

Professor Harold J. Laski on American Political Institutionis¹

(顧敦錄)

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In his political writings, Professor Harold J. Laski likes to take outright positions--for or against. So far he has taken three different positions. In the first period, he was a strong advocate of pluralism. *Authority in the Modern State* and *The Foundations of Sovereignty and Other Essays* are representative works of this period. In the second period he became an individualistic libertarian. He manifested fully his anti-authoritarian and anti-Marxist attitude in works such as *Liberty in the Modern State* and *A Grammar of Politics*. Beginning with 1930 a sharp change took place in his political convictions. He abandoned not only individualistic liberalism, but also the Fabian school, and went to the other extreme to join the Socialist Marxist school. His new political belief was that socialist and Marxist revolution was necessary. *The American Democracy* is one of the works, if not one of the representative works, of this period.

In comparison with its counterparts by Tocqueville and Bryce, *The American Democracy* is not so much a study of governmental structure--there are only two chapters on government--but "a commentary and an interpretation" which is more provocative and challenging. Tocqueville and Bryce were more interested in the things themselves; Laski was interested in his thesis. In so far as the aim is concerned, Tocqueville's book was written for the French people, but Professor Laski's was for Americans. Now what is Professor Laski's thesis? American democracy, says Professor Laski, is founded on the individualism of the 19th century. The Americans have the frontier spirit. They have the spirit of self-help and the readiness to try. They are a people of creative inventiveness--at least on the practical side--but not in thinking. They are anti-revolutionary. They are bounded by interests rather than by ideas. Their interest is strong and their philosophy weak. It has grown obsolete. But the Americans are a people with good luck. Free enterprise, Laski asserts further, is a historical myth. True sovereignty of the U. S. lies in Big Business. Therefore its democracy is unreal and, in fact, out of date. Thus American thought is in a condition of confusion and chaos. American democracy can be saved by a collectivist mind. In fact, America now is a battle ground between the individual and capitalistic and the collectivist. Everything,

1. Grateful acknowledgement is made to Professor Robert M. MacIver and Professor Arthur W. McMahon both of Columbia University; and to Professor Ivor N. Shepherd, my colleague at Tunghai University, for their kind editing and valuable comments. The author is, however, solely responsible for any mistakes made in this article.

2. Harold J. Laski: *The American Democracy, a Commentary and an Interpretation*, New York, The Viking Press, 1948, 785p.

including the New Deal, failed. Therefore, the U. S. has not solved her problem or has solved it in the wrong way.

Professor Laski thinks that the USSR has solved her problem. The U. S., it seems to him, should solve her problem in the same way. Professor Laski sees America in a static condition; he sees a picture of crystalized economic civilization. He pays no attention to the other group relations, high standard of living, social legislation, and other processes of change in America. He does not see that "every country should solve its own problem in its own way." He does not see the complexity of the problem. He stands outside and imposes a solution. But the simple collectivist recipe is too external; it shows no deep understanding. His view is to mark black and white, allowing no possibility of a middle course. He has a quick mind and quickly reaches his conclusion. He does not see that American civilization has many different elements and the blending of these elements is in a definite pattern. He is a critic who cannot be accepted by America. He sees America through the eyes of a political sophisticate, but he pays no attention to daily American life, the ordinary life of all kinds of American people. He gives us a simple drama.

When Professor Harold Laski wrote *The American Democracy*, particularly the two chapters on American political institutions, he was anxious to have a change, a thorough change in American government. Few political systems, he complains right at the beginning, have changed in form so little as the Constitution which the Philadelphia Convention drafted in 1787. Then (in the first paragraph of Chapter III) he enumerates at least ten needed changes as a bird's eye view of his plan. What he emphasizes in the following sections may be analyzed and summarized as follows:

1. The presidential office

The greatest change he advocates in the federal system is in the significance of the presidential office. It is not merely that the election of 1940 put an end to the second-term tradition. Much more important is the fact that the initiative of the president is of ever-increasing influence, and that the eyes of the nation are focused upon his actions to a degree that has become normal instead of exceptional. (p. 72) In full approval of the active leadership of the president he has these important remarks:

1. "At least from the turn of the century, it has been obvious that the quality of the man who is the president determines the general quality of federal politics."

