a trust is to be constituted and perpetuated, not merely for existing corporations but for the new enterprises of the future, without conferring upon a State bureaucracy a dangerous power to resist novelty and restrict freedom. On that problem I will only say that there is always a price to be paid for facing facts, but it is smaller than the cost of contentment with fictions.

The other obvious difficulty—the question whether industry can be adequately financed on such terms—cannot be considered apart from another question of fact: the actual economic conditions of the immediate future. My view of that question will appear from what I have to say next.

§ 3

Hitherto, in this lecture, I have spoken of fitting law to the facts; I pass now to the problem of fitting policy to the facts.

The saddest feature of current political discussion is the

identification of government with what are called 'the social services' and the promise to men and women in the Forces abroad, and in the factories at home, of a new world based almost solely on such services. The only rational basis for that promise is the belief that, if a relatively small number of people in this country can be taxed out of their disproportionate wealth, and out of the command of certain key points in the national life which that wealth has given them, the essentials of a full and comfortable life can be made available to all by the administrative action of the State. It is, in short, a belief in the efficacy of taxation, and in the efficiency of pure State administration.

As to taxation, the *rentier* taxpayer, who is thus accused of occupying himself, and barring others from, the ways of access to social wealth, can, perhaps, defend his past on grounds of practical convenience, but he has not much to plead on Christian grounds. It is not, however, the past that is in question; it is the present and the future. The question is: in so far as it was once true that such people held the balance of economic power, how far is it still true today, and how far will it be true tomorrow?

I feel no doubt that a sober estimate of present facts can point to only one conclusion. In respect of the natural resources of this island, Great Britain has become a poor country; it has lost, in that respect, any claim it ever possessed to the economic leadership of the world. For long, its wealth and power has depended on its capital control over the resources of other territories. It has been, in the strict sense, not merely a nation of capitalists, but a capitalist nation. It has lived by levying tribute from overseas and distributing the proceeds at home, as literally as if the owners and distributors of its overseas assets had been, not private capitalists, but Augustus or Trajan. So long as such conditions last, these mediators of tribute may claim that their personal wealth is but fair remuneration for the discharge of a function which has, in fact, raised the quantitative standard of living in this island far above the level of Continental Europe. (I say nothing of qualitative standards, which raise other considerations.) But such conditions do not last; they are essentially impermanent. A claim to a share in the wheat and meat business of Argentina cannot

be indefinitely asserted by this country in mere return for the steel rails which it lent to an Argentine railway in the nineteenth century. The sources of our tribute are drying up; they are drying up under the hands that so long drew upon them, under the hands of the *rentier* taxpayers of England, as long ago under the hands of the emperors of Rome. They may be replenished, but not by any new single-handed exertion of British economic enterprise—only by the planning of some new international partnership, the bare outlines of which have still to be drawn. Meanwhile, in the long and painful interval, while the world is finding its economic feet again, we in this island cannot live on the fat of a few dwindling capitalists. We cannot look for much more comfort than we are now enjoying under the stress of war, and the fullness of our life must continue to be sought in the resolute facing of adversity.

This is no newly discovered truth. It was asserted by many immediately after the last war; it was asserted by more in the economic crisis which began in 1930. A glance at such forecasts might repay the historical student of the years 'between the wars'. The tragedy is that none of us who thus realized the truth was strong enough to hold it consistently in the intervals of half-recovery between successive crises. A half-hour of autumn sunshine was enough to persuade us that summer had come again.

But, of course, if these facts call in question the easy hopes and enthusiasms of the hour, they enormously strengthen the argument for economic equality. For that argument ceases to be a plea for a new levelling policy; it becomes the simple recognition of a present fact. We should come much nearer to Christian statesmanship if we would but read much of the earliest Christian teaching, not as exhortations to a certain psychological attitude, but as mere statements of fact. The fashion of this world does pass away. The enlightenment that reveals that fact, and makes men throw away the things they see are not worth clinging to, is more characteristically Christian than a zest for doubtful moral arguments, or even an indiscriminate zeal for self-sacrifice.

But, if that be so, let us get close to the facts. There can be no question, after the war, of lightening taxation, as a matter of policy, in order to preserve remnants of economic

privilege which, in fact, are decaying past recall. There can be a case for such lightening only where taxation endangers the conservation or the prudent development of our remaining natural resources. But there is a clamant question: what, as a matter of fact, is the taxable capacity of a community in such a state of transition? Granted the desirability of redistributing wealth by taxation, how much wealth is there actually to redistribute? To that question, oddly enough, the economist can at present give no clear reply. His uncertainty is a clear warning of the ineffectiveness of a science of social economics which disdains politics, and a clear call to more fundamental political study. But fundamental, not in terms of general theory, but in terms of present fact. For instance, the best rough index of the taxable capacity of income from inherited wealth is the employing power of such income. What has been the actual reduction in the volume of personal employment in this country in the last thirty years? Again, we do not know, but we may roughly reckon that the money which a *rentier* cannot find for wages, he will be unable to find for taxation.

