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Law, Legislation and Liberty

A New Statement of the Liberal Principles of Justice and Political Economy

With a new foreword by Paul Kelly

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Contents

Introduction

> There seems to be only one solution to the problem: that the élite of mankind acquire a consciousness of the limitation of the human mind, at once simple and profound enough, humble and sublime enough, so that Western civilisation will resign itself to its inevitable disadvantages.
>
> G. Ferrero*

When Montesquieu and the framers of the American Constitution articulated the conception of a limiting constitution[1] that had grown up in England, they set a pattern which liberal constitutionalism has followed ever since. Their chief aim was to provide institutional safeguards of individual freedom; and the device in which they placed their faith was the separation of powers. In the form in which we know this division of power between the legislature, the judiciary, and the administration, it has not achieved what it was meant to achieve. Governments everywhere have obtained by constitutional means powers which those men had meant to deny them. The first attempt to secure individual liberty by constitutions has evidently failed.

Constitutionalism means limited government.[2] But the interpretation given to the traditional formulae of constitutionalism has made it possible to reconcile these with a conception of democracy according to which this is a form of government where the will of the majority on any particular matter is unlimited.[3] As a result it has already been seriously suggested that constitutions are an antiquated survival which have no place in the modern

conception of government.[4] And, indeed, what function is served by a constitution which makes omnipotent government possible? Is its function to be merely that governments work smoothly and efficiently, whatever their aims?

In these circumstances it seems important to ask what those founders of liberal constitutionalism would do today if, pursuing the aims they did, they could command all the experience we have gained in the meantime. There is much we ought to have learned from the history of the last two hundred years that those men with all their wisdom could not have known. To me their aims seem to be as valid as ever. But as their means have proved inadequate, new institutional invention is needed.

In another book I have attempted to restate, and hope to have in some measure succeeded in clarifying, the traditional doctrine of liberal constitutionalism.[5] But it was only after I had completed that work that I came to see clearly why those ideals had failed to retain the support of the idealists to whom all the great political movements are due, and to understand what are the governing beliefs of our time which have proved irreconcilable with them. It seems to me now that the reasons for this development were chiefly: the loss of the belief in a justice independent of personal interest; a consequent use of legislation to authorize coercion, not merely to prevent unjust action but to achieve particular results for specific persons or groups; and the fusion in the same representative assemblies of the task of articulating the rules of just conduct with that of directing government.

What led me to write another book on the same general theme as the earlier one was the recognition that the preservation of a society of free men depends on three fundamental insights which have never been adequately expounded and to which the three main parts of this book are devoted. The first of these is that a self-generating or spontaneous order and an organization are distinct, and that their distinctiveness is related to the two different kinds of rules or laws which prevail in them. The second is that what today is generally regarded as 'social' or distributive justice has meaning only within the second of these kinds of order, the organization; but that it is meaningless in, and wholly incompatible with, that spontaneous order which Adam Smith called 'the Great Society', and Sir Karl Popper called 'the Open Society'. The third is that the predominant model of liberal democratic institutions, in which the same representative body lays down the rules of just conduct and directs government, necessarily leads to a gradual transformation of the spontaneous order of a free society into a totalitarian system conducted in the service of some coalition of organized interests.

This development, as I hope to show, is not a necessary consequence of democracy, but an effect only of that particular form of unlimited government with which democracy has come to be identified. If I am right, it would indeed seem that the particular form of representative government which now prevails in the Western world, and which many feel they must defend because they mistakenly regard it as the only possible form of democracy, has an inherent tendency to lead away from the ideals it was intended to serve. It can hardly be denied that, since this type of democracy has come to be accepted, we have been moving away from that ideal of individual liberty of which it had been regarded as the surest safeguard, and are now drifting towards a system which nobody wanted.

Signs are not wanting, however, that unlimited democracy is riding for a fall and that it will go down, not with a bang, but with a whimper. It is already becoming clear that many of the expectations that have been raised can be met only by taking the powers of decision out of the hands of democratic assemblies and entrusting them to the established coalitions of organized interests and their hired experts. Indeed, we are already told that the function of representative bodies has become to 'mobilize consent',[6] that is, not to express but to manipulate the opinion of those whom they represent. Sooner or later the people will discover that not only are they at the mercy of new vested interests, but that the political machinery of paragovernment, which has grown up as a necessary consequence of the provision-state, is producing an impasse by preventing society from making those adaptations which in a changing world are required to maintain an existing standard of living, let alone to achieve a rising one. It will probably be some time before people will admit that the institutions they have created have led them into such an impasse. But it is probably not too early to begin thinking about a way out. And the conviction that this will demand some drastic revision of beliefs now generally accepted is what makes me venture here on some institutional invention.

If I had known when I published *The Constitution of Liberty* that I should proceed to the task attempted in the present work, I should have reserved that title for it. I then used the term 'constitution' in the wide sense in which we use it also to describe the state of fitness of a person. It is only in the present book that I address myself to the question of what constitutional arrangements, in the legal sense, might be most conducive to the preservation of individual freedom. Except for a bare hint which few readers will have noticed,[7] I confined myself in the earlier book to stating the principles which the existing types of government would have to follow if they wished to preserve freedom. Increasing awareness that the prevailing institutions

make this impossible has led me to concentrate more and more on what at first seemed merely an attractive but impracticable idea, until the utopia lost its strangeness and came to appear to me as the only solution of the problem in which the founders of liberal constitutionalism failed.

Yet to this problem of constitutional design I turn only in volume 3 of this work. To make a suggestion for a radical departure from established tradition at all plausible required a critical re-examination not only of current beliefs but of the real meaning of some fundamental conceptions to which we still pay lip-service. In fact, I soon discovered that to carry out what I had undertaken would require little less than doing for the twentieth century what Montesquieu had done for the eighteenth. The reader will believe me when I say that in the course of the work I more than once despaired of my ability to come even near the aim I had set myself. I am not speaking here of the fact that Montesquieu was also a great literary genius whom no mere scholar can hope to emulate. I refer rather to the purely intellectual difficulty which is a result of the circumstance that, while for Montesquieu the field which such an undertaking must cover had not yet split into numerous specialisms, it has since become impossible for any man to master even the most important relevant works. Yet, although the problem of an appropriate social order is today studied from the different angles of economics, jurisprudence, political science, sociology, and ethics, the problem is one which can be approached successfully only as a whole. This means that whoever undertakes such a task today cannot claim professional competence in all the fields with which he has to deal, or be acquainted with the specialized literature available on all the questions that arise.

Nowhere is the baneful effect of the division into specialisms more evident than in the two oldest of these disciplines, economics and law. Those eighteenth-century thinkers to whom we owe the basic conceptions of liberal constitutionalism, David Hume and Adam Smith, no less than Montesquieu, were still concerned with what some of them called the 'science of legislation', or with principles of policy in the widest sense of this term. One of the main themes of this book will be that the rules of just conduct which the lawyer studies serve a kind of order of the character of which the lawyer is largely ignorant; and that this order is studied chiefly by the economist who in turn is similarly ignorant of the character of the rules of conduct on which the order that he studies rests.

