THE POLITICAL PHILOSOPHY OF ARNOLD BRECHT

APPROVED:

H W Kamp
Major Professor

Walter S. Sanders
Minor Professor

Fred Schultz
Chairman of the Department of Political Science

Robert B. Toulouse
Dean of the Graduate School

Magoni, Doris M., The Political Philosophy of Arnold Brecht. Master of Arts (Political Science), December, 1971, 123 pp., bibliography, 40 titles.

The purpose of this investigation is to examine the political philosophy of Arnold Brecht in order to determine the positive contributions which his thought offers to a practical science of politics and to a more rational view of the relationship between fact and value. As a political scientist, he has embodied a unique capacity for doing and teaching and for making the past meaningful for the present. The method used is that of descriptive analysis, particularly an analysis of possible scientific contributions to the solution of transpositive problems in politics and justice.

An Introduction, Chapter I, presents the scope of Brecht's teaching as it approaches political philosophy from two different ways, the external and internal approaches, and these two aspects are treated separately as relativistic and anti-relativistic. Important influences on Brecht's political philosophy include the great influence of other German political thinkers, his Christian religious convictions and his judicial and political experiences in German government.

As the major contribution of Brecht's political philosophy centers around the concept of Scientific Value

Relativism, this theory is explored in Chapter II to show that from an external angle a great deal can be contributed in a scientific, objective manner to political policy by a careful analysis of the consequences and implied risks inherent in political actions and institutions.

In defining a Scientific Method, Brecht provides a basis for producing "intersubjectively transmissible knowledge," which can be received by all persons regardless of cultural background. A treatment of Brecht's Theory of Justice in Chapter III shows that his political philosophy is inseparable from his concern with justice. An investigation of his ideas of traditional and transtraditional justice reveals that traditional justice rests upon the objective forms of fundamental social institutions, while in transtraditional justice the standard becomes subjective, a personal conviction as to a valuable goal for the system.

Justice is also important for Brecht when, from an internal approach, he attempts to bridge the gulf from Is to Ought by providing a factual connection in his five universal and invariant postulates of justice for which he claims empirical proof. These universal ideas and feelings about justice are explored in Chapter III as an original and important aspect of Brecht's political philosophy.

A definite application of scientific theory to democracy is analyzed in Chapter IV to illustrate Brecht's application of science to one type of government, democracy, which he values. In this context he compares constitutional provisions, political practices, and investigates impossibility and alleged impossibility in reference to totalitarianism and democracy.

An evaluation of Brecht's political philosophy in Chapter V points to the definite possibilities to be found in a scientific approach to political policy and decision-making. His scholarship provides an answer to the twentieth century "crisis" in political science, the inability of science to prove ultimate values by providing a way for science to make a positive contribution to the formation and implementation of values by the use of Scientific Value Relativism.

The primary sources for this thesis are those many works of Arnold Brecht either written in or translated into English. Foremost, and used as a constant reference, is his outstanding work, Political Theory; The Foundations of Twentieth Century Political Thought. Others of his books used in this thesis include: Federalism and Regionalism in Germany, Prelude to Silence, and his recently published autobiography, The Political Education of Arnold Brecht. A collection of some of his most important articles under the title of The Political Philosophy of Arnold Brecht

was most helpful. His writings are extensive, and certainly they are not all covered here. However, many of his articles, especially those which appeared in Social Research and Nomos, have been of immense help. Other sources range from Machiavelli to contemporary political scientists such as Thorson, Eulau, Sibley and Germino.

THE POLITICAL PHILOSOPHY OF ARNOLD BRECHT

THESIS

Presented to the Graduate Council of the
North Texas State University in Partial
Fulfillment of the Requirements

For the Degree of

MASTER OF ARTS

By

Doris J. Magoni, B. A.
Denton, Texas
December, 1971

CHAPTER I

INTRODUCTION

Scope and Purpose

The purpose of this thesis is to examine the political philosophy of Arnold Brecht in order to determine the positive contributions which it offers to a practical science of politics and a more rational view of the relationship between fact and value. The rewards of such an investigation are many, because Arnold Brecht is a many-faceted scholar. He has embodied a unique capacity for combining doing and teaching, and for making the past meaningful for the present. His political thinking evolved out of his philosophy of justice and grew into a comprehensive system of political thought. However, he would refuse to consider his personal opinions worthy of the name of political philosophy unless they were otherwise supported. One of the basic characteristics of Brecht's political philosophy has been his emphatic distinction between personal opinion, on the one side, and scientific treatment of these values on the other; his life illustrates this dichotomy.

