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FACT AND FICTION IN GOVERNMENT*

ISIDOR LOEB

Washington University

Three decades have elapsed since the first president of the American Political Science Association at its inaugural meeting described the objects and purposes that it should pursue. Some of his successors have discussed various details of this program and others have reviewed the results achieved. Due recognition has been accorded to the significance of historical backgrounds, legal systems, and political theory. In addition, emphasis has been placed upon the importance of an understanding of the government as it actually functions. Hence, much of the work of this Association and its members has been devoted to the investigation and exposition of those customs, procedures, and institutions which, with or without any recognition by constitution or statute, exercise a profound influence over governmental organization and function.

It is natural that during this period significant changes should have appeared in the scope of Political Science and in the character of the techniques employed, with resulting differences in data and conclusions. Increasing evidence has been furnished of the close relation between politics and the other social sciences and the natural sciences. Efforts have been made to utilize the facts and methods in these fields for a better application of government as it is or as it ought to be. Many persons have doubts regarding the contributions that may be made by some of these cognate sciences, but there can be little question regarding the value of a greater utilization of the scientific attitude and of all relevant data in arriving at a better understanding of the actual government of human relations.

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Governmental affairs have felt the influence of the work of this Association during the past thirty years, but the effect has not corresponded with the great progress and accomplishments of this organization and its members. Of more significance is the fact that even less influence in general has been exercised upon the electorate or its leaders. This is clearly shown when we contrast this result with that achieved by the natural sciences. Today, there is widespread popular acceptance of the application of the principles established by scientific research in dealing with matters of our physical environment. No one today seriously contends that physical problems affecting health and safety, transportation and communication, industry and agriculture, should be solved in accordance with the knowledge of natural phenomena that prevailed in the mediæval world. Superstition and tradition have been displaced by the irresistible evidence of realities.

On the other hand, in political relations, devotion and adherence to principles and institutions that were formulated during by-gone centuries are factors that exercise a profound influence. However overwhelming the evidence that these no longer exist or are inapplicable to present conditions, it is powerless to overcome traditional beliefs based upon the kind of world that is preferred and which, it is hoped, can be maintained. Even when due allowance is made for the greater accuracy of the data secured by research in natural science, it would seem that there must be other reasons to account for the vast differences which are found in the acceptance and application of principles in the two fields.

Students of politics have been influenced by the spirit and have used the methods of natural science in their endeavor to discover truth and reality in government. Aristotle, with whom the science of politics begins, understood and emphasized the importance of a knowledge of the facts of our social as well as of our physical world. Machiavelli was the first man in the Middle Ages who utilized similar methods. While he may have justified falsehood and deception as necessary for the maintenance of despotic power, an end which he believed desirable under the conditions existing in Italy at that time, he used realistic methods in arriving at an understanding of the political conditions of his time.

The theory of the social contract, on the other hand, introduced politics to the realm of fiction and imaginary human beings. The practical results which it secured in the development of limited, rep-

representative government cannot obscure the great influence which it exercised in promoting the acceptance of unrealities in political affairs. While modern political science, in returning to more rational methods, has furnished an antidote to such idealistic theory, the effects of the latter are still manifest.

Despite this prevailing influence, American leaders in the eighteenth century were far more realistic in political affairs than are their modern successors. They clearly recognized the inadequacy of the Articles of Confederation and the ultimate result of continuing their government under that instrument. Notwithstanding the jealousy with which the states regarded their newly found independence and sovereignty, they were willing to face the fact that these could not be preserved if the Union disappeared, and that this was inevitable under the existing arrangement. The framers of the Constitution found a practical solution in providing for a central government with effective powers in matters of common concern while leaving to the states full control over their internal affairs. Their acceptance of current ideas of individualism and natural rights did not represent any departure from a realistic attitude, as these corresponded largely with, and were adapted to, the actual conditions existing in this country at the time. While they were opposed to governmental interference with or regulation of private social or economic relationships, with few exceptions, they did not deem it necessary nor perhaps desirable to impose positive, constitutional restrictions upon such action.

On the other hand, today many citizens believe that the doctrine of *laissez faire* was incorporated into our organic law, and traditions of eighteenth century individualism exercise a powerful influence. Despite the revolutionary changes that have occurred, even within their own experience, many fail to appreciate the truth that in social relationships "all things flow—nothing abides." Their imagination is uncontrolled by the evidence of facts, and their decisions are governed by idealistic elements.

Opinions that are widely prevalent today concerning our Constitution reveal the influence of these unrealities. Some regard this instrument as the result of speculative creation rather than practical adaptation. It is also believed that the Constitution is fixed and immutable and has undergone no changes except those provided by formal amendments. Many are unaware of the influence of economic and technological changes upon political institutions.

Others may be sufficiently naïve to believe that the fathers contemplated and provided for the present exercise of governmental powers. Most of those who insist upon its unchangeable character, however, assert that judicial interpretation has preserved the balance, rejecting those acts that are in conflict and sustaining those that are in accord with the provisions of the Constitution. They fail to perceive that in many cases, during the last three decades, that have been decided by a divided Court, the justices have differed not so much regarding legal principles as concerning the existence and nature of certain facts.