The most serious effect of the splitting up among several specialisms of what was once a common field of inquiry, however, is that it has left a no-man's-land, a vague subject sometimes called 'social philosophy'. Some

of the chief disputes within those special disciplines turn, in fact, on differences about questions which are not peculiar to, and are therefore also not systematically examined by, any one of them, and which are for this reason regarded as 'philosophical'. This serves often as an excuse for taking tacitly a position which is supposed either not to require or not to be capable of rational justification. Yet these crucial issues on which not only factual interpretations but also political positions wholly depend, are questions which can and must be answered on the basis of fact and logic. They are 'philosophical' only in the sense that certain widely but erroneously held beliefs are due to the influence of a philosophical tradition which postulates a false answer to questions capable of a definite scientific treatment.

In the first chapter of this book I attempt to show that certain widely held scientific as well as political views are dependent on a particular conception of the formation of social institutions, which I shall call 'constructivist rationalism'—a conception which assumes that all social institutions are, and ought to be, the product of deliberate design. This intellectual tradition can be shown to be false both in its factual and in its normative conclusions, because the existing institutions are not all the product of design, neither would it be possible to make the social order wholly dependent on design without at the same time greatly restricting the utilization of available knowledge. That erroneous view is closely connected with the equally false conception of the human mind as an entity standing outside the cosmos of nature and society, rather than being itself the product of the same process of evolution to which the institutions of society are due.

I have indeed been led to the conviction that not only some of the scientific but also the most important political (or 'ideological') differences of our time rest ultimately on certain basic philosophical differences between two schools of thought, of which one can be shown to be mistaken. They are both commonly referred to as rationalism, but I shall have to distinguish between them as the evolutionary (or, as Sir Karl Popper calls it, 'critical') rationalism on the one hand, and the erroneous constructivist (Popper's 'naïve') rationalism on the other. If the constructivist rationalism can be shown to be based on factually false assumptions, a whole family of schools of scientific as well as political thought will also be proved erroneous.

In the theoretical fields it is particularly legal positivism and the connected belief in the necessity of an unlimited 'sovereign' power which stand or fall with this error. The same is true of utilitarianism, at least in its particularistic or 'act' variety; also, I am afraid that a not inconsiderable part of what is

called 'sociology' is a direct child of constructivism when it presents its aims as 'to create the future of mankind'[8] or, as one writer put it, claims 'that socialism is the logical and inevitable outcome of sociology'.[9] All the totalitarian doctrines, of which socialism is merely the noblest and most influential, indeed belong here. They are false, not because of the values on which they are based, but because of a misconception of the forces which have made the Great Society and civilization possible. The demonstration that the differences between socialists and non-socialists ultimately rest on purely intellectual issues capable of a scientific resolution and not on different judgments of value appears to me one of the most important outcomes of the train of thought pursued in this book.

It appears to me also that the same factual error has long appeared to make insoluble the most crucial problem of political organization, namely how to limit the 'popular will' without placing another 'will' above it. As soon as we recognize that the basic order of the Great Society cannot rest entirely on design, and can therefore also not aim at particular foreseeable results, we see that the requirement, as legitimation of all authority, of a commitment to general principles approved by general opinion, may well place effective restrictions on the particular will of all authority, including that of the majority of the moment.

On these issues which will be my main concern, thought seems to have made little advance since David Hume and Immanuel Kant, and in several respects it will be at the point at which they left off that our analysis will have to resume. It was they who came nearer than anybody has done since to a clear recognition of the status of values as independent and guiding conditions of all rational construction. What I am ultimately concerned with here, although I can deal only with a small aspect of it, is that destruction of values by scientific error which has increasingly come to seem to me the great tragedy of our time—a tragedy, because the values which scientific error tends to dethrone are the indispensable foundation of all our civilization, including the very scientific efforts which have turned against them. The tendency of constructivism to represent those values which it cannot explain as determined by arbitrary human decisions, or acts of will, or mere emotions, rather than as the necessary conditions of facts which are taken for granted by its expounders, has done much to shake the foundations of civilization, and of science itself, which also rests on a system of values which cannot be scientifically proved.

1

REASON AND EVOLUTION

> To relate by whom, and in what connection, the true law of the formation of free states was recognized, and how this discovery, closely akin to those which, under the names of development, evolution, and continuity, have given a new and deeper method to other sciences, solved the ancient problem between stability and change, and determined the authority of tradition on the progress of thought.
>
> Lord Acton*

CONSTRUCTION AND EVOLUTION

There are two ways of looking at the pattern of human activities which lead to very different conclusions concerning both its explanation and the possibilities of deliberately altering it. Of these, one is based on conceptions which are demonstrably false, yet are so pleasing to human vanity that they have gained great influence and are constantly employed even by people who know that they rest on a fiction, but believe that fiction to be innocuous. The other, although few people will question its basic contentions if they are stated abstractly, leads in some respects to conclusions so unwelcome that few are willing to follow it through to the end.

The first gives us a sense of unlimited power to realize our wishes, while the second leads to the insight that there are limitations to what we can deliberately bring about, and to the recognition that some of our present

hopes are delusions. Yet the effect of allowing ourselves to be deluded by the first view has always been that man has actually limited the scope of what he can achieve. For it has always been the recognition of the limits of the possible which has enabled man to make full use of his powers.[1]

The first view holds that human institutions will serve human purposes only if they have been deliberately designed for these purposes, often also that the fact that an institution exists is evidence of its having been created for a purpose, and always that we should so re-design society and its institutions that all our actions will be wholly guided by known purposes. To most people these propositions seem almost self-evident and to constitute an attitude alone worthy of a thinking being. Yet the belief underlying them, that we owe all beneficial institutions to design, and that only such design has made or can make them useful for our purposes, is largely false.

This view is rooted originally in a deeply ingrained propensity of primitive thought to interpret all regularity to be found in phenomena anthropomorphically, as the result of the design of a thinking mind. But just when man was well on the way to emancipating himself from this naïve conception, it was revived by the support of a powerful philosophy with which the aim of freeing the human mind from false prejudices has become closely associated, and which became the dominant conception of the Age of Reason.

The other view, which has slowly and gradually advanced since antiquity but for a time was almost entirely overwhelmed by the more glamorous constructivist view, was that that orderliness of society which greatly increased the effectiveness of individual action was not due solely to institutions and practices which had been invented or designed for that purpose, but was largely due to a process described at first as 'growth' and later as 'evolution', a process in which practices which had first been adopted for other reasons, or even purely accidentally, were preserved because they enabled the group in which they had arisen to prevail over others. Since its first systematic development in the eighteenth century this view had to struggle not only against the anthropomorphism of primitive thinking but even more against the reinforcement these naïve views had received from the new rationalist philosophy. It was indeed the challenge which this philosophy provided that led to the explicit formulation of the evolutionary view.[2]

THE TENETS OF CARTESIAN RATIONALISM

The great thinker from whom the basic ideas of what we shall call constructivist rationalism received their most complete expression was René

Descartes. But while he refrained from drawing the conclusions from them for social and moral arguments,[3] these were mainly elaborated by his slightly older (but much more long-lived) contemporary, Thomas Hobbes. Although Descartes' immediate concern was to establish criteria for the truth of propositions, these were inevitably also applied by his followers to judge the appropriateness and justification of actions. The 'radical doubt' which made him refuse to accept anything as true which could not be logically derived from explicit premises that were 'clear and distinct', and therefore beyond possible doubt, deprived of validity all those rules of conduct which could not be justified in this manner. Although Descartes himself could escape the consequences by ascribing such rules of conduct to the design of an omniscient deity, for those among his followers to whom this no longer seemed an adequate explanation the acceptance of anything which was based merely on tradition and could not be fully justified on rational grounds appeared as an irrational superstition. The rejection as 'mere opinion' of all that could not be demonstrated to be true by his criteria became the dominant characteristic of the movement which he started.

