

**THE FOUNDATIONS
OF SOVEREIGNTY,
AND OTHER ESSAYS**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649587155

The Foundations of Sovereignty, and Other Essays by Harold J. Laski

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Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

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HAROLD J. LASKI

AUTHOR OF "THE PROBLEM OF SOVEREIGNTY," "AUTHORITY IN THE
MODERN STATE," ETC.



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NEW YORK
HARCOURT, BRACE AND COMPANY

1921

March 11 1922
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TO MY FRIEND
ROSCOE POUND
DEAN OF THE LAW SCHOOL IN HARVARD UNIVERSITY
WITH
ABIDING AFFECTION

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PREFACE

I

THE essays printed in this volume are part of an attempt at the reconstruction of political theory in terms of institutions more fitted to the needs we confront. Broadly speaking, they are part of the case for what is coming to be called the pluralistic state in contrast to the unified sovereignty of the present social organization. But they are only part of the case. The industrial and psychological inadequacy of the existing régime is briefly discussed in the second of these papers. Since that was written, the evidence given before the Royal Commission on the Coal Industry and the Inquiry into Dockers' Wages have shown that the institutional reconstruction will inevitably be more thorough-going than I there, writing in 1918, imagined. What evidence we have from the European continent, particularly from Russia and Germany, makes it evident that the classic system of representative government has reached its apogee. What we need above all is inventiveness in the social, legal, and political matters that are discussed in these essays.

It is a matter of no small interest to speculate upon the direction from which that inventiveness is likely to come. Despite the great service rendered by the philosophers to political science, they have studied rather the form than the substance of the state. This has meant an undue emphasis upon purpose as distinct from the fulfillment of purpose. It has led to an analysis of the

“pure instance,” rather than an analysis of the actual experiments with which history presents us. That is why the attitude of the philosopher has been so similar to that of the lawyer. The “rights” studied by the latter take their origin from a set of historical circumstances which the lawyer, from his standpoint naturally, is able to ignore. They differ from the study of “right.” But it is upon the latter problem that our attention must today be concentrated.

For we have found that a state in which sovereignty is unified is morally inadequate and administratively inefficient. It depends upon an intellectualist view of the political process which is not, as Mr. Graham Wallas has shown, borne out by the facts. It assumes that the government is fully representative of the community without taking account of the way in which the characteristics of the economic system inevitably perverts the governmental purpose to narrow and special ends. It assumes that the problems of the modern state admit of general solutions; the fact surely is that the essential problem is the different way in which those general solutions can be administered. Nor can the average voter be said to transcend his own interest by merging himself into a larger whole with the result that a “general will” is secured. Here we have been led astray by the facile brilliance of Rousseau. The more carefully the political process is analyzed, the more clearly does it appear that we are simply confronted by a series of special wills none of which can claim any necessary pre-eminence. In particular, it does not sufficiently investigate the moral character of governmental acts. The objectivity, for example, of the interpretations issued by the British government during the railway crisis of 1919 can only be

fairly judged by the careful scrutiny of individual citizens. In politics, above all, there is no *a priori* rightness.

Nor is this all. The monistic state-philosophy too little investigates the relation of the citizen-body as a body capable of, but rarely exercising, judgment upon policy. The investigations of the Sankey Commission, for example, have shown how vast is the unrealized experience which lies waste in the autocratic management of industry. That waste is not less true of government departments. Once, at any point, work is divorced from responsibility the result is a balked disposition of which the consequence is to diminish the creativeness of the worker concerned. The hierarchical structure of the present state maximizes this loss. Nothing is more clear, for example, than the existence of a law of diminishing administrative returns. An official cannot be charged with business over a territory beyond a certain size without administering less efficiently for each addition to his work; and no amount of efficiency at a central office will morally compensate for the inferior interest in the result obtained of those who have had no effective share in making it. The appreciation of this is one of the most vital factors in Mr. Justice Sankey's scheme for the nationalization of British mines. And this is true not merely of industry alone. The departmental organization of every monistic state becomes over-centralized; and this, as Lamennais aptly said, results in apoplexy at the centre and anaemia at the extremities. For the inevitable consequence of centralization is an attempt to apply uniform and equal solutions to things neither uniform nor equal.

The pluralistic state is an attempt to remedy these defects by substituting coördination for a hierarchical