Brecht assigns to political science the formidable task of performing "a kind of thinking that anticipates the future and heeds the lessons of the past, a thinking that ought to

TABLE OF CONTENTS

CHAPTER I

INTRODUCTION

Scope and Purpose

The purpose of this thesis is to examine the political philosophy of Arnold Brecht in order to determine the positive contributions which it offers to a practical science of politics and a more rational view of the relationship between fact and value. The rewards of such an investigation are many, because Arnold Brecht is a many-faceted scholar. He has embodied a unique capacity for combining doing and teaching, and for making the past meaningful for the present. His political thinking evolved out of his philosophy of justice and grew into a comprehensive system of political thought. However, he would refuse to consider his personal opinions worthy of the name of political philosophy unless they were otherwise supported. One of the basic characteristics of Brecht's political philosophy has been his emphatic distinction between personal opinion, on the one side, and scientific treatment of these values on the other; his life illustrates this dichotomy.

Brecht assigns to political science the formidable task of performing "a kind of thinking that anticipates the future and heeds the lessons of the past, a thinking that ought to

precede, rather than follow practice."[1] Although the choice of goals is not the proper business of science, according to Brecht, reason does have a function in setting goals. Men can try to help create a world worth living in, by applying scientific methods to determine conditions as they actually are, and to investigate the possibilities or impossibilities of advancing in the desired direction. Once the goals are determined, men can use science to find suitable means for achieving these ends.

This thesis will contain a description and analysis of Arnold Brecht's political philosophy, particularly his ideas of possible scientific contributions to the solution of transpositive problems in politics and justice. His teaching approaches political philosophy from the external and internal aspects of political phenomena. From the external approach, Brecht emphasizes that a great deal can be contributed, in a scientific and objective way, by a careful analysis of the consequences and implied risks of political actions and institutions. Considered in this manner, liberty was not only his personal preference, but

---

[1]Erick Hula, "Arnold Brecht's Contribution to Comparative Government and International Relations," Social Research, XXI (April 1954), p. 112.

the consequences of its oppression could be shown objectively and the implied risks revealed.[2]

Brecht also advises that it is not from the outside alone that governmental institutions and practices can be shown to be objectionable because of undesired results, but that from an internal approach, there seem to be certain universal elements in all human ideals which can be determined by empirical research. All human beings, for example, seem to have an inherent feeling that discrimination based on lies is unjust. Therefore, if a factual connection can be established between Truth and Justice, there is hope that science, by refuting lies, can effect a collapse of injustice based on lies.[3]

A dualism becomes apparent in Brecht's political philosophy; it is simultaneously relativistic and anti-relativistic. Because of his recognition that there are different ideas of justice, none of which can prove its superiority by scientific means, he is a "scientific relativist." His admission that there is no logical step from Is to Ought and that therefore ultimate value judgments are not accessible to logical verification of validity, reinforces this position

---

[2]See Arnold Brecht, "Liberty and Truth: The Responsibility of Science," Nomos IV (New York, 1962), pp. 243-261, in which he analyses J. S. Mill's investigation of the consequences of government suppression of liberty.

[3]Morris D. Forkosh, editor, The Political Philosophy of Arnold Brecht (New York, 1954) p. 19.

of scientific relativism. However, at the same time he is a fighter against relativistic defeatism because of his insistence that much intra-transmissable knowledge can be gained by systematic research on consequences and risks implied in political actions and institutions under full exploitation of logico-empirical methods and by scientific separation of the possible from the impossible. He is definitely an anti-relativist in his thesis that there are inescapable elements in human thinking and feeling, and that some of these elements by being explored empirically, can have practical significance for current political controversies.[4]

Brecht's political philosophy is an example of what he describes as "partisan relativism." In his words:

> This limitation of what science can do, and can hope to achieve, does not hinder a scientist from orienting his own scientific research toward the question of how some particular end, considered valuable by him or by his country, or by some group whose ideals he shares can best be reached or approximated, nor on the other hand from pointing to actually undesired effects or side effects of any particular decision either made or contemplated.[5]

In this context, the political constitutional problems posed by the rise of totalitarianism are a theme running through many of Brecht's writings. In Prelude to Silence, he

---

[4]Ibid., pp. 19-20.