2. "...it has too often been the weakness of federal politics in America that...it is able to awaken public attention only in election years.... The significance of a great president, therefore, lies not only in the measures he is able to carry out, but in the width of public interest he is able to evoke. He gives to the democratic process a vividness and a reality which it lacks when a weak president is in office." (p. 73)

3. "No one can survey the record of American history without the conviction that its quality depends, in ever-increasing degree, on great leadership, and no one can pretend that great leadership can achieve its objective save as it is associated with the presidential office." (p. 74)

Therefore, he concludes that "with the arrival of the positive state there was no room for negativism in the White House any more than in Downing Street or in the Kremlin". (p. 77)

But presidential leadership, the character of the individual occupant of the White House apart, depends upon the power of the president to be really independent. But he can not be independent in full measure if he desires a second term, or a third, or a fourth. Consequently, Professor Laski strongly advocates that "the case for a single term of six or seven years, with re-eligibility ruled out by constitutional provision, is likely to result in a more effective and independent leadership than is attainable under the present system". (p. 127) Here I only call the attention of readers to the fact that this would certainly increase the power of the president.

2. The vice-president

It is curious that Professor Laski after mentioning vice-presidents such as Tyler, Andrew Johnson, Theodore Roosevelt and Calvin Coolidge still complains "that most vice-presidents have been little more than objects of commiseration or "ridicule". It is still more curious that he should think "that so few presidents have attempted to acquaint their possible successors with the functions they might be called upon to perform". (p. 97-98) What does he mean by that? Is it wise to have the vice-president compete with the president in the White House for power, responsibility, and public attention? Could and should a president make the vice-president an apprentice to his office? If so, would it be logically necessary for the president-elect also to go through a period of such apprenticeship? Shall we make the vice-president the Secretary of State or the Secretary of another department? Will this not mean that by doing so we shall lose other competent men for such political posts? Is not the office of the President of the Senate and the work of aiding the president in handling that House not important enough?

With regard to the personality of vice-presidents, we should only bear in mind that it is enough that we should have the kind of man who can assist and cooperate well with the president even if he does not have the qualities of Mr. Henry A. Wallace whom Professor Laski never fails to mention favorably in this book whenever there is a chance.

3. Political parties

Professor Laski was very much disappointed with the condition of political parties in America. He deplores that "voters are still born into the Republican and Democratic parties, even though it is difficult to distinguish between them and uncertain whether they are parties at all in either a national or an ideological sense". (p.72) And what worries him most is that "so little headway has been made by socialism or communism in the United States, but, even more, that the trade-unions should have rested content with the working of a party system which has offered them so little of the power they have been able to achieve on the European continent. All efforts so far at the creation of a mass-voting third party have failed dismally". (p. 80-81)

But his prediction is that:

“And the outcome of this journey is pretty certain to be that the America of the next generation will either have to adapt its party structure to a far more positive democracy than any it has so far known, and that whether Republicans or Democrats be in power; or else it will move rapidly to some American form of corporate state which will prove incompatible with the traditions of political democracy in the United States”.

And he warns:

“It is important to remember that those traditions go very deep in American history, and it will not be easy to abandon them without what may prove, if the attempt be made, as decisive an event as the Russian Revolution”. (p. 81-82)

What are the causes of such revolutionary change? The first cause, he enumerates, is “the impersonal forces of the world”. (p.82) The second is an internal one:

“Where the period of economic expansion reaches its limit there emerges always a disparity of opportunity, which results, sooner or later, in an antagonism of interest. And when that antagonism begins to take a conscious form the result is always that a party is formed to safeguard interests, on both sides, which feel themselves to be in jeopardy”. (p. 134)

Good as the explanations and hopes for a realignment of political parties may be, I wonder why in the two long and exclusive sections, 2 and 10, Professor Laski does not even mention another weakness of the political parties, their corruption, with which he should have been and, I believe, was disappointed. Was this because it had been discussed elsewhere, or simply that it was overlooked because the author was so much interested in the discussion of political ideologies and class interests?

4. The Congress

The House of Representatives, asserts Professor Laski, has always been the least successful of federal institutions. It suffers from three major weaknesses. First, “the custom that requires a member to be a resident of the district he represents” deprives the House of the services of many able men, and tends to make the elected person not the man most fit to be in Washington but the man regarded as most “available”. Second, it is exceptional for the House of Representatives to win the ear and engage the interest of the nation for its debates. “For the fact that most of its major decisions are taken in the private sessions of its committees means that the public can rarely follow the argument on which they are based, while even the full-dress discussions of the whole House tend to be a series of formal speeches”. Thirdly, the influence of pressure groups which constitute “a kind of Congress behind Congress” is big.