In an address such as this, it is unnecessary to point out that statesmen cannot escape from these problems of taxation by devising a system of State Socialism, where the taxation of individuals is replaced by direct appropriation to the State of the profits of commerce and industry. When a well is drying up, its yield cannot be stimulated by a change in the ownership of the bucket or the rope.

So much for the efficacy of taxation. What of the other doctrine in the 'social service' creed: the efficiency of State administration? Here, I must content myself with one bare example.

If there is any truth in my general picture of modern economic conditions, a social service policy must, at least, be one of priorities and careful selection. The first priority is evidently housing; it has, indeed, been the first priority for the past twenty-five years. But the purpose of housing is to provide homes, and its main purpose is to provide family homes. As a means to that purpose, our housing policy has been, at least, questionable. We began it by freezing the distribution of existing small houses by the Rent Restriction Acts, preferring the security of old couples to the needs of new families.

We then built and subsidized new houses on an unprecedented scale. Parties at Westminster vied with each other in this policy, but it is hardly unfair to say that, for every party, each house 'counted one on a division', irrespective of its size. Then, about ten years ago, we decided that it was time to deal with overcrowding, and we made it a 'crime' for a tenant to have anything approaching a large family in most of the houses we had so arduously built. It was just at this moment that the social statisticians of our universities began to explain to statesmen the gravity of the population problem. By the index they provided, it appeared that we had built houses, but had failed to make homes. We had, in fact, failed to address ourselves to the one patent fact known to every working man: that the inequality between rich and poor in the matter of housing lies in the fact that the former can change his house as his family grows, while the latter generally can do so only on large and well-managed private estates in rural areas, under a system of patriarchal landlordism abhorrent to the authors of Rent Restriction Acts.

Now, this is not a criticism of successive Ministers of Health, still less of the municipal executors of their policy, many of whom have devoted great care to a proper balance between larger and smaller houses and to the selection of tenants. But it is a criticism of the limitations which seem inseparable from State administration of social services—of the temper which I described in my last lecture as being, perforce, concerned with things rather than with human beings. Such administration may be humane, but its humanity is that of the shopkeeper, who exerts himself to stock the widest possible variety of goods to fit his customers' needs, but who at best can deal only in 'lines' of identifiable articles, supplied at a certain price. It can recognize the citizen's claim to a house, a maternity hospital, an infant welfare clinic, a school and a State allowance per child; but it cannot recognize his claim to a family, of which these institutions touch only the outskirts. Frankly, in dealing with this, the only adventure on earth open to the vast majority of the human race, the technique of State administration has hardly advanced beyond the charity schools and family subsidies of the Antonine emperors 1800 years ago. There is solid truth behind the nickname which Mr.

G. D. H. Cole once bestowed upon Fabian State Socialism; the Social Service State is, indeed, a Selfridge State. There is even more solid truth behind the Fabian's definition of his policy as the policy of the Social Minimum—a minimum level of rights which can offer a full life to no one. And there is, perhaps, most truth of all in the old warning of the classical economists that a legislative minimum tends to become a social maximum. Indeed, a social minimum cannot serve a policy of social equality unless it does become a maximum. Let those who think this warning out of date consider how near we have unintentionally strayed to prescribing maximum families—near, not only by our housing policy and by a high level of taxation, but also by all the growing propaganda by which we advertise desirable social minima of pre-natal care, of nutrition, of child welfare and the like, frightening the prudent from the world's greatest adventure and leaving it to the misdirection of the ignorant and the reckless. We might also consider how we have dealt with the other end of that adventure. I suppose it is the judgement of most social workers that the aged were never worse off than today. The State can make an old age pensioner, but, by that very act, it may unmake a head of a family, more than ever its honoured head when his children have families of their own.

§ 4

I have dwelt on this point for a purpose. The most sweeping social revolution that can be conceived would be the recognition of the family, rather than the individual, as the unit of social reform. That is the revolution I wish, but hardly hope, to see. It would require a reconsideration of law, a reconstruction of administration, and a regeneration of the spirit of State policy. In concluding this series of lectures, I can say only a few words on each of these points.

In law, such a revolution would mean at least some discriminating recognition of personal status, in place of the crude doctrine (I had almost said, the polite fiction) of individual equality before the law. I have already given an example, in my first lecture, of the kind of changes in law required to make this recognition effective. An owner-occupier is entitled to be

treated differently from an investor in house property. Similarly a stock farmer is entitled to be treated differently from the owner of an urban slaughterhouse. In general, the law discriminates freely enough between individuals when it is a question of subjecting them to special regulations; but shrinks from such discrimination when it is a question of conferring on them special rights, or recognizing in them special interests. I can only recommend this whole field of discrimination to the legal reformer.