[5]Arnold Brecht, Political Theory: The Foundations of Twentieth Century Political Thought (Princeton, N.J., 1959), p. 484.

wished to emphasize that certain key defects of the Weimar Constitution were essential conditions of the collapse of the German republic. By trying to prove the relevance of constitutional details to the loss of freedom in the past, he hoped to make men aware of the importance of constitutional rules in future struggles.[6] Brecht emphasizes that the political scientist or theorist must see, sooner than others, the immediate and potential problems of political life, and supply the practical politician with alternative courses of action, the foreseeable consequences of which have been thoroughly investigated. In this way there may arise a true discernment between proper and improper ends of government as well as between proper and improper means.[7]

Definition of Terms

Before beginning a thorough investigation of Arnold Brecht's political philosophy, a definition of terms as Brecht uses them is necessary. These terms include philosophy, theory, political science and ideology. The terms "political philosophy" were used in this thesis instead of Brecht's "political theory" or Brecht's "political ideology" because philosophy, according to Brecht, examines

---

[6]Hula, op. cit., p. 115.

[7]Arnold Brecht, "Democracy, Challenge to Theory," Social Research, XIII (June 1946), p. 196.

> not only what is but what ought to be , or ought to be done, to be approved. It is not limited to the physical world but entitled and even supposed to meditate also about metaphysical questions. Nor is it limited by the rules of preestablished scientific procedure or by the requirements of exact proof, but it is entitled and even supposed to engage in speculation beyond the reach of observational tests.[8]

Brecht does not say, on the other hand, that philosophy is only speculation. He adds that inquiries into the possibility, the conditions and the limitations of knowledge have always been considered part of philosophy and that the more exacting scientific disciplines of logic and methodology have been regarded as legitimate subjects of philosophy. Accordingly Brecht states that "there is final agreement that philosophy insofar as it tries to explain phenomena, is theory, and insofar as it applies scientific method is science." Because the demands for precision and control grew more exacting in science, it became increasingly more necessary to distinguish between science and philosophy. Brecht points to this interrelation between philosophy, science and theory as one of the fundamental problems in the present crisis of scientific thinking.[9]

Theory, according to Brecht, is "always used to designate attempts to explain phenomena when that is done in general or abstract terms." Theory may be scientific or

---

[8]Brecht, Political Theory, pp. 15-16.

[9]Ibid., p. 14.

non-scientific according to the observance of scientific rules of procedure. Theory is never a "law" although it refers to laws or may suggest the existence of additional laws. Not everything scientific, then, is necessarily theoretic. Brecht explains that "observation and description of facts are not theory, since they do not explain facts." Thus, whenever factual research is done which contributes to our general knowledge, it may be scientific without being theoretic.[10] If we agree with Brecht's definitions, we recognize that regarding political questions, political philosophy, political theory and political science are no longer interchangeable terms, as they once were. Political science, when used today with the emphasis placed on science as distinct from philosophy, refers to efforts limited by the use of scientific methods, in contrast to political philosophy which remains free to transcend these limits. Any speculative thesis proposed by political philosophy, according to Brecht, can be made part of scientific political theory only as a working hypothesis. The importance of theory for Arnold Brecht will be discussed later in this chapter dealing with the significance of his political philosophy for today's problems.

Brecht defines ideologies as

> all guiding principles, valuations and maxims about goals and means, no matter in the service of what movement they are used, to the extent that they are

---

[10] Ibid., p. 15.

> not scientifically established theories. Only scientifically not verifiable theories should be called ideologies.[11]

If an ideology is offered as a scientific theory, (as in the case of Hitler's racial doctrine), Brecht feels it is the important function of science to inquire whether this ideology is scientifically correct, and to publish results.[12]

Since the author agrees with Brecht's definition of terms, the "Political Philosophy of Arnold Brecht" was chosen in this thesis as a combination of terms broad enough to encompass both his scientific theory and his stated values.