I agree fully with Professor Laski in the following conclusion:

“The House of Representatives, in short, has gravely failed to fulfil the functions it might have been expected to perform... It fails to elicit the interest of the politically minded section of the nation not because it is deficient in power, but because it is never so organized as to use its power for great ends”. (pp.72, 83-84)

5. The Senate

Despite several faults in the functioning of the Senate, Professor Laski comments with satisfaction that "it remains, without exception, the most successful second chamber in the world". (p. 87) But while defending eloquently the treaty-making power of the House in section 4, he proposes quite the contrary in section 9:

"I suggest, therefore, that an amendment to the America Constitution is desirable which would permit the president alone to commit the United States to any action which a world authority to which it belonged decided to take against an imminent or actual peace-breaker". (p. 127)

He also thinks "that the two-thirds rule in the Senate ought to be replaced by the simple majority principle" and even goes so far as to propose:

"Where the Senate refuses to confirm action taken by the president on behalf of the United States in the world authority, I suggest that the proper course of action is an appeal to the people". (p. 128)

Well, the proposed change would again mean an increase in the power of the president. Furthermore, it is worthwhile thinking about whether Professor Laski's "amendment" and suggestions or the bi-party system in foreign policy is a better, more practicable and more safe device.

6. The President's cabinet

What is the president's cabinet? The president's cabinet is unknown to the Constitution as such. Although it is a body which seeks to embody certain features-regional, labor, religious, banking, etc.-of the American nation, it is not a body with the collective responsibility of the British cabinet. It is a collection of departmental heads who advise the president and carry out his orders. They are responsible to him and he can always dismiss any of them without any peril to his own position. A cabinet officer under a great president is almost bound to be a mere echo of his Master's voice; if he refuses to accept that status he is very likely to cease to be a cabinet minister. Where he serves a president of poor calibre, he is grimly likely to find that policy is shaped mainly at the other end of Pennsylvania Avenue, and he finds that, if he has status, he is lacking in authority. The president, in recent times, has not relied only upon his cabinet. He has rather taken extra-cabinet advice from his "brain trust". Therefore, Professor Laski concludes that "the American cabinet is one of the least successful of American federal institutions". (pp. 92-97, 109)

Is this criticism fair? Should we expect a cabinet under the presidential form of government to function as a cabinet form of government? Well, we might also come to the question of the relative merits of the presidential and the cabinet forms of government. Apparently, Professor Laski is in favor of a strong and great president and the presidential form of government in the United States is taken for granted. Then, as long as it exercises well the appropriate part of the great power of the president and performs properly the work assigned and directed by him, this kind of cabinet should be considered by students of political science as having fulfilled its mission. There may be success or failure in a partic-

ular cabinet. But the president's cabinet is a part of the presidential form of government. If the president succeeds, his cabinet succeeds; if the president fails, his cabinet fails. How can we say that the American cabinet is one of the least successful of American federal institutions?

7. The Federal Civil Service

Professor Laski points out that another "great change in the federal government—independent of the Second World War—is the growth in number of federal jobs" . (p. 99) But he fails to emphasize the change from the Spoils system to the Merit system although he has mentioned that the vast majority of the posts are now the result of examination.

To compare with the British classified Civil Service, Professor Laski has ably pointed out that whereas the British system is built on competitive examination, the American system is built on a qualifying examination. "The British, at every level, attempt to test the general intelligence of the candidate; the Americans have tried to work out an examination system which is directly relevant to the post to which the candidate seeks appointment". (p. 102)

The weaknesses of the American Civil Service have also been well examined and compared with that of other countries. First, "it is rare for the highest posts in a department to go to candidates who have entered by examination". (p. 102) Such appointments are usually made by the president on considerations of partisanship, sectionalism and political expediency. "In the British system, it has been very rare, wartime apart, for the chief officials to enter except through the narrow gate of the competitive examination". (p. 99) Second, "An official who has risen to one of the three or four highest posts in his department has opportunities in American business which, if they are offered, are very rarely taken in British business by British civil servants of comparable status." (p. 101) Thirdly, "while the overwhelming majority of minor federal officials are as much engaged in a life career as civil servants in London or in Paris, the making of major policy is less in their hands than it is in the hands of their opposite numbers in London or in Paris". (p. 103-104)

My conclusion based upon the above review, is that from the British point of view the change in the American government, though great, is mainly quantitative, that is to say, the growth in the number of personnel. From the American point of view the change is also significant in the qualitative aspect. Professor Laski, after all, and rightly, agrees with Professor Brogan:

"The whole spoil system is today but the shadow of a great name, and the Civil Service of the United States is in the main like the Civil Service of most countries".³ and he has also reasons to hope:

"The first is the reasonably obvious one that it takes great policies to attract great officials to Washington, and that great policies are almost always formulated by great presidents. The second is that the federal Civil Service is more likely in the future than in the past to play an increasing part in the shaping of policy. The reason for this is the quite simple

3. D. W. Brogan, *The American Political System*, London, Hamilton, 1943, p. 203; quoted by Professor Laski, p. 103.

one that the area of federal administration grows wider year by year; and the result of this expansion is to make a career in Washington at once more appealing and more significant than at any previous period." (p. 108-9)

8. The judiciary

Professor Laski's section on the courts is one of two disconnected and inconsistent parts. The first part covers from p. 110 to p. 114; the second part from the second paragraph of p. 114 to p. 116.

The salient points of thought in the first part stand out in the following order:

1. "...in the last analysis, the Supreme Court, by exercising this power of judicial review, is, in fact, a third chamber in the United States.....so long as the Supreme Court is careful not to outrage public opinion, it may be pretty justifiably claimed that, constitutional amendment apart, the Court sets the framework, both negatively and positively, within which both the states, on the one hand, and the federal government, on the other, do their work." (p. 111)

2. "The power of judicial review is a very great power; but it is, after all, a power which must be exercised by men... So the courts are what presidents have made them with the approval of a majority of the Senate in the case of each particular judge. But as the courts are made by presidents, so presidents are made by the electoral forces which enable now the Republican party to beat the Democratic party, and now the Democratic party to beat the Republican.

"But the chain of causation does not end there. Every court is shaped in at least some degree by the members of the Bar who plead before it; and the members of the Bar are what all the forces they encounter tend to make of them." (p. 112-113) Thus the authority of the courts and the source of the power of judicial review may be shown by the two following diagrams:

Diagram I

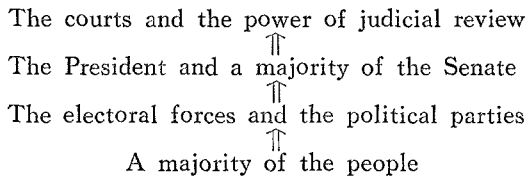
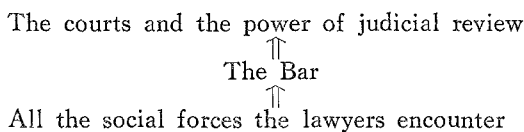


Diagram II



And the doctrine of judicial review, Professor Laski continues to explain, is a complex of several things. First, "it enables the Supreme Court to declare unconstitutional any act

9. Conclusion and further comments

After the above analysis, we may now answer the question: What does Professor Laski expect of the American government? He wants the American government to change. But he finds only two changes. One is the increasing influence of the president. He is hopeful of an active leadership in the White House as in the Kremlin. Another is the growth in the number of federal jobs which is also a sign of the arrival of the positive state. He is disappointed with the other parts of the government which have undergone so little change either in form or in spirit. So he makes various changes according to his own plan. His plan for the American government is a change from democracy to socialism.

Professor Laski's trouble is that he sees the American government in a static condition. He pays no attention to the new programs of the government, the movements for better government, social legislation, and other processes of change in American government. Furthermore, he does not see the complexity of the problem. He stands outside and imposes a solution. Is it true that all political parties should be based upon classes? How could the president's cabinet function like a cabinet under the cabinet form of government? What would be the consequences if the vice-president took an active part in the White House or in the State Department?

The methods which Professor Laski uses to deal with democracy are also unsatisfactory and often unfair. Let us examine a few examples of them.

1. A great political thinker should help to clarify the meanings of his terminology and their relations to other terms. But Professor Laski does not face this responsibility. For example, he often uses the two terms "political democracy" and "economic democracy." Democracy has a definite economic system of its own, free enterprise. He should not say that economic democracy is more important than political democracy. If he means that socialism is more important than democracy then he should say so. If he thinks that it would be wise to use "economic democracy" for "socialism" because "democracy" is welcomed by all people and "socialism" is repugnant, especially to American people, then he has certainly used "literary tactics".