Since for Descartes reason was defined as logical deduction from explicit premises, rational action also came to mean only such action as was determined entirely by known and demonstrable truth. It is almost an inevitable step from this to the conclusion that only what is true in this sense can lead to successful action, and that therefore everything to which man owes his achievements is a product of his reasoning thus conceived. Institutions and practices which have not been designed in this manner can be beneficial only by accident. Such became the characteristic attitude of Cartesian constructivism with its contempt for tradition, custom, and history in general. Man's reason alone should enable him to construct society anew.[4]

This 'rationalist' approach, however, meant in effect a relapse into earlier, anthropomorphic modes of thinking. It produced a renewed propensity to ascribe the origin of all institutions of culture to invention or design. Morals, religion and law, language and writing, money and the market, were thought of as having been deliberately constructed by somebody, or at least as owing whatever perfection they possessed to such design. This intentionalist or pragmatic[5] account of history found its fullest expression in the conception of the formation of society by a social contract, first in Hobbes and then in Rousseau, who in many respects was a direct follower of Descartes.[6] Even though their theory was not always meant as a historical account of what actually happened, it was always meant to provide a guideline for deciding whether or not existing institutions were to be approved as rational.

It is to this philosophical conception that we owe the preference which prevails to the present day for everything that is done 'consciously' or 'deliberately', and from it the terms 'irrational' or 'non-rational' derive the derogatory meaning they now have. Because of this the earlier presumption in favour of traditional or established institutions and usages became a presumption against them, and 'opinion' came to be thought of as 'mere' opinion—something not demonstrable or decidable by reason and therefore not to be accepted as a valid ground for decision.

Yet the basic assumption underlying the belief that man has achieved mastery of his surroundings mainly through his capacity for logical deduction from explicit premises is factually false, and any attempt to confine his actions to what could thus be justified would deprive him of many of the most effective means to success that have been available to him. It is simply not true that our actions owe their effectiveness solely or chiefly to knowledge which we can state in words and which can therefore constitute the explicit premises of a syllogism. Many of the institutions of society which are indispensable conditions for the successful pursuit of our conscious aims are in fact the result of customs, habits or practices which have been neither invented nor are observed with any such purpose in view. We live in a society in which we can successfully orientate ourselves, and in which our actions have a good chance of achieving their aims, not only because our fellows are governed by known aims or known connections between means and ends, but because they are also confined by rules whose purpose or origin we often do not know and of whose very existence we are often not aware.

Man is as much a rule-following animal as a purpose-seeking one.[7] And he is successful not because he knows why he ought to observe the rules which he does observe, or is even capable of stating all these rules in words, but because his thinking and acting are governed by rules which have by a process of selection been evolved in the society in which he lives, and which are thus the product of the experience of generations.

THE PERMANENT LIMITATIONS OF OUR FACTUAL KNOWLEDGE

The constructivist approach leads to false conclusions because man's actions are largely successful, not merely in the primitive stage but perhaps even more so in civilization, because they are adapted both to the particular facts which he knows and to a great many other facts he does not and cannot know. And this adaptation to the general circumstances that surround him is brought about by his observance of rules which he has not designed and often does

not even know explicitly, although he is able to honour them in action. Or, to put this differently, our adaptation to our environment does not consist only, and perhaps not even chiefly, in an insight into the relations between cause and effect, but also in our actions being governed by rules adapted to the kind of world in which we live, that is, to circumstances which we are not aware of and which yet determine the pattern of our successful actions.

Complete rationality of action in the Cartesian sense demands complete knowledge of all the relevant facts. A designer or engineer needs all the data and full power to control or manipulate them if he is to organize the material objects to produce the intended result. But the success of action in society depends on more particular facts than anyone can possibly know. And our whole civilization in consequence rests, and must rest, on our *believing* much that we cannot *know* to be true in the Cartesian sense.

What we must ask the reader to keep constantly in mind throughout this book, then, is the fact of the necessary and irremediable ignorance on everyone's part of most of the particular facts which determine the actions of all the several members of human society. This may at first seem to be a fact so obvious and incontestable as hardly to deserve mention, and still less to require proof. Yet the result of not constantly stressing it is that it is only too readily forgotten. This is so mainly because it is a very inconvenient fact which makes both our attempts to explain and our attempts to influence intelligently the processes of society very much more difficult, and which places severe limits on what we can say or do about them. There exists therefore a great temptation, as a first approximation, to begin with the assumption that we know everything needed for full explanation or control. This provisional assumption is often treated as something of little consequence which can later be dropped without much effect on the conclusions. Yet this necessary ignorance of most of the particulars which enter the order of a Great Society is the source of the central problem of all social order and the false assumption by which it is provisionally put aside is mostly never explicitly abandoned but merely conveniently forgotten. The argument then proceeds as if that ignorance did not matter.

The fact of our irremediable ignorance of most of the particular facts which determine the processes of society is, however, the reason why most social institutions have taken the form they actually have. To talk about a society about which either the observer or any of its members knows all the particular facts is to talk about something wholly different from anything which has ever existed—a society in which most of what we find in our society would not and could not exist and which, if it ever occurred, would possess properties we cannot even imagine.

I have discussed the importance of our necessary ignorance of the concrete facts at some length in an earlier book[8] and will emphasize its central importance here mainly by stating it at the head of the whole exposition. But there are several points which require re-statement or elaboration. In the first instance, the incurable ignorance of everyone which I am speaking of is the ignorance of particular facts which are or will become known to somebody and thereby affect the whole structure of society. This structure of human activities constantly adapts itself, and functions through adapting itself, to millions of facts which in their entirety are not known to anybody. The significance of this process is most obvious and was at first stressed in the economic field. As it has been said, 'the economic life of a non-socialist society consists of millions of relations or flows between individual firms and households. We can establish certain theorems about them, but we can never observe all.'[9] The insight into the significance of our institutional ignorance in the economic sphere, and into the methods by which we have learnt to overcome this obstacle, was in fact the starting point[10] for those ideas which in the present book are systematically applied to a much wider field. It will be one of our chief contentions that most of the rules of conduct which govern our actions, and most of the institutions which arise out of this regularity, are adaptations to the impossibility of anyone taking conscious account of all the particular facts which enter into the order of society. We shall see, in particular, that the possibility of justice rests on this necessary limitation of our factual knowledge, and that insight into the nature of justice is therefore denied to all those constructivists who habitually argue on the assumption of omniscience.

Another consequence of this basic fact which must be stressed here is that only in the small groups of primitive society can collaboration between the members rest largely on the circumstance that at any one moment they will know more or less the same particular circumstances. Some wise men may be better at interpreting the immediately perceived circumstances or at remembering things in remote places unknown to the others. But the concrete events which the individuals encounter in their daily pursuits will be very much the same for all, and they will act together because the events they know and the objectives at which they aim are more or less the same.