Main Ideas of Brecht's Political Philosophy

In listing the main ideas to be found in Brecht's political philosophy, one finds his concern with the relationship of science to value to be paramount. As a scientific relativist he affirms the proposition that there is no logical step from Is to Ought, and therefore ultimate value judgments are not accessible to logical verification of their validity. Science can approach values only indirectly, not directly. Secondly, in spite of this limit placed upon science in dealing with values, Scientific Method can render service to the formation of political

---

[11]Arnold Brecht, "Totalitarian Dictatorship and Autocracy," Social Research, XXIV (1957), p. 484.

[12]Ibid., p. 484.

policy by analyzing the logical implications and factual consequences of the espousal of a particular value, thereby helping to choose among conflicting goals. In this connection, Brecht issues a warning to political scientists to distinguish clearly between what is demonstrably true, and what is not susceptable of intersubjective demonstration.[13] He clearly states that, "scientific political theory today neither sets goals nor condones speculations that overlook facts; it supplies premeditated thought for the exercise of practical wisdom."[14] The political scientist may, however, as Brecht does, utilize science in the service of his declared goal values. Affirming his love of democracy in advance, he makes it clear that

> Every scientific relativist unless he indulges in unlimited skepticism will personally adhere to certain standards of evaluation, and after stating the impossibility of presenting scientific proof for their validity, may freely recommend his own choice to others, giving his reasons for it, including a scientific analysis of the consequences and risks implied in rival standards.[15]

Thusly, Brecht equates philosophy of law with political philosophy and speaks of "political and legal philosophy" in the singular form. His ideas of traditional and transtraditional justice led him to search for elements of the sense

---

[13]Arnold Brecht, "A New Science of Politics," Social Research, XX (Summer 1953), p. 230.

[14]Brecht, Political Theory, p. 502.

[15]Ibid., p. 267.

of justice which were not relative. As a scientist he also indicated the service to justice that science could render by clarification of meaning, examination of consequences and risks, and the fight against dogmatic doctrines of justice offered as scientific. The fourth, and most controversial element of Brecht's political philosophy is his attempt to construct a factual bridge from Is to Ought by claiming empirical proof for five universal postulates of justice. The tentative proof as given by Brecht will be discussed in Chapter III, but the five invariant and universal elements of justice as presented by Brecht form an original and important part of his political philosophy.

Important Influences Upon Brecht's Political Philosophy

German Political Thinkers

An analysis of Arnold Brecht's political philosophy must include recognition of the important influence of German thinkers who immediately preceded him as pioneers in the territory of Scientific Value Relativism. Brecht gives credit in his work Political Theory to those in Germany who became concerned with the problem of science and value, especially George Simmel, Heinrich Rickert, George Jellinek and Gustav Radbruch. However, the most important influence upon Brecht was the renowned sociologist, Max Weber. There are pronounced similarities between Brecht's Scientific

Value Relativism and the ideas of Max Weber as stated in his article "Objectivity of Knowledge in Social Science and Social Policy" published in 1904. In this article Weber lays down the principles of Scientific Value Relativism without using the name or the term relativism.[16] If there are new and original aspects of Scientific Value Relativism as presented by Brecht, they are ramifications and outgrowths of Weber's theory.

Max Weber, in turn, gives credit for his work to the ideas of his predecessors Wildebrand, Rickert, Simmel and Jellinek. Wildebrand, (1848-1915), pointed in the right direction, according to Brecht, when he reemphasized the distinction between physical laws (Is) and norms (Ought) made by Julius von Kirshmann.[17] Rickert, (1863-1936), a philosopher, was concerned with Reality and Meaning as distinct realms, not to be confused. Although Rickert felt that "the validity of the transcendant Ought cannot be doubted," he said, "its origin cannot be explored by science."[18] George Simmel, (1858-1948), stated "That we ought to do something, [as a proposition,] can, if we wish to demonstrate logically, never be proved otherwise than by referring to some other Ought that is presupposed as

---

[16] Ibid., p. 222.

[17] Ibid., p. 208.