Whether one accepts the theory of judicial interpretation or takes the position that the courts have expanded the Constitution in the exercise of their function of judicial review, another problem in actuality is presented. Politics, like its sister social sciences, has been obliged to recognize that it does not operate in a vacuum. While members of the Supreme Court, though differing in their social and economic views, generally follow accepted legal principles, it is clear that judicial review in some controversies does not function in accordance with prevailing canons of interpretation. In a series of cases involving labor statutes that were decided by a divided court, it was found that some of the members were uniformly in favor of the constitutionality of the acts while others just as consistently held these invalid. It is natural to assume that traditional ideas or other factors influenced the opinions of these judges regarding certain facts and their significance in determining the conformity of legislation to the requirement of due process of law. Hence, there has developed a tendency to subject to minute examination and detailed criticism the previous records of those who are nominated as justices of the Supreme Court. A popular demand has arisen for the consideration of psychological factors as well as personal integrity, legal ability, and judicial training in the selection of members of this tribunal.

Another group rejects all of the foregoing views regarding the Constitution. While admitting that it was suitable for the conditions existing in the eighteenth century, they insist that it is not adapted to the present time, and that many of its fundamental features have been discarded. As they believe that government is being carried on largely in conflict with the Constitution, the demand is voiced for a general revision that will make our organic law conform to modern conditions. While most of those who take

this attitude have been classed as "radicals," their ranks, in view of recent developments, have been augmented by outstanding conservatives. The latter, believing that the Constitution was intended to maintain the individualistic state, insist that it cannot be adapted to a collectivistic society and that this reality should be faced and embodied in a new instrument. The conflict between the advocates of the flexibility of the Constitution and the proponents of its collapse presents a major problem of modern politics.

While the function of judicial review in declaring legislative acts to be in conflict with the Constitution has become more realistic, it is not unaffected with imaginary concepts. It is generally believed that decisions which prevent legislation for which there is a wide popular demand may be properly overcome only by constitutional amendment. There are not wanting examples, however, which indicate that under certain circumstances this result may be accomplished as a result of the clear declaration of legislative policy, accompanied by the influence of changing conditions upon the personnel of the Court. The *Legal Tender Cases* and the upholding of the *Adamson Act*, in *Wilson v. New*, illustrate this situation, and similar results may follow in such matters as national child labor legislation and acts dealing with minimum wages and yellow-dog contracts.

The enormous difficulty, under normal conditions, in overcoming traditional forms and procedures in government is well illustrated in the law governing regular sessions of Congress. The absurdity of having the first regular session of a Congress postponed until thirteen months after the election of representatives and the danger involved in having the old Congress legislate for three months after its successor has been chosen were recognized at an early period. Inertia and traditional adherence to established forms, however, were able to prevent a realistic solution for more than a century.

Political parties that have done much to introduce realities in government have themselves suffered from the fictitious influences that affect political institutions. Glittering generalities instead of clear statements regarding real differences usually characterize party platforms. The exception that appeared in the campaign of 1932 emphasizes the general situation. The realignment of voters in parties on the basis of vital issues is prevented, also, by traditions of party regularity.

Adherence to traditional forms and failure to provide for changing conditions find even more striking illustration in state and local government. With inadequate knowledge of history, many existing institutions are erroneously believed to be the product of eighteenth century wisdom. There is a failure to recognize the evil by-products of the democratic revolution of the nineteenth century, and these share in the sanctity that attaches to the fundamental principles of free government. With few exceptions, the states are engaged in the difficult task of meeting the pressing demands created by complex conditions, with legislatures chosen in accord with principles of representation that frequently do not permit a proper expression of the opinion of the majority. The extensive limitations that have been imposed upon legislative power, with resulting decline in the character of representatives and deterioration in leadership, have further complicated the problem.

The question of administration is equally serious. While state action or control has been introduced in many cases to replace or supplement local authority, uniformity and efficiency are frequently lacking. Conflict between agencies is encouraged by the distribution of functions among many organs that are independent of each other and subject to no supervisory authority. Inefficiency is further promoted by the inadequate character of administrative machinery provided and by the persistence of the spoils system in influencing the recruiting of the personnel.

Local government, with exceptions in some cities, furnishes many examples of the prevailing influence of fiction in political affairs. Governmental areas that formerly corresponded with social and economic conditions are still expected to meet the situation brought about by revolutionary changes in transportation and communication. Tradition and sentiment prevent recognition of the fact that political units should bear a close relation to social and economic unity. Similar influences have caused the retention of antiquated governmental machinery for these areas. The cumulative effect of the failure to deal with the realities of this situation is shown in crushing local tax burdens and increased inefficiency in administration.

While examples of the paralyzing influences of tradition in government could be multiplied indefinitely, hopeful signs of a change in attitude are by no means lacking. Recent developments furnish striking evidence of a tendency to apply realistic methods to politi-

cal affairs. The Lame Duck and Prohibition Repeal Amendments, the clearer definitions of political party issues in the campaign of 1932, the revolutionary changes introduced by the New Deal legislation of 1933, and the growing conviction, inspired by the increasing burden of taxation, that something is wrong with local and state governmental organization and administration, are examples. These show a decreasing influence of fictions and subjective impressions and a greater insistence upon facts and objective knowledge in democratic government.

