

Les Cahiers de droit



***Reflections on Government*, by Ernest BARKER, Don Mills, Ont., Oxford University Press, 1967, 420 pages, \$2.50.**

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coordination» qui sont difficiles à inventer et à faire accepter.

L'ouvrage de Me Lajoie sera certes un outil précieux pour ceux qui voudront comprendre les transformations des structures administratives qui ne devraient pas tarder à venir.

Patrice GARANT.

Reflections on Government, by Ernest BARKER, Don Mills, Ont. Oxford University Press, 1967, 420 pages, \$2.50.

"Reflections on Government" by Ernest Barker is exactly what the title implies — reflections on the government of men, a political, social, economic — indeed humanistic — look at democracy and its alternatives. It is not, however, a structured, technical textbook and it does not confine itself to strict political science. As the author himself points out in his Preface :

"These thoughts, or reflections, or considerations, may perhaps be said to fall within the scope of political science, a subject in which I was once a professor. But in another sense they can hardly be said to belong to any one branch of study or subject of inquiry. I am not a philosopher ; but I could not refrain from considerations of ethics, which must always be vitally connected with politics. I am not an economist ; but I have been driven to think about economics, which can never be absent from any political inquiry. I am not a student of natural science ; but I have found it impossible to refrain from reflecting on the methods and achievements of natural science, which are deeply affecting the life of every political community." (p. vi).

This book does not pretend to be an exhaustive study of the European political scene : its domain is ideas not systems.

"The argument of these Reflections is general, and perhaps even abstract. I have attempted

to see the pattern and design of the idiosyncrasy of each tree : to consider the general movement of ideas and forces in Europe rather than to investigate the particularity of each of its parts."

Prof. Barker has divided his book into four parts ; Part I dealing with "Democratic Government and its Internal Difficulties," Part II with "Democracy and its External Difficulties," Part III with "Amendments to Democracy" and Part IV with "Alternatives to Democracy." Within each Part we find a theoretical approach to the problem — an approach which spills over into, as the author himself admits, other disciplines such as ethics, economics or natural science.

A glance at the table of contents bears out this assertion. Part I is divided into three chapters, the first "The Name and Nature of Liberty" including such sub-titles as 'Goodness and Liberty' or 'Liberty in regard to the ideas of Society and State', Chapter II "The System of Civil and Political Liberty" including, for example, 'Party as a stage and organ in the method of discussion' or 'The spiritual conditions of the reconciliation of differences', Chapter III "The Internal Difficulties of Democracy" including, for example, 'Democracy in an era of economic and scientific change' or 'Democracy in relation to modern methods of production and distribution'.

Part II dealing with the external difficulties of democracy has for its chapter heads "The Eruption of the Personal" : "The Romantic Factor" in which the author discusses the vogue of the emergent leader and its origin in German Romanticism, "The Eruption of the Group" in which the group mentality of totalitarianism is discussed and finally "Economic Movements and Political Motion" where the problems of economic development are treated.

Part III "Amendments to Democracy" deals with the Reform of Parliamentary Democracy from two points of view Procedure and Planning. Finally, Part IV outlines the "Alternatives to Democracy" under

'Democratic Movement and Counter-Movements', 'The System of the Single Party State', 'The Alternative of Russian Soviet Communism', 'The Alternative of Italian Fascism', 'The Alternative of German National Socialism'. The whole is tied together by a final chapter on "The Choices and Decision."

From the technical point of view, then, it is evident that a politico-philosophic approach has been employed. From a perusal of the text the same is no less evident as, for example, in a study or the philosophic currents setting toward personal leadership we find the ideas of Nietzsche, Sorel, Pareto, Bergson and German Romanticism.

By avoiding an institutional or legalistic work, the author has managed to cut through the maze of technicalities and procedure which so often surrounds a study of government. Instead, we have the ideas and opinions of a man learned in that science, the reactions of this man to a time when democracy, especially the European brand, was threatened most seriously. For *Reflections* was written in and about the troubled Europe of the late 1930's, a Europe on the brink of war, and indeed, the final chapter was added two years later during wartime. Yet even while Europe tore at itself, the author maintained his faith in a European norm, a certain 'Europeanism' thus forecasting accurately the post-war European experience.

"But any just view of the European past must recognize that Europe has steadily constituted a single area of values, even if there have always been different provinces or regions within that area, and even though this or that province may sometimes have claimed to be the whole. To study Natural Law in Europe is to study one great manifestation of the common European." (p. 397).

At a time of fanatical nationalism, the author disavowed such nationalism.

"In every department of man's activities in which he has sought to find standards and to discover

values (in music or in literature, in science or in painting and architecture, as well as in law in politics), the common is always there. It is only an ignorance, or an ignoring, of the whole process of the building of our system of standards which can result in the nationalization of values." (p. 398).