[18] Ibid., p. 210.

certain."[19] The core of Simmel's analysis was that science cannot set values. He concluded that, "the pure problem of science is: if such and such purposes and conditions are given, what must we do to realize the former, granting due consideration to the latter."[20]

Rickert emphasized recognizing truth as a value, insisting upon the absolute duty of truthfulness in our inner recognition of observed facts.[21] Here we see the parallel with Brecht's insistence upon the value of truth as a universal concept of justice. Jellinek in his General Theory of the State, published in 1900, pointed out that political science has value judgments as its subject. Since these are beyond scientific proof, only inquiries of relative character can be called scientific.[22]

The similarity of Brecht's Scientific Value Relativism and the ideas of Max Weber becomes apparent when we examine Weber's views by providing significant examples from his very important article mentioned above. He has certainly clarified the way for Brecht regarding the limits of science by clearly stating that, "it can never be the task of an

---

[19]George Simmel, Einleitung in die Moralwissenshaft, p. 12, cited in Brecht, Political Theory, p. 211.

[20]Brecht, Political Theory, p. 217.

[21]Ibid., p. 219.

[22]Ibid., p. 220.

empirical science to provide binding norms and ideals from which directions for immediate practical activity can be derived."[23]

Weber answers the question of the scientific criticism of ideals and value judgments in the following way:

> All serious reflection about the ultimate elements of meaningful human conduct is oriented primarily in terms of ends and means. We desire something concretely either for its own sake or as a means of achieving something else which is more highly desired. The question of the appropriateness of the means for achieving a given end is undoubtedly accessible to scientific analysis. Inasmuch as we are able to determine (within the present limits of our knowledge) which means for the achievement of a proposed end are appropriate or inappropriate, we can, in this way, indirectly criticize the setting of the end itself as practically meaningful (on the basis of the existing historical situation) or as meaningless with reference to existing conditions.[24]

This last passage hints at the category of Impossibility, which Brecht considers so significant that he devotes a chapter to its discussion in his Political Theory.

Furthermore, according to Weber, we can determine the consequences which the application of the means to be used will produce in addition to the eventual attainment of the proposed end, as a result of the interdependence of all events. We can thus provide the acting person with the ability to weigh and compare the undesirable as against the

---

[23]Ibid., p. 223.

[24]Max Weber, The Methodology of the Social Sciences (Glencoe, Illinois, 1949), p. 53.

desirable consequences of his action. We can answer the question: what will the attainment of a desired end cost in terms of the particular cost of other values?[25] These beliefs concerning the positive contributions of science to formation of political policy are entirely consistent with those expressed by Brecht. Max Weber, although he insisted on the limitations of science, never ceased personally to believe in ultimate values, nor did he discount the importance of such belief for human dignity. This important fact is brought to our attention by his admirer and counterpart, Arnold Brecht.

In summarizing, Brecht lists four functions which Weber presents as strictly scientific in treating value judgments:

(1) Elaboration of the ultimate value axioms from which value evaluations are derived and examination as to consistency. (Clarification)

(2) Deduction from the respective axioms of their implications for other value judgments.

(3) Examinations of consequences because of (a) means, (b) undesired by-products. This examination may lead to findings on the possibility or impossibility of attaining the desired end.

(4) Uncovering of collisions in value judgments.[26]

It will be noted that these four points are practically identical with Brecht's principles as defined in Chapter II.

---

[25] Ibid., p. 53.

[26] Brecht, Political Theory, p. 229.

There were many other men who influenced Brecht in his political thinking, but one more who should be mentioned is Gustav Radbruch, who integrated relativistic ideas into a systematic philosophy of law. Radbruch became the head of the twentieth-century school of Scientific Value Relativism in legal and political philosophy, particularly after Max Weber's death in 1920, until his own death in 1949.[27] Thus, theoretical implications regarding values were first formulated in Germany, and Arnold Brecht, a German political practitioner and scholar, became the intellectual heir of value relativism.

Judicial and Political Experience

Arnold Brecht's legal and political philosophy rests upon a solid basis of political experience as well as theoretical work. Carl Friedrich's comments are interesting in this context, "His life work represents the very best that the German tradition of government was renowned for in its day of glory."[28] It tried to make bureaucrats into philosophers in the tradition of Plato. For Brecht, being a scholar meant being a public servant. Because of his personal experiences, Brecht realized that history taught lessons. The lessons implicit in the downfall of the German democracy,

---

[27] Ibid., p. 233.