The ideas at the basis of the revolutionary legislation of this year were the result of an analysis of our modern complex and economic life. They were advocated for many years without any apparent hope of successful realization. The special session of Congress, however, passed the measures almost without opposition, even from the minority party. While this was due in part to the overwhelming majority secured by the incoming administration and to the fear complex which affected those who were regarded as responsible for the existing disastrous situation, fundamental changes in public opinion also had important influence.

Many persons who were amazed at this result overlooked the cumulative effect of the efforts of the exponents of the new ideas. They also failed to give sufficient weight to the mass of objective facts that have been brought within the personal experience of individuals during the last two decades. Attention has been focused chiefly upon the economic significance of these changes, but political ideas and institutions also have been profoundly affected. In any event, Political Science has an unusual opportunity to capitalize the educational value of these recent realistic manifestations in social relationships.

It is not essential that one should accept the validity of all of the principles upon which a program such as the New Deal is based, still less that approval should be given to all of the methods by which the aims are sought to be enforced. There are dangers in realism as well as in imaginary concepts. Risks are involved in experimentation with our social world, even when this is based upon data that have been secured by the best available methods. But there is at least the possibility of improvement, if not success, while adherence to traditional ideas based upon imaginary conditions will inevitably lead to failure. Nor is there any occasion for despair over the length of time required for progress to mani-

fest itself. Integrity, courage, and infinite patience are no new qualifications for those who seek to acquire and disseminate knowledge.

The present situation should stimulate the American Political Science Association to continue and expand its activities. Its primary purpose must remain that of the encouragement of the scientific study of Political Science. The promotion of research and the publication of its results will always constitute its greatest contribution. The Sub-Committees on Research and Publication will continue to find ample scope for the promotion of activities in these fields. New interest has been aroused regarding the fundamental features of American government. In his presidential address, last year, Dr. Willoughby voiced the conviction of many that the time has come for a thorough reëxamination of these for the purpose of determining their actual operation and the modifications that experience and changed conditions may suggest.

Schools and colleges may be made effective agencies for promoting realistic tendencies in political affairs. This Association has been deeply interested in the problem of improving the teaching of government, and doctrinaire procedure has been modified in favor of more objective methods. Our Sub-Committee on Political Education, in carrying out one of its purposes, has conducted a series of regional round table conferences participated in by educational administrators, high school teachers, and political scientists. Though still in an experimental stage, this method of frank discussion of problems has demonstrated the beneficial results that may be secured from its continued application.

The Association has been able, also, to take advantage of the opportunity afforded for civic education, particularly of adults, by means of radio programs. Without adequate funds, but with the self-sacrificing labor of its chairman, the Committee on Policy has been able to coöperate in presenting the "You and Your Government" series. There is ample evidence of the educational value of these programs. Every effort should be made to provide the facilities necessary to secure the continued gratuitous allotment of valuable time on radio broadcasts for this purpose.

An important feature of the question of improved instruction in government is that of securing better trained teachers. The Sub-Committee on Personnel has contributed to the solution of this problem by a study of the factors involved and by planning

methods for the placement of persons who have been properly qualified in this field. Training for public service also has been studied, and plans for bringing students who have acquired this training into contact with public agencies have been formulated.

Realities in governmental affairs are of the greatest significance to public officials. Hence, another important objective of the Subcommittee on Political Education has been that of promoting a better understanding and coöperation between these officials and political scientists. State and regional round table conferences have been arranged where small, selected groups of public officers, experts and laymen, meeting privately, have been able to engage in frank discussion of problems of state and local government. Through these there has been secured a better knowledge of political agencies and procedures that may furnish a basis for improvement in areas, organization, and functions.

There have been not only concrete practical results, but also great benefits from personal contact between the groups and the development of mutual respect and appreciation. Politicians have found that the political scientists are not merely theoretical reformers, but are able to submit proposals of practical value. On the other hand, the latter gain a better understanding of political processes, of the attitude of public officials, and of the actual influences affecting them. The uniformly favorable reactions resulting from these conferences indicate that the experiment is one of the most desirable methods by means of which this Association may exert an influence upon governmental affairs and justify every effort to secure the continuation of these discussion groups on a more extended scale.

The dissemination of political facts through these various procedures should never become the primary or most important function of the American Political Science Association. As previously indicated, this will always be that of the encouragement of research. If the data secured and principles developed by investigation could be given practical application, vast improvements in governmental structure and administration would result. Public opinion, however, under the influence of traditional ideals, developed under far different conditions, always lags behind a realistic analysis of the present situation. Nevertheless, experience in many cases has shown that while progress may be almost immeasurably slow, consciousness of realities is ultimately acquired

and this results in surprisingly rapid popular approval of the change. The American Political Science Association has a vital function to perform in these days of quickened interest in public affairs. It is our continuing responsibility to develop the techniques which will be of aid to citizens in distinguishing between fact and fiction in government.