The situation is wholly different in the Great[11] or Open Society where millions of men interact and where civilization as we know it has developed. Economics has long stressed the 'division of *labour*' which such a situation involves. But it has laid much less stress on the fragmentation of *knowledge*, on the fact that each member of society can have only a small fraction of the knowledge possessed by all, and that each is therefore

ignorant of most of the facts on which the working of society rests. Yet it is the utilization of much more knowledge than anyone can possess, and therefore the fact that each moves within a coherent structure most of whose determinants are unknown to him, that constitutes the distinctive feature of all advanced civilizations.

In civilized society it is indeed not so much the greater knowledge that the individual can acquire, as the greater benefit he receives from the knowledge possessed by others, which is the cause of his ability to pursue an infinitely wider range of ends than merely the satisfaction of his most pressing physical needs. Indeed, a 'civilized' individual may be very ignorant, more ignorant than many a savage, and yet greatly benefit from the civilization in which he lives.

The characteristic error of the constructivist rationalists in this respect is that they tend to base their argument on what has been called the *synoptic delusion*, that is, on the fiction that all the relevant facts are known to some one mind, and that it is possible to construct from this knowledge of the particulars a desirable social order. Sometimes the delusion is expressed with a touching naïveté by the enthusiasts for a deliberately planned society, as when one of them dreams of the development of 'the art of simultaneous thinking: the ability to deal with a multitude of related phenomena at the same time, and of composing in a single picture both the qualitative and the quantitative attributes of these phenomena.'[12] They seem completely unaware that this dream simply assumes away the central problem which any effort towards the understanding or shaping of the order of society raises: our incapacity to assemble as a surveyable whole all the data which enter into the social order. Yet all those who are fascinated by the beautiful plans which result from such an approach because they are 'so orderly, so visible, so easy to understand',[13] are the victims of the synoptic delusion and forget that these plans owe their seeming clarity to the planner's disregard of all the facts he does not know.

FACTUAL KNOWLEDGE AND SCIENCE

The chief reason why modern man has become so unwilling to admit that the constitutional limitations on his knowledge form a permanent barrier to the possibility of a rational construction of the whole of society is his unbounded confidence in the powers of science. We hear so much about the rapid advance of scientific knowledge that we have come to feel that all mere limitations of knowledge are soon bound to disappear. This confidence rests, however, on a misconception of the tasks and powers of

science, that is, on the erroneous belief that science is a method of ascertaining particular facts and that the progress of its techniques will enable us to ascertain and manipulate all the particular facts we might want.

In one sense the saying that our civilization rests on the conquest of ignorance is of course a mere platitude. Yet our very familiarity with it tends to conceal from us what is most important in it: namely that civilization rests on the fact that we all benefit from knowledge which we do *not* possess. And one of the ways in which civilization helps us to overcome that limitation on the extent of individual knowledge is by conquering ignorance, not by the acquisition of more knowledge, but by the utilization of knowledge which is and remains widely dispersed among individuals. The limitation of knowledge with which we are concerned is therefore not a limitation which science can overcome. Contrary to a widely held belief, science consists not of the knowledge of particular facts; and in the case of very complex phenomena the powers of science are also limited by the practical impossibility of ascertaining all the particular facts which we would have to know if its theories were to give us the power of predicting specific events. The study of the relatively simple phenomena of the physical world, where it has proved possible to state the determining relations as functions of a few variables that can be easily ascertained in particular instances, and where as a consequence the astounding progress of disciplines concerned with them has become possible, has created the illusion that soon the same will also be true with regard to the more complex phenomena. But neither science nor any known technique[14] enables us to overcome the fact that no mind, and therefore also no deliberately directed action, can take account of all the particular facts which are known to some men but not as a whole to any particular person.

Indeed, in its endeavour to explain and predict particular events, which it does so successfully in the case of relatively simple phenomena (or where it can at least approximately isolate 'closed systems' that are relatively simple), science encounters the same barrier of factual ignorance when it comes to apply its theories to very complex phenomena. In some fields it has developed important theories which give us much insight into the general character of some phenomena, but will never produce predictions of particular events, or a full explanation—simply because we can never know all the particular facts which according to these theories we would have to know in order to arrive at such concrete conclusions. The best example of this is the Darwinian (or Neo-Darwinian) theory of the evolution of biological organisms. If it were possible to ascertain the particular facts of the past which operated on the selection of the particular

forms that emerged, it would provide a complete explanation of the structure of the existing organisms; and similarly, if it were possible to ascertain all the particular facts which will operate on them during some future period, it ought to enable us to predict future development. But, of course, we will never be able to do either, because science has no means of ascertaining all the particular facts that it would have to possess to perform such a feat.

There is another related misconception about the aim and power of science which it will be useful also to mention at this point. This is the belief that science is concerned exclusively with what exists and not with what could be. But the value of science consists largely in telling us what would happen if some facts were different from what they are. All the statements of theoretical science have the form of 'if . . ., then . . .' statements, and they are interesting mainly in so far as the conditions we insert in the 'if' clause are different from those that actually exist.

Perhaps this misconception has nowhere else been so important as in political science where it seems to have become a bar to serious consideration of the really important problems. Here the mistaken idea that science is simply a collection of observed facts has led to a confinement of research to the ascertainment of what is, while the chief value of *all* science is to tell us what the consequences would be if conditions were in some respects made different from what they are.

The fact that an increasing number of social scientists confine themselves to the study of what exists in some part of the social system does not make their results more realistic, but makes them largely irrelevant for most decisions about the future. Fruitful social science must be very largely a study of what is *not*: a construction of hypothetical models of possible worlds which might exist if some of the alterable conditions were made different. We need a scientific theory chiefly to tell us what would be the effects if some conditions were as they have never been before. All scientific knowledge is knowledge not of particular facts but of hypotheses which have so far withstood systematic attempts at refuting them.

THE CONCURRENT EVOLUTION OF MIND AND SOCIETY: THE ROLE OF RULES

The errors of constructivist rationalism are closely connected with Cartesian dualism, that is with the conception of an independently existing mind substance which stands outside the cosmos of nature and which enabled man, endowed with such a mind from the beginning, to design the

institutions of society and culture among which he lives. The fact is, of course, that this mind is an adaptation to the natural and social surroundings in which man lives and that it has developed in constant interaction with the institutions which determine the structure of society. Mind is as much the product of the social environment in which it has grown up and which it has not made as something that has in turn acted upon and altered these institutions. It is the result of man having developed in society and having acquired those habits and practices that increased the chances of persistence of the group in which he lived. The conception of an already fully developed mind designing the institutions which made life in society possible is contrary to all we know about the evolution of man.

The cultural heritage into which man is born consists of a complex of practices or rules of conduct which have prevailed because they made a group of men successful but which were not adopted because it was known that they would bring about undesired effects. Man acted before he thought and did not understand before he acted. What we call understanding is in the last resort simply his capacity to respond to his environment with a pattern of actions that helps him to persist. Such is the modicum of truth in behaviourism and pragmatism, doctrines which, however, have so crudely oversimplified the determining relationships as to become more obstacles than helps to their appreciation.