[28] Carl Friedrich, "Arnold Brecht, Jurist and Political Theorist," Social Research, XXI (April 1954), p. 107.

he felt, should be heeded in order to prevent a recurrent rise of tyranny. As a man of practical knowledge and as a lawyer, he never failed to inquire into the practicability of great designs, no matter how much they appealed to him emotionally. However, for all his realism, Brecht is optimistic: he equates despair with sin. A brief outline of Brecht's life will serve to focus upon the part that these experiences and training played in the formulation of his political philosophy.

Arnold Brecht began the study of law and government in 1902 at the University of Bonn. As an eighteen year old student he became interested in the "why" of legal rules. His curiosity was stimulated by the passage of a New Civil Law Code in Germany which replaced a variety of local law systems. Not only did traditional institutions determine what Brecht called "traditional" ideas of justice, but there were "transtraditional" ideas of justice, critical of the existing institutions which differed according to individual opinion about the desirable state of political affairs. Brecht began to look for elements of the sense of justice that were not relative, and this search became a life-long pursuit.

In 1910, Brecht was called to Berlin to help to prepare a new penal code for Germany. With the beginning of the war his interest shifted from law to politics, and his official duties in connection with the preparation of war legislation

brought him into closer connection with policy making. Again he began his quest for justice and the meaning of justice in the political sphere.

In October 1918, Brecht was called into the Chancellery as the secretary to the first cabinet formed by a German chancellor, thus bringing him into the center of German policy formation. He stayed in the Chancellery for three years after the war, and thereafter worked as assistant secretary in the federal Ministry of the Interior. From this position he went to a similar one in the Prussian government and served as a delegate of that government to the German Federal Council. Weighty problems involving other than that of justice figured larger in the daily political struggle, and required thought and action. Brecht took a stand on the issues of relations between civilian and military forces, mistakes in constitutions, the relative limits of liberty, of order and authority, of human rights and police power, problems of federalism, of public administration, of financial policy and the constant fight against the political lie and conspiracy.[29] He wrote books and pamphlets on many of these issues and fought for justice in Germany until after the Nazis seized power. Eventually in 1933 he accepted an invitation from Dr. Alvin Johnson to join the Graduate Faculty of the New School for Social Research in New York, becoming an American citizen in 1946.

---

[29]Forkosh, op. cit., p. 15.

Brecht's personal political views were clearly formulated at the beginning of his entry into public life and have remained consistent throughout his life. In his autobiography he expresses it in this way:

> I tried to gain a better knowledge of the history of political institutions in many countries. My experience at close quarters with German history under three fundamentally different constitutions in the twentieth century had sharpened my understanding. I focused attention on the influence constitutions had on history. The history of political ideas was just as important, and even more attractive. I wanted to find out what assistance science could render practice. I, a politician, longed for theory.[30]

Arnold Brecht's political views were shaped by his fundamental desire for liberty and by his respect for the essential equality of human beings. This equality, according to Brecht, arose from the fact that every person had the ability to choose between good and evil every day, every hour, every moment, independently of race, color, intelligence and opinion. His views included also a recognition of the need for order and cooperation to promote liberty and equality, and to achieve better standards of life. "Yes, I loved democracy," Brecht avows, "because it gave free reign to my own ideals of freedom, truth and justice; I loved it as the opposite of forms of government which subjected me to authoritarian powers which I could not respect."[31] However,

---

[30]Arnold Brecht, The Political Education of Arnold Brecht (Princeton, N.J., 1970), pp. 483-484.

[31]Ibid., p. 484.

Brecht did not "believe" in democracy as a cure for all political ills, because it had failed in many cases and could lead to satisfactory ends only when a whole series of moral and historical conditions were given.

Arnold Brecht's political ideas may be the outgrowth of a political situation and the frustrations of an active political experience, but he is not an armchair philosopher; he is an ardent advocate of the positive contributions that science can make to political action.