In administration we ought by now to have learnt that, in their family needs and (so to speak) their family policy, men neither are, nor desire to be, equal. We ought to have learnt it by our bitter experience between the wars in the operation of 'means tests'. The means test in respect of non-contributory old age pensions had proved so intolerable twenty years ago that we had to abolish it, so far as possible, in 1926, by the institution of a contributory scheme. Yet, meanwhile, we had imposed it on university scholars, with results hardly less unfair, as between families in different circumstances and with different liabilities. We followed that precedent in 1932, ignoring its proved unfairness, by the creation of the 'special place' system in secondary schools. We then proceeded to impose the famous family means test on the unemployed, creating a volume of hardship and a universal sense of injustice which eventually made the policy untenable. Yet we had hardly been driven from this position, when we suddenly went back behind 1926 and revived the whole miserable business in respect of supplementary old age pensions. In this last experiment we have at least created an agency, in the Assistance Board, which has some power to adjust general rules to personal circumstances; but we shall have to think hard before that lone swallow brings a summer of real discriminating humanity to the drab levels of the social minimum.

If we really desired to bring such a summer, we should first, I think, have to overcome a disabling weakness in our local administration: our growing inability to combine State and voluntary social services. Central administration does not seem to suffer much from this weakness, because there is no real conflict between co-operation with voluntary bodies and the constitutional doctrine of the responsibility of Ministers to

Parliament. But it is different with the local government doctrine of the direct responsibility of a local Council to its ratepayers. The flexibility of central administration, which can create such anomalous bodies as the Central Midwives Board, contrasts with the powerlessness of a local authority, under ordinary peace conditions, to delegate any of its statutory powers to a joint body where ratepayers' representatives sit side by side with representatives of private corporations. Each scheme of post-war reconstruction offered to us contains traces of this problem and tentative efforts to solve it, from Youth Committees and Agreed Syllabus Committees to the curious duality in hospital planning propounded by the Health White Paper. But Whitehall and Westminster, I fear, hardly wish to solve it, for it is these inhibitions of local government that give Whitehall its chief opportunity and justification for encroachment. It is right that I, who am indebted in more than one capacity to the sympathy and generosity of local authorities towards private institutions, should testify that I know no stranger example than this of bad law, of law which deprives natural good will of regular means of expression. As usual, bad law breeds bad doctrine; we are far on the way towards a new doctrine of Divine Right, the divine right of the ratepayer. That doctrine disables local authorities from discharging effectively the most urgent duty of government at this time: the mobilization of all citizens in the tasks of reconstruction; and leaves that task to the freer hands of the central government.

This word 'mobilization' brings me to my final point: the regeneration of the spirit of State policy. Here we have mainly to rid ourselves of that terrible dilemma of parliamentary democracy, which I indicated in my second lecture. We have to find a way of carrying out social reconstruction without turning every general election and every parliamentary debate into a competitive appeal to majority self-interest. That way lies, as usual, through finding and facing the facts. All social reconstruction demands sacrifice from all citizens. Not ought to demand, but does demand. You cannot change the distribution of wealth without changing the distribution of employment. If wealth is to be produced for use and not for profit, then taxation must be levied on use and not on profit—on

consumption rather than on income. If the house tenant is to have security of tenure, houses cannot be distributed by size of family—and *vice versa*. And so on—*ad infinitum*. In an old and closely packed civilization, we are all members one of another—not ought to be, but are. And especially, of course, is this true of the world we now live in, whose economic tendencies I have tried to describe, and whose international conditions will not deserve the name of peace for long years after the termination of hostilities. During those years, open conscription, continued for armies of occupation, will be but a symbol of concealed conscription, continued for a new kind of civil defence—the defence of family life against the effects of inevitable social change. May I repeat words that I wrote in 1919, in the hope that in old age I shall not forget them as quickly as I did in youth: 'A lifetime of abnegation lies before the victors of this war.'

To convince men of the real inevitability of social change and of its inevitable effect on all lives; to draw from them, in that conviction, the 'free-will offerings' which can alone bring us safely through such change; and to adapt law and administration fearlessly to such change; this is the future task of all law and all statesmanship. But, in taking up this task of mobilization, we must face one other fact: the mere physical limitations of human endurance. Those limitations have, perhaps, more to do with the 'economic cycle' than most economists have suspected; they have certainly much to do with the short life of revolutions, dictatorships and reforming ministries. The government that lives by raising the spiritual temperature of its people will soon find that fevers pass. Law and religion are alike the regulation of normalities, though very different normalities: the normalities of earth and the normalities of the communion of saints. Government, like marriage, is a great adventure, but, like marriage, it is an adventure in the normal, in the architecture of a common life whose temper and whose end is peace. Both adventures have their crises, but the temper of crisis is fatal to both. In government, that temper is exciting to the administrator, who makes his name by 'drive', and to the parliamentarian, who makes his name by oratory; but it is utterly alien from citizenship and from the law proper to citizenship. In days such as now face us, the statesman's

deepest duty is to normalize the will to sacrifice—in other words, to create in the peaceful citizen the sober *moral* of the soldier on a long campaign, who can trust, not only his commander's nerve, but also his integrity and his intellect. It is in this that the temper of citizenship approaches nearest to that of the company of Christ, whose feet are set on a still more arduous pilgrimage, but who are bidden to find in it a peace which passes understanding. After all, the scientist is right in distrusting hasty reconciliations. Law and religion are two, not one; and attempts to adjust the one to the other have often plunged both into confusion; but in this temper they meet, stilling the fervours and fevers of nationalism and democracy into a wise charity which may yet avail to cover the multitude of our sins.