'Learning from experience', among men no less than among animals, is a process not primarily of reasoning but of the observance, spreading, transmission and development of practices which have prevailed because they were successful—often not because they conferred any recognizable benefit on the acting individual but because they increased the chances of survival of the group to which he belonged.[15] The result of this development will in the first instance not be articulated knowledge but a knowledge which, although it can be described in terms of rules, the individual cannot state in words but is merely able to honour in practice. The mind does not so much make rules as consist of rules of action, a complex of rules that is, which it has not made, but which have come to govern the actions of the individuals because actions in accordance with them have proved more successful than those of competing individuals or groups.[16]

There is in the beginning no distinction between the practices one must observe in order to achieve a particular result and the practices one ought to observe. There is just one established manner of doing things, and knowledge of cause and effect and knowledge of the appropriate or permissible form of action are not distinct. Knowledge of the world is knowledge of

what one must do or not do in certain kinds of circumstances. And in avoiding danger it is as important to know what one must never do as to know what one must do to achieve a particular result.

These rules of conduct have thus not developed as the recognized conditions for the achievement of a known purpose, but have evolved because the groups who practised them were more successful and displaced others. They were rules which, given the kind of environment in which man lived, secured that a greater number of the groups or individuals practising them would survive. The problem of conducting himself successfully in a world only partially known to man was thus solved by adhering to rules which had served him well but which he did not and could not *know* to be true in the Cartesian sense.

There are thus two attributes of these rules that govern human conduct and make it appear intelligent which we shall have to stress throughout, because the constructivist approach denies implicitly that it can be rational to observe such rules. Of course in advanced society only some rules will be of this kind; what we want to emphasize is merely that even such advanced societies will in part owe their order to some such rules.

The first of these attributes which most rules of conduct originally possessed is that they are observed in action without being known to the acting person in articulated ('verbalized' or explicit) form. They will manifest themselves in a regularity of action which can be explicitly described, but this regularity of action is not the result of the acting persons being capable of thus stating them. The second is that such rules come to be observed because in fact they give the group in which they are practised superior strength, and not because this effect is known to those who are guided by them. Although such rules come to be generally accepted because their observation produces certain consequences, they are not observed with the intention of producing those consequences—consequences which the acting person need not know.

We cannot consider here the difficult question of how men can learn from each other such, often highly abstract, rules of conduct by example and imitation (or 'by analogy'), although neither those who set the examples nor those who learn from them may be consciously aware of the existence of the rules which they nevertheless strictly observe. This is a problem most familiar to us in the learning of language by children who are able to produce correctly most complicated expressions they have never heard before;[17] but it occurs also in such fields as manners, morals and law, and in most skills where we are guided by rules which we know how to follow but are unable to state.

The important point is that every man growing up in a given culture will find in himself rules, or may discover that he acts in accordance with rules—and will similarly recognize the actions of others as conforming or not conforming to various rules. This is, of course, not proof that they are a permanent or unalterable part of 'human nature', or that they are innate, but proof only that they are part of a cultural heritage which is likely to be fairly constant, especially so long as they are not articulated in words and therefore also are not discussed or consciously examined.

THE FALSE DICHOTOMY OF 'NATURAL' AND 'ARTIFICIAL'

The discussion of the problems with which we are concerned was long hampered by the universal acceptance of a misleading distinction which was introduced by the ancient Greeks and from whose confusing effect we have not yet wholly freed ourselves. This is the division of phenomena between those which in modern terms are 'natural' and those which are 'artificial'. The original Greek terms, which seem to have been introduced by the Sophists of the fifth century B.C., were *physei*, which means 'by nature' and, in contrast to it, either *nomō*, best rendered as 'by convention', or *thesei*, which means roughly 'by deliberate decision'.[18] The use of two terms with somewhat different meanings to express the second part of the division indicates the confusion which has beset the discussion ever since. The distinction intended may be either between objects which existed independently and objects which were the results of human *action*, or between objects which arose independently of, and objects which arose as the result of, human *design*. The failure to distinguish between these two meanings led to the situation where one author could argue with regard to a given phenomenon that it was artificial because it was the result of human action, while another might describe the same phenomenon as natural because it was evidently not the result of human design. Not until the eighteenth century did thinkers like Bernard Mandeville and David Hume make it clear that there existed a category of phenomena which, depending on which of the two definitions one adhered to, would fall into either the one or the other of the two categories and therefore ought to be assigned to a distinct third class of phenomena, later described by Adam Ferguson as 'the result of human action but not of human design'.[19] These were the phenomena which required for their explanation a distinct body of theory and which came to provide the object of the theoretical social sciences.

But in the more than two thousand years during which the distinction introduced by the ancient Greeks has ruled thought almost unchallenged, it

has become deeply engrained in concepts and language. In the second century A.D. a Latin grammarian, Aulus Gellius, rendered the Greek terms *physei* and *thesei* by *naturalis* and *positivus*, from which most European languages derived the words to describe two kinds of law.[20]

There occurred later one promising development in the discussion of these questions by the medieval schoolmen, which led close to a recognition of the intermediate category of phenomena that were 'the result of human action but not of human design'. In the twelfth century some of those writers had begun to include under *naturalis* all that was not the result of human invention or a deliberate creation;[21] and in the course of time it came to be increasingly recognized that many social phenomena fell into this category. Indeed, in the discussion of the problems of society by the last of the schoolmen, the Spanish Jesuits of the sixteenth century, *naturalis* became a technical term for such social phenomena as were not deliberately shaped by human will. In the work of one of them, Luis Molina, it is, for example, explained that the 'natural price' is so called because 'it results from the thing itself without regard to laws and decrees, but is dependent on many circumstances which alter it, such as the sentiments of men, their estimation of different uses, often even in consequence of whims and pleasures'.[22] Indeed, these ancestors of ours thought and 'acted under a strong impression of the ignorance and fallibility of mankind',[23] and, for instance, argued that the precise 'mathematical price' at which a commodity could be justly sold was only known to God, because it depended on more circumstances than any man could know, and that therefore the determination of the 'just price' must be left to the market.[24]

These beginnings of an evolutionary approach were submerged, however, in the sixteenth and seventeenth centuries by the rise of constructivist rationalism, with the result that both the term 'reason' and the term 'natural law' completely changed their meaning. 'Reason', which had included the capacity of the mind to distinguish between good and evil, that is between what was and what was not in accordance with established rules,[25] came to mean a capacity to construct such rules by deduction from explicit premises. The conception of natural law was thereby turned into that of a 'law of reason' and thus almost into the opposite of what it had meant. This new rationalist law of nature of Grotius and his successors,[26] indeed, shared with its positivist antagonists the conception that all law was made by reason or could at least be fully justified by it, and differed from it only in the assumption that law could be logically derived from *a priori* premises, while positivism regarded it as a deliberate construction based on empirical knowledge of the effects it would have on the achievement of desirable human purposes.