Religion as a Factor

Another facet of Brecht's background and experience must be touched upon, as it is a cornerstone in the foundation of his philosophy; this is his religious belief in the existence of God and his Christian conviction. As definitely as he emphasizes that the proof of God's reality cannot be demonstrated in terms of Scientific Method, he affirms the importance of religion as a force in the genesis of modern society. Brecht realizes that religion has given our society much of its character and coherence through codes of morals and customs shaped under religious influence. Belief in God has played a relevant role in political ideals, motivations and institutions up to the present time, despite four centuries of growing secularization.

Arnold Brecht's political philosophy emphasizes a respect for individual dignity and freedom. These consistent

ideals are for him, a result of his Christian belief. In this vein of thought he discusses religion as a relevant political factor in these words:

> It may be doubted whether modern democracy, with its emphasis on the dignity of the individual person, could ever have arisen without religious impulses, and it is a legitimate question of political science to ask whether, even today, the formal devices of democratic government alone could hold society together without the cement of a common religious belief.[32]

Brecht makes a plea for "unbracketing the Divine" in scientific work. By this expression he means that since the assumption of God's reality is, scientifically speaking, no worse than that of an entirely nondivine origin of the world and man, the latter being as much a mere hypothesis as the former, we may give the hypothesis place in scholarly work.[33] His deep personal religious faith compels him to make this statement:

> Whenever the door for God's entry into community life or into private life threatened to close, I have put my foot on the threshold and have reminded scholars who undertook such attempts in the name of science, of the limits of science.[34]

Finally, Arnold Brecht makes this statement today in answering the question of which influence has been the most significant in formulating his political philosophy by stating,

---

[32]Brecht, Political Theory, p. 456. [33]Ibid., p. 473.

[34]Brecht, The Political Education of Arnold Brecht, p. 494.

> My relentless pursuit of truth and the full use of the power of thinking irrespective of personal benefits and emotions have had the decisive influence. Close observation of political facts in the present and study of history with a deeper than usual devotion to their finer interrelations naturally constitute an important source of my thoughts and results.[35]

Significance of Brecht's Contribution

Brecht's scholarship is an inspiration to those who see the possibilities of an infusion of scientific knowledge into political decision making. Those who decry the difficulties involved refuse to admit the many advantages of an enlightened approach to political problem solving inherent in a practical science of politics. In discussing the role of scientific political theory Brecht confidently predicts its usefulness:

> When political theory performs its function well it is one of the most important weapons in our struggle for the advance of humanity. To imbue people with correct theories may make them choose their goals and means wisely so as to avoid the roads that end in terrific disappointment.[36]

A thorough analysis of Brecht's political philosophy provides many opportunities for further progress along new paths of exploration. Machiavelli, in writing The Discourses undertook an unfamiliar way when he announced. "I have resolved to open a new route, which has not yet been followed

---

[35]Letter from Arnold Brecht, October 22, 1971.

[36]Brecht, Political Theory, pp. 20-21.

by anyone, and may prove difficult and troublesome."[37] He compared historical events with a view to ends and means, thus aiming at a technique of politics based on science. Arnold Brecht's political philosophy is significant because he suggests a rational means for making the world a better place.

---

[37]Niccolo Machiavelli, The Prince and the Discourses (New York, 1950), p. 103.

CHAPTER II

SCIENTIFIC VALUE RELATIVISM

Scientific Knowledge Defined

Arnold Brecht defines the crisis of twentieth century political theory as the "rise of the theoretical opinion that no scientific choice between ultimate values can be made."[1] Whoever claimed scientific validity for his value system was, then, scientifically in error. Brecht points out that before 1900, all major contributions in the field of political theory had one feature in common; they focused attention on the ends of government, the proper means of achieving these ends, and the best form of government. In answering these questions scholars advanced pronouncements on good and evil, just and unjust, morally right and wrong, and the valuable and nonvaluable. To support their views these writers would easily refer to first principles derived from many sources including religion, nature, philosophical speculation, self-evident postulates, evidence from the history of political ideas, or examples taken directly from positive law, or the constitution of a respective country.

---

[1]Arnold Brecht, Political Theory: The Foundations of Twentieth Century Political Thought (Princeton, N.J., 1959), p. 9.

