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Government and the Arts of Obedience, by William W. Hollister (1948)

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required by that Act had therefore not been worked into the general text of the works involved. However, each author devotes a separate chapter to an analysis of that Act in relation to the subject of estate planning.

Neither work is written in the highly technical fashion commonly found in law review material nor illustrated, for example, by the United States Treasury Department's publication entitled *Federal Estate and Gift Taxes—A Proposal for Integration and for Correlation with the Income Tax*. Mr. Shattuck's volume attempts no particular study of possible reform taxwise or substantive. Mr. Polisher, however, devotes a chapter to federal tax reform including a discussion of the above mentioned Treasury Department's proposal. Although in a way each volume retains the advantages of textbook presentation, they are especially helpful to the practitioner because they approach the subject of tax law not merely from the standpoint of exposition, but also from the standpoint of intelligent use.

Their usefulness would be increased, however, if specimen estate plans could be summarized in light of tax consequences together with specimen forms annotated to the discussions contained in the particular work involved. Even as written, however, the volumes under review make a useful addition to a working law library on estate planning, particularly the volumes of Mr. Polisher.

CHARLES HOROWITZ

GOVERNMENT AND THE ARTS OF OBEDIENCE, by William W Hollister. New York: King's Crown Press. 1948. Pp. 139.

The size of this little volume belies not only its weightiness but also its scope. The author succinctly analyzes government in terms of the response by the governed. What is achieved in brevity is somewhat lost in clarity; what amounts to an extended essay embraces not a little that requires interlineation by the reader. To those not easily frightened, however, there is much that is rewarding in Mr. Hollister's work.

In the expanding period of a culture, the role of a serious student of government is that of exploring the potentialities of a new system in the light of generally accepted political and ethical goals. In our own period, when political faiths are in the process of dissolution under the attack of late-cultural ideologies, the tasks of governmental research are primarily salvage and adaptation. At such a time the methods of comparative law and the re-evaluation of fundamentals come into prominence. An intelligent inquiry must begin with an analysis of the various methods of governing, and like Montesquieu, Mr. Hollister is searching for the bases of political control by analyzing popular reactions.

The author assumes that all government consists of the application of power on the governed. This power can be maintained by coercion—*domination*, by the necessity of social solidarity—*command*, by emotional attachment between the individual in power and his followers—*leadership*, by the continuous implementation of a recognized social purpose—*administration*, or by responsiveness to the opinions of conflicting social interests—*representation*. These forms of control are all found in any system of government, but in any given situation they are not all equally applicable. For example, The situations in which representation is particularly appropriate are those in which there is time for group deliberation and in which there are no serious social conflicts which turn discussion into verbal intimidation, or make group opinions factional. Situations in which action is absolutely essential are not suited to this form of control, for there too many opportunities for rejecting action.

These forms of control comprise a spectrum running from government by *coercion* to government by *convention* (that is, government that is taken for granted). Thus *domination* is the erection into a social system of submission secured by force or, more

frequently, by the threat of force. *Representation*, at the other end of the spectrum, rests on customary methods and attitudes called "public policies."

Since the author seems to consider governmental institutions, as defined by their bases in obedience, to be either fitted or unfitted for a given state of society, one might conclude that there is no place in his analysis for political ethics. He discusses, it is true, what he calls "perversions" of government. These result either from *corruption*, when the system bears little relevance to the situations which it was intended to govern, or from *usurpation*, when government acts "for private interest while seemingly functioning according to a convention which binds the group as a whole." But perversions are not necessarily bad.

an agency of control may be doing the best thing possible, but its power is "usurped" so long as the agent is taking advantage of the conventions of control in order to get obedience under false pretenses.

Mr. Hollister shows a predilection for a free society, but suggests that any of the systems giving rise to one of his forms of obedience may be the path towards that goal. Even domination

may be the prelude to good, as it quiets social fears and allows saner methods of group cooperation, but it is no culmination for the art of governing ethically.

It follows that political ethics should be concerned *first* with an examination of the validity of social ends, and *then* with the selection of the organizational technique best suited to attaining the chosen end.

This viewpoint particularly appeals to this reviewer. The preoccupation of our national apologists with the allegedly superior institutions of government we possess diverts attention from the veritable moral and cultural forces which have shaped our social ends. A system of government properly is only the expression of a social ideology; a criticism of governmental forms without a simultaneous examination of the ideologies which give rise to them is futile. A particular system of government isn't good or bad, it is either appropriate, in the light of the circumstances of society and of social ideology, or it is inappropriate.

This book is a valuable contribution to the legal scholar as well as to the political scientist. A fresh examination of the effectiveness of law, it would be of interest to the profession which serves in our society as the link between governmental power and popular obedience.

STUART G. OLES