The final chapter, just mentioned, and appropriately called "The Choices and the Decision" looks back at the book it culminates from the perspective of two years of war, a book about which the author quite rightly concludes that there "is no judgment, and no expression of opinion (not even in regard to Russia) which it has been necessary to alter in consequence of the movement of events during the last two years." The choices and decision of which this chapter speaks are those to be made between the security of totalitarianism, discussed earlier in the book, whether it be Russian Communism, German National Socialism or Italian Fascism and the democratic form with all its hazards and 'ancient ways', a choice in fact between social and economic 'hiving' of communism or corporatism on one hand and the fulfillment of the individual on the other. The impersonal, mechanised state of Hitler's Germany or Mussolini's Italy, suggests the author, had, rather than offering a challenge to the movement of contemporary life, succumbed to it, while democracy stood as the process which might still offer the realistic answer to an impersonal age. But, concedes the author, the strength of executive government, and an adequate provision of leadership is a work of justification which democracy has to achieve. Much less surviving the two years of wartime, Prof. Barker's views seem to have weathered well the twenty-six years separating his writing and this review.

His conclusion seems no less resilient for it is the inevitable conclusion to any thoughtful survey of past troubles and future hopes — internationalization. States should not be islands unto themselves, turning outward only for conquest.

Surely this is the lesson taught us by the chaos of the Europe which formed a backdrop for *Reflections*. Surely, as Prof. Barker states, "It is vain to think of the expansion of a generous national life except in the shelter and under the protection of an organized system of international peace." (420).

Prof. Barker has written a stimulating, if challenging book. It might be argued that the approach is at times too theoretical. Yet this book must be read in the light of the time of its writing and as it was intended — a kind of rambling dissertation on the government of men. It is not unprofitable to occasionally make an abstraction of this very pragmatic sphere of human activity and ponder awhile basic principles entailed. As a result, we bring back to our day-to-day legalistic and technical hassling a certain perspective which can only be beneficial. The message is perspective and perspective is always a valuable message. Since the days of Periclean Athens democratic man has walked a tightrope over the chasm of totalitarianism on one side, chaos on the other and if he is not to stumble he must bear always in mind the principles which maintain his balance. Such is the contribution of Prof. Barker's work.

Peter W. HUTCHINS,

Sade utopiste. — Sexualité, pouvoir et Etat dans le roman « Aline et Valcour », par Pierre FAVRE. Textes et recherches de la faculté de Droit et des Sciences économiques de Paris. Série « Science politique », n° 12. Presses Universitaires de France, 1967, pp. VIII, 105.

« Parler de Sade, citer ses livres dégage une odeur de soufre » (p. vii). Un retour des événements veut qu'au Québec, si l'on ne parle ou ne cite ses livres qu'avec circonspection, on les lise tout de même grâce à leur présentation en format de poche. Pierre Favre, dans cet ouvrage présenté au Diplôme d'Études Supérieures de Sciences politiques, se veut l'écho de la « résonance politique » du roman *Aline et Valcour* du

« divin » marquis en se demandant si la pensée politique peut « y trouver des enseignements » (p. 7). Il analyse les deux États rêvés par Sade, « deux utopies, l'une, féroce, située à *Butua* autour d'un anthropophage, l'autre faisant de *Tamoé* une île merveilleuse... » (p. 6).

Du Royaume de *Butua*, on apprend que les institutions y sont « axées sur l'existence de phénomènes aigus de Pouvoir » (p. 11), un « Pouvoir exercé avec une violence sadique, effrayante et systématique » (p. 13), un Pouvoir réalisé dans un absolutisme sexuel dont la gratuité apparaît « propre au marquis ». Et l'auteur s'attache à en décrire le rôle : l'école en est une « de soumission à la hiérarchie politique » (p. 18), la famille « un dévouement compensatoire permettant aux citoyens mâles de supporter le despotisme gouvernemental » (p. 21) ; l'asservissement de la femme y est porté à des conséquences qui mettent en jeu la pérennité même de la nation. Cet examen porte l'auteur à conclure que « les maîtres de *Butua* sont donc simultanément des libertins et des gouvernants, mais... des gouvernants défectueux... et des libertins quelque peu simplistes » (p. 35).

Pour sa part, l'île de *Tamoé* y apparaît comme le contre-pied de *Butua* ; c'est l'utopie de la contre-utopie que serait *Butua*. Les habitants y sont bienheureux ; ils « joignent la plénitude physique totale à une intégrité morale sans défaut » (p. 40).

Après une brève description de ses institutions et de ses mœurs, l'auteur montre qu'il y règne « la prédominance... de la contrainte sur la liberté » et indique les motifs pour lesquels « cette contrainte n'est pas présente aux habitants de l'île et comment l'étatisme peut engendrer le patriotisme » (p. 58). Le roi, un despote éclairé à la recherche du seul bonheur de ses sujets, tend à l'égalité des conditions de ses sujets dans le but de supprimer tout sentiment d'envie, de convoitise ou d'ambition. En conclusion toutefois, l'auteur dresse un « constat d'échec » (p. 95). Il décèle l'incohérence du système, dû surtout au fait que son étude ne résulte que pour une faible part d'une enquête sincère.