THE RISE OF THE EVOLUTIONARY APPROACH

After the Cartesian relapse into anthropomorphic thinking on these matters a new start was made by Bernard Mandeville and David Hume. They were probably inspired more by the tradition of the English common law, especially as expounded by Matthew Hale, than by the the law of nature.[27] It came increasingly to be seen that the formation of regular patterns in human relations that were not the conscious aim of human actions raised a problem which required the development of a systematic social theory. This need was met during the second half of the eighteenth century in the field of economics by the Scottish moral philosophers, led by Adam Smith and Adam Ferguson, while the consequences to be drawn for political theory received their magnificent formulations from the great seer Edmund Burke, in whose work we shall, however, seek in vain for a systematic theory. But while in England the development suffered a new setback from the intrusion of constructivism in the form of Benthamite utilitarianism,[28] it gained a new vitality on the continent from the 'historical schools' of linguistics and law.[29] After the beginnings made by the Scottish philosophers, the systematic development of the evolutionary approach to social phenomena took place mainly in Germany through Wilhelm von Humboldt and F. C. von Savigny. We cannot consider here that development in linguistics, although for a long time it was the only field outside of economics where a coherent theory was achieved, and the extent to which since Roman times the theory of law has been fertilized by conceptions borrowed from the grammarians deserves to be better understood than it is.[30] In the social sciences it was through Savigny's follower Sir Henry Maine[31] that the evolutionary approach re-entered the English tradition. And in the great survey of 1883 of the methods of the social sciences by the founder of the Austrian school of economics, Carl Menger, the central position for all social sciences of the problem of the spontaneous formation of institutions and its genetic character was most fully restated on the continent. In recent times the tradition has been most fruitfully developed by cultural anthropology, at least some of whose leading figures are fully aware of this ancestry.[32]

As the conception of evolution will play a central role throughout our discussion, it is important to clear up some misunderstandings which in recent times have made students of society reluctant to employ it. The first is the erroneous belief that it is a conception which the social sciences have borrowed from biology. It was in fact the other way round, and if Charles Darwin was able successfully to apply to biology a concept which he had largely learned from the social sciences, this does not make it less important

in the field in which it originated. It was in the discussion of such social formations as language and morals, law and money, that in the eighteenth century the twin conceptions of evolution and the spontaneous formation of an order were at last clearly formulated, and provided the intellectual tools which Darwin and his contemporaries were able to apply to biological evolution. Those eighteenth-century moral philosophers and the historical schools of law and language might well be described, as some of the theorists of language of the nineteenth century indeed described themselves, as Darwinians before Darwin.[33]

A nineteenth-century social theorist who needed Darwin to teach him the idea of evolution was not worth his salt. Unfortunately some did, and produced views which under the name of 'Social Darwinism' have since been responsible for the distrust with which the concept of evolution has been regarded by social scientists. There are, of course, important differences between the manner in which the process of selection operates in the cultural transmission that leads to the formation of social institutions, and the manner in which it operates in the selection of innate biological characteristics and their transmission by physiological inheritance. The error of 'Social Darwinism' was that it concentrated on the selection of individuals rather than on that of institutions and practices, and on the selection of innate rather than on culturally transmitted capacities of the individuals. But although the scheme of Darwinian theory has only limited application to the latter and its literal use leads to grave distortions, the basic conception of evolution is still the same in both fields.

The other great misunderstanding which has led to a discrediting of the theory of social evolution, is the belief that the theory of evolution consists of 'laws of evolution'. This is true at most in a special sense of the word 'law', and is certainly not true, as it is often thought, in the sense of a statement of a necessary sequence of particular stages or phases through which the process of evolution must pass and which by extrapolation leads to predictions of the future course of evolution. The theory of evolution proper provides no more than an account of a process the outcome of which will depend on a very large number of particular facts, far too numerous for us to know in their entirety, and therefore does not lead to predictions about the future. We are in consequence confined to 'explanations of the principle' or to predictions merely of the abstract pattern the process will follow.[34]

The pretended laws of overall evolution supposedly derived from observation have in fact nothing to do with the legitimate theory of evolution which accounts for the process. They derive from the altogether different conceptions of the historicism of Comte, Hegel and Marx, and their holistic

approach, and assert a purely mystical necessity that evolution must run a certain predetermined course. Although it must be admitted that the original meaning of the term 'evolution' refers to such an 'unwinding' of potentialities already contained in the germ, the process by which the biological and social theory of evolution accounts for the appearence of different complex structures does not imply such a succession of particular steps. Those to whom the concept of evolution implies necessary sequences of predetermined 'stages', or 'phases', through which the development of an organism or a social institution must pass, are therefore justified in rejecting such a conception of evolution, for which there is no scientific warrant.

We will mention at this point only briefly that the frequent attempts made to use the conception of evolution, not merely as an explanation of the rise of rules of conduct, but as the basis of a prescriptive science of ethics, also have no foundation in the legitimate theory of evolution, but belong to those extrapolations of observed tendencies as 'laws of evolution' for which there is no justification. This needs saying here as some distinguished biologists who certainly understand the theory of evolution proper have been tempted into such assertions.[35] It is our concern here, however, only to show that such abuses of the concept of evolution in subjects like anthropology, ethics, and also law, which have discredited it for a time, were based on a misconception of the nature of the theory of evolution; and that, if it is taken in its correct meaning, it still remains true that the complex, spontaneously formed structures with which social theory has to deal, can be understood only as the result of a process of evolution and that, therefore, here 'the genetic element is inseparable from the idea of theoretical sciences'.[36]

THE PERSISTENCE OF CONSTRUCTIVISM IN CURRENT THOUGHT

It is difficult to appreciate fully the extent to which the constructivist fallacy has during the last three hundred years determined the attitudes of many of the most independent and courageous thinkers. The rejection of the accounts which religion gave of the source and grounds of validity of the traditional rules of morals and law led to the rejection of these rules themselves so far as they could not be rationally justified. It was to their achievement in thus 'freeing' the human mind that many of the celebrated thinkers of the period owe their fame. We can here illustrate this only by picking out almost at random a few characteristic instances.[37]

One of the best known is, of course, Voltaire, whose views on the problem with which we shall be mainly concerned found expression in the

exhortation, 'if you want good laws, burn those you have and make new ones'.[38] Even greater influence was exercised by Rousseau; of him it has been well said that:[39]

> There was even no law except law willed by living men—this was his greatest heresy from many points of view, including the Christian; it was also his greatest affirmation in political theory. . . . What he did, and it was revolutionary enough, was to undermine the faith of many people in the justice of the society in which they lived.

And he did so by demanding that 'society' should be just as if it were a thinking being.

The refusal to recognize as binding any rules of conduct whose justification had not been rationally demonstrated or 'made clear and demonstrative to every individual'[40] becomes in the nineteenth century an ever recurring theme. Two examples will indicate the attitude. Early in that century we find Alexander Herzen arguing: 'You want a book of rules, while I think that when one reaches a certain age one ought to be ashamed of having to use one [because] the truly free man creates his own morality.'[41] And quite in the same manner a distinguished contemporary positivist philosopher contends that 'the power of reason must be sought not in rules that reason dictates to our imagination, but in the ability to free ourselves from any kind of rules to which we have been conditioned through experience and traditions'.[42]

The best description of this state of mind by a representative thinker of our time is found in the account given by Lord Keynes in a talk entitled 'My early beliefs'.[43] Speaking in 1938 about the time thirty-five years before, when he himself was twenty, he says of himself and his friends:

> We entirely repudiated a personal liability on us to obey general rules. We claimed the right to judge every individual case on its merits, and the wisdom, experience, and self-control to do so successfully. This was a very important part of our faith, violently and aggressively held, and for the outer world it was our most obvious and dangerous characteristic. We repudiated entirely customary morals, conventions, and traditional wisdom. We were, that is to say, in the strict sense of the term, immoralists . . . we recognized no moral obligation, no inner sanction, to conform or obey. Before heaven we claimed to be our own judge in our own case.

To which he added: 'So far as I am concerned, it is too late to change. I remain, and always will remain, an immoralist.'

To anyone who has himself grown up before the First World War, it is obvious that this was then not an attitude peculiar to the Bloomsbury Group, but a very widespread one, shared by many of the most active and independent spirits of the time.