2. Speaking of press, cinema and radio, Professor Laski says:

"...the incidence of the whole picture is enormously and continuously tilted towards the support of vested interests against the democratic tradition for which America came into being as an independent nation...only an occasional play raises doubts about the validity of the "economic royalists" claim to rule." (p. 21)

"For, broadly speaking, just because each of these three media is a branch of Big Business, its object is not the communication of truth, but the making of profit; and the truth it can afford is rarely the whole truth, but so much of it as is compatible with profit-making". (p. 617)

But we find that, in the first place, there are no social foundations to guarantee that these means of communication will always be used as instruments of the vested interests. In the second place, they are now used more and more for educational purposes. And in the third place, the people cannot be fooled by these instruments of propaganda. Let us quote Professor

Laski himself:

"It is...normally true that where the working man in America has to choose between the picture of events painted for him by the leaders of his trade-union and the picture painted by the massive instruments of propaganda at the service of his employers, he chooses the former with a high degree of confidence". (p. 617)

3. Inaccuracy is another weakness of Professor Laski. For example, when he says:

"But no honest observer could analyse the operation of the spirit of America in the nineteen-forties without some hesitation about its outcome. It was not merely that there was a growth of anti-Semitism and of bitter hostility to the Negro advance. It was, even more, the fact that the ruling class of the U. S. employed the traditional American spirit to prevent the adaptation of the purpose of American life to the facts that it encountered." (p. 71)

Notice the last sentence which represents Laski's style of writing. It is stated inaccurately. The attitude toward the Negroes had greatly changed. When *the American Democracy* was published eight states had laws against discrimination, and most of the Negroes had changed their occupation from agriculture to industry. But Professor Laski never once mentions these points in the chapter on minorities.

4. Professor Laski has said repeatedly:

"That explains...the avidity with which a mass of publicists read the work of Pareto and depreciated the claim of ordinary man to share in a governmental process which was quite obviously the function of experts." (p. 435)

"Nor can anyone fail to see that behind the contemporary American doubt of the principle of equality there is a profound anxiety to justify the inequalities which could, in their return, become part of the defence mechanism of a privileged oligarchy. The depreciation of environment as against heredity,...the popularity of books like those of Pareto and Spengler which make a cult of hostility to the view that political philosophy can be rational, all these are part of a drive against equality as the foundation of American philosophy." (p. 257)

"...between the two world wars there was a curious interest in the fascist political theories of Pareto." (p. 718) Is this a true picture of the mind of the majority of the American publicists and of the American people at large?

5. Professor Laski has portrayed the frustration of technology by Big Business. But he fails to give the other side of the picture that Big Business supports research in technology and helps to make vast technological advancements. A political scientist should take into account both the hindrance and the promotion which an institution offers to the advancement of civilization. But Professor Laski is apt to be partial in his selection of evidence.

6. In attributing motivation, Professor Laski says that "there were signs that a tendency was growing in the U. S. towards a better 'Appreciation' of that policy (the British policy in India) as a kind of *quid pro quo* for British silence about the American problem (the problem of the Negro)." (p. 470) Is this statement fair and true?

Professor Harold Laski on American Political Institutions

Tun-jou Ku

A Summary

The present study of Professor Laski's political theory based on his book, *The American Democracy*, tries to analyze and raise questions about his main ideas and his plan for American government as follows:

1. The power of the president should be increased by giving him longer tenure of office.
2. Should a president make the vice-president an apprentice to his office?
3. American political parties ought be based upon interests and classes.
4. The House of the Representatives has been the least successful of federal institutions.
5. The Senate should be deprived of its treaty-making power in favor of the president.
6. The question of whether the president's cabinet should function like a cabinet under the cabinet form of government.
7. Is the growth in number of federal jobs the only change in the Federal Civil Service?
8. "The impossibility of reconciling the judicial function with the power to solve the problems of modern government".
9. Conclusion: his plan for American Government.

‘評拉司基論美國民主政治’提要

顧敦錄

本文研究英國拉司基教授晚年的政治思想。拉氏的思想、一生凡三變。早期，他是一位主權多元論者；中期，是一位個人主義的自由論者。及其晚年，突然作一百八十度的改變而成爲社會主義和馬克斯主義的信仰者，這從他的‘美國民主政治論’一書可以看得出來。他書中的主要論點茲分析如下：

- 一，延長總統任期以增加其權力；
- 二，副總統應有其特定的工作；
- 三，政黨應以利益團體和階級利益爲基礎；
- 四，衆議院殊少貢獻；
- 五，上議院不應有締結條約權；
- 六，國務院應有內閣制內閣的權力；
- 七，中央人事制度除增加中央職位外，無其他改進；
- 八，司法制度保障少數資產階級。

本文逐一評論其不盡不實，自相矛盾之處。蓋拉氏主旨在希求美國由民主政治變爲社會主義的政府，宜其持論偏激，強詞奪理也。（完）