OUR ANTHROPOMORPHIC LANGUAGE

How deeply the erroneous constructivist or intentionalist interpretation pervades our thinking about the phenomena of society is seen when we consider the meaning of many of the terms which we have to use in referring to them. Indeed, most of the errors against which we shall have to argue throughout this book are so deeply built into our language that the use of established terms will lead the unwary almost necessarily to wrong conclusions. The language which we have to use has developed in the course of millennia when man could conceive of an order only as the product of design, and when he regarded as evidence of the action of a personal designer whatever order he discovered in the phenomena. In consequence, practically all the terms that are available to us to describe such orderly structures or their functioning are charged with the suggestion that a personal agent has created them. Because of this they regularly lead to false conclusions.

To some extent this is true of all scientific vocabulary. The physical sciences no less than biology or social theory had to make use of terms of anthropomorphic origin. But the physicist who speaks of 'force' or 'inertia' or of a body 'acting' on another employs these terms in a generally understood technical sense not likely to mislead. But to speak of society as 'acting' at once conjures up associations which are very misleading.

We shall in general refer to this propensity as 'anthropomorphism', although the term is not wholly accurate. To be more exact we ought to distinguish between the even more primitive attitude which *personifies* such entities as society by ascribing to them possession of a mind and which is properly described as *anthropomorphism* or *animism*, and the slightly more sophisticated interpretation which ascribes their order and functioning to the *design* of some distinct agency, and which is better described as *intentionalism*, *artificialism*,[44] or, as we do here, *constructivism*. However, these two propensities shade into each other more or less imperceptibly, and for our purposes we shall generally use 'anthropomorphism' without making the finer distinction.

Since practically the whole vocabulary available for the discussion of the spontaneous orders with which we shall be concerned possesses such

misleading connotations, we must in some degree be arbitrary in deciding which words we shall use in a strictly non-anthropomorphic sense and which we shall use only if we want to imply intention or design. To preserve clarity, however, it is essential that with respect to many words we use them either for the results of deliberate constructions only, or for the results of spontaneous formation only, but not for both. Sometimes, however, as in the case of the term 'order', it will be necessary to use it in a neutral sense comprising both spontaneous orders and 'organizations' or 'arrangements'. The last two terms, which we shall use only for results of design, illustrate the fact that it is often as difficult to find terms which always imply design as it is to find those which do not suggest it. The biologist will generally without hesitation speak of 'organization' without implying design, but it would sound odd if he said that an organism not only had but was an organization or that it had been organized. The role that the term 'organization' has played in the development of modern political thought, and the meaning which modern 'organization theory' attaches to it, seem to justify in the present context a restriction of its meaning to results of design only.

Since the distinction between a made order and one which forms itself as a result of regularities of the actions of its elements will be the chief topic of the next chapter, we need not dwell upon it here any further. And in volume 2 we shall have to consider at some length the almost invariably confusing character of the little word 'social' which, because of its particularly elusive character, carries confusion into almost any statement in which it is used.

We shall find too that such current notions as that society 'acts' or that it 'treats', 'rewards', or 'remunerates' persons, or that it 'values' or 'owns' or 'controls' objects or services, or is 'responsible for' or 'guilty of' something, or that it has a 'will' or 'purpose', can be 'just' or 'unjust', or that the economy 'distributes' or 'allocates' resources, all suggest a false intentionalist or constructivist interpretation of words which might have been used without such a connotation, but which almost inevitably lead the user to illegitimate conclusions. We shall see that such confusions are at the root of the basic conceptions of highly influential schools of thought which have wholly succumbed to the belief that all rules or laws must have been invented or explicitly agreed upon by somebody. Only when it is wrongly assumed that all rules of just conduct have deliberately been made by somebody do such sophisms become plausible as that all power of making laws must be arbitrary, or that there must always exist an ultimate 'sovereign' source of power from which all law derives. Many of the age-old puzzles of political theory and many of the conceptions which have profoundly affected the

evolution of political institutions are the product of this confusion. This is especially true of that tradition in legal theory which more than any other is proud of having fully escaped from anthropomorphic conceptions, namely legal positivism; for it proves on examination to be entirely based on what we have called the constructivist fallacy. It is actually one of the main offshoots of that rationalist constructivism which, in taking literally the expression that man has 'made' all his culture and institutions, has been driven to the fiction that all law is the product of somebody's will.

One more term whose ambiguity had a similar confusing effect on social theory, and particularly on some positivist theories of law, and which therefore ought to be briefly mentioned here, is the term 'function'. It is an almost indispensable term for the discussion of those self-maintaining structures which we find alike in biological organisms and in spontaneous social orders. Such a function may be performed without the acting part knowing what purpose its action serves. But the characteristic anthropomorphism of the positivist tradition has led to a curious perversion: from the discovery that an institution served a function the conclusion was drawn that the persons performing the function must be directed to do so by another human will. Thus the true insight that the institution of private property served a function necessary for the maintenance of the spontaneous order of society led to the belief that for this purpose a power of direction of some authority was required—an opinion even expressly laid down in the constitutions of some countries which were drawn up under positivist inspiration.

REASON AND ABSTRACTION

The aspects of the Cartesian tradition which we have described as constructivism are often also referred to simply as rationalism, and this is apt to give rise to a misunderstanding. It has, for instance, become customary to speak of its early critics, especially Bernard Mandeville and David Hume, as 'anti-rationalists'[45] and this has conveyed the impression that these 'anti-rationalists' were less concerned to achieve the most effective use of reason than those who specially claimed the name of rationalists. The fact is, however, that the so-called anti-rationalists insist that to make reason as effective as possible requires an insight into the limitations of the powers of conscious reason and into the assistance we obtain from processes of which we are not aware, an insight which constructivist rationalism lacks. Thus, if the desire to make reason as effective as possible is what is meant by rationalism, I am myself a rationalist. If, however, the term means

that conscious reason ought to determine every particular action, I am not a rationalist, and such rationalism seems to me to be very unreasonable. Surely, one of the tasks of reason is to decide how far it is to extend its control or how far it ought to rely on other forces which it cannot wholly control. It is therefore better in this connection not to distinguish between 'rationalism' and 'anti-rationalism' but to distinguish between a constructivist and an evolutionary, or, in Karl Popper's terms, a naïve and a critical rationalism.

Connected with the uncertain meaning of the term 'rationalism' are the opinions generally held about the attitude to 'abstraction' characteristic of 'rationalism'. The name is often even used to describe an undue addiction to abstraction. The characteristic property of constructivist rationalism, however, is rather that it is not content with abstraction—that it does not recognize that abstract concepts are a means to cope with the complexity of the concrete which our mind is not capable of fully mastering. Evolutionary rationalism, on the other hand, recognizes abstractions as the indispensable means of the mind which enable it to deal with a reality it cannot fully comprehend. This is connected with the fact that in the constructivist view 'abstractness' is conceived as a property confined to conscious thought or concepts, while actually it is a characteristic possessed by all the processes which determine action long before they appear in conscious thought or are expressed in language. Whenever a *type* of situation evokes in an individual a *disposition* towards a certain *pattern* of response, that basic relation which is described as 'abstract' is present. There can be little doubt that the peculiar capacities of a central nervous system consist precisely in the fact that particular stimuli do not directly evoke particular responses, but make it possible for certain classes or configurations of stimuli to set up certain dispositions towards classes of actions, and that only the superimposition of many such dispositions specifies the particular action that will result. This 'primacy of the abstract', as I have called it elsewhere,[46] will be assumed throughout this book.

Abstractness will here be regarded, therefore, not only as a property possessed to a greater or lesser degree by all (conscious or unconscious) mental processes, but as the basis of man's capacity to move successfully in a world very imperfectly known to him—an adaptation to his ignorance of most of the particular facts of his surroundings. The main purpose of our stress on the rules which govern our actions is to bring out the central importance of the abstract character of all mental processes.

Thus considered, abstraction is not something which the mind produces by processes of logic from its perception of reality, but rather a property of

the categories with which it operates—not a product of the mind but rather what constitutes the mind. We never act, and could never act, in full consideration of all the facts of a particular situation, but always by singling out as relevant only some aspects of it; not by conscious choice or deliberate selection, but by a mechanism over which we do not exercise deliberate control.

It will perhaps be clear now that our constant stress on the non-rational character of much of our actions is meant not to belittle or criticize this manner of acting, but, on the contrary, to bring out one of the reasons why it is successful; and not to suggest that we ought to try fully to understand why we do what we do, but to point out that this is impossible; and that we can make use of so much experience, not because we possess that experience, but because, without our knowing it, it has become incorporated in the schemata of thought which guide us.

There are two possible misconceptions of the position taken which we must try to prevent. One derives from the fact that action which is guided by rules we are not aware of is often described as 'instinctive' or 'intuitive'. There is not much harm in these words except that both, and specially 'intuitive', usually refer to the perception of the particular and relatively concrete, while what we are here concerned with are capacities determining very general or abstract properties of the actions taken. As commonly used, the term 'intuitive' suggests an attribute not possessed by abstract rules which we follow in our actions, and for this reason it had better be avoided.

The other possible misunderstanding of our position is the impression that the emphasis we place on the non-conscious character of many of the rules which govern our action is connected with the conception of an unconscious or subconscious mind underlying the theories of psychoanalysis or 'depth-psychology'. But although to some extent the two views may aim at an explanation of the same phenomena, they are in fact wholly different. We shall not use, and in fact regard as unwarranted and false, the whole conception of an unconscious mind which differs from the conscious mind only by being unconscious, but in all other respects operates in the same, rational, goal-seeking manner as the conscious mind. Nothing is gained by postulating such a mystical entity, or by ascribing to the various propensities or rules which together produce the complex order we call mind any of the properties which the resulting order possesses. Psychoanalysis seems in this respect merely to have created another ghost which in turn is held to govern the 'ghost in the machine'[47] of Cartesian dualism.

WHY THE EXTREME FORMS OF CONSTRUCTIVIST RATIONALISM REGULARLY LEAD TO A REVOLT AGAINST REASON

In conclusion of this introductory chapter some observations are in place on a phenomenon which transcends the scope of this book but which is of considerable importance for the understanding of its immediate concerns. We refer to the fact that the constructivist rationalism which knows no bounds to the applications of conscious reason has historically again and again given birth to a revolt against reason. Indeed, this development, in which an over-estimation of the powers of reason leads through disillusionment to a violent reaction against the guidance by abstract reason, and to an extolling of the powers of the particular will, is not in the least paradoxical, but almost inevitable.

The illusion that leads constructivist rationalists regularly to an enthronement of the will consists in the belief that reason can transcend the realm of the abstract and by itself is able to determine the desirability of particular actions. Yet it is always only in combination with particular, non-rational impulses that reason can determine what to do, and its function is essentially to act as a restraint on emotion, or to steer action impelled by other factors. The illusion that reason alone can tell us what we ought to do, and that therefore all reasonable men ought to be able to join in the endeavour to pursue common ends as members of an organization, is quickly dispelled when we attempt to put it into practice. But the desire to use our reason to turn the whole of society into one rationally directed engine persists, and in order to realize it common ends are imposed upon all that cannot be justified by reason and cannot be more than the decisions of particular wills.

The rationalist revolt against reason, if we may so call it, is usually directed against the abstractness of thought. It will not recognize that all thought must remain abstract to various degrees and that therefore it can never by itself fully determine particular actions. Reason is merely a discipline, an insight into the limitations of the possibilities of successful action, which often will tell us only what not to do. This discipline is necessary precisely because our intellect is not capable of grasping reality in all its complexity. Although the use of abstraction extends the scope of phenomena which we can master intellectually, it does so by limiting the degree to which we can foresee the effects of our actions, and therefore also by limiting to certain general features the degree to which we can shape the world to our liking. Liberalism for this reason restricts deliberate control of the overall order of society to the enforcement of such general rules as are necessary for the formation of a spontaneous order, the details of which we cannot foresee.

Perhaps nobody has seen this connection between liberalism and the insight into the limited powers of abstract thinking more clearly than that ultra-rationalist who has become the fountain head of most modern irrationalism and totalitarianism, G. W. F. Hegel. When he wrote that 'the view which clings to abstraction is *liberalism*, over which the concrete always prevails and which always founders in the struggle against it',[48] he truly described the fact that we are not yet mature enough to submit for any length of time to strict discipline of reason and allow our emotions constantly to break through its restraints.

The reliance on the abstract is thus not a result of an over-estimation but rather of an insight into the limited powers of our reason. It is the over-estimation of the powers of reason which leads to the revolt against the submission to abstract rules. Constructivist rationalism rejects the demand for this discipline of reason because it deceives itself that reason can directly master all the particulars; and it is thereby led to a preference for the concrete over the abstract, the particular over the general, because its adherents do not realize how much they thereby limit the span of true control by reason. The *hubris* of reason manifests itself in those who believe that they can dispense with abstraction and achieve a full mastery of the concrete and thus positively master the social process. The desire to remodel society after the image of individual man, which since Hobbes has governed rationalist political theory, and which attributes to the Great Society properties which only individuals or deliberately created organizations can possess, leads to a striving not merely to be, but to make everything rational. Although we must endeavour to make society good in the sense that we shall like to live in it, we cannot make it good in the sense that it will behave morally. It does not make sense to apply the standards of conscious conduct to those unintended consequences of individual action which all the truly social represents, except by eliminating the unintended—which would mean eliminating all that we call culture.

The Great Society and the civilization it has made possible is the product of man's growing capacity to communicate abstract thought; and when we say that what all men have in common is their reason we mean their common capacity for abstract thought. That man uses this capacity largely without explicitly knowing the abstract principles which guide him, and does not understand all the reasons for allowing himself to be thus guided, has produced a situation in which the very over-estimation of those powers of reason of which man is conscious has led him to hold in contempt what has made reason as powerful as it is: its abstract character. It was the failure to recognize that abstractions help our reason go further than it could if

it tried to master all the particulars which produced a host of schools of philosophy inimical to abstract reason—philosophies of the concrete, of 'life' and of 'existence' which extol emotion, the particular and the instinctive, and which are only too ready to support such emotions as those of race, nation, and class.

Thus constructivist rationalism, in its endeavour to make everything subject to rational control, in its preference for the concrete and its refusal to submit to the discipline of abstract rules, comes to join hands with irrationalism. Construction is possible only in the service of particular ends which in the last resort must be non-rational, and on which no rational argument can produce agreement if it is not already present at the outset.