Christianity and natural law played an important role in providing indisputable sources for these first principles. As a result, many statements in the field of political theory, meant to be or presented as being scientific, were accepted as such at a time when other branches of the sciences had learned to distinguish between religious and scientific sources. Statements such as the following regarding proper ends and means were presented as scientific contributions to general knowledge: "all men should be treated as equals because they are born equal;" "everyone should serve a useful function in society;" and "governments ought to serve the interests of the individual" or perhaps "the group."

Although there has remained room for debate during the last sixty or seventy years, we can agree with Brecht that there has been a marked trend toward methodological awareness in political theory. Knowledge which cannot be fashioned with tools of science qua science including observation of facts, measurement and logical reasoning, should not be presented as scientific, but rather as personal opinion, religious belief or tentative assumption.[2]

On one side, aligned with Arnold Brecht, are those who insist that science is work done in line with a scientific method, respecting empirical observation and logical reasoning. On the other side are those who use the term

---

[2]Ibid., p. 4.

"science" in a broader view, and accept other types of knowledge including that supplied by pure reason, intuition, self-evidence, or even religious revelation. In moral valuation the split is most evident. The first group holds that ultimate moral standards, no matter how avidly held, cannot be established as valid by scientific means. Arnold Brecht represents this doctrine in an uncompromising statement, declaring that

> Scientific Method does not enable us to state, in absolute terms, whether the purpose pursued by us or by others is good or bad, right or wrong, just or unjust, nor which of several conflicting purposes is more valuable than the others. It only enables us to answer these questions in relative terms, with reference to some purpose that is actually being pursued.[3]

The second group, using the broader concept of science, holds that validity can be established. Professor John Hallowell of Duke University proposes to include Christianity as a scientifically verifiable truth on the ground that it explains the facts of human nature better than any other theory, and that its consequences testify to its truth. He says,

> The proof of Christianity is its correspondence to reality, i.e., the fact that it explains more adequately than any other rival religion or philosophy all the facts of human nature and experience. In a sense, its truthfulness is derived, in part at least, from the inadequacy of all rival explanations of life. In another sense, its truthfulness is demonstrated by its practical fruits, i.e., that it

---

[3] Ibid., p. 124.

> does enable men to live serene and happy lives. It enables us to live in the present without either complacent optimism or helpless despair.[4]

While many of us would applaud this statement as true according to a personal religious conviction, the strict intersubjective scientific proof is lacking.

Unfortunately, no scientific argument can compel a theorist to use the term "science" in only one sense. Arnold Brecht uses this term in the narrower sense, and does not claim that a scientific explanation as he sees it is always better than a religious or philosophical one, but merely that the knowledge it supplies as a result of his Scientific Method is "transmissible qua knowledge"[5] to a larger degree. Brecht is most scholarly and precise when he discusses the transmissibility of knowledge. He distinguishes among three types of knowledge; scientia transmissibilis, scientia nontransmissibilis, and scientia mere speculativa. There would be no transmissible knowledge, according to Brecht, and consequently no intersubjective type of science, unless certain minimal assumptions were accepted: "(a) the assumption that human beings obtain similar impressions through their senses, (b) some regularity in nature, without which

---

[4]Arnold Brecht, "Beyond Relativism in Political Theory," American Political Science Review, XLI (June 1947), p. 478.

[5]Arnold Brecht, "Political Theory," International Encyclopedia of the Social Sciences, (New York, 1968), p. 308.

there could be no explanations in general terms; and (c) some degree of human freedom to form an opinion on truth and falsehood."[6] Brecht assures us that although the validity of these assumptions is not scientifically demonstrable, that they are universally accepted and comprehended.

The three types of knowledge defined by Brecht are given names and symbols. Accordingly, S^1 or Scientia transmissibilis is knowledge, intersubjectively transmissible qua knowledge; S^2 or Scientia nontransmissibilis is knowledge, considered such, but not intersubjectively transmissible qua knowledge, and S^3 or Scientia mere speculativa, is mere speculation, not claimed to be knowledge. In terms of this scheme, Scientific Method, as Brecht defines its workings, supplies scientiam transmissibilem, and he emphasizes that what is transferred are only basic data and strictly analytical reasoning, not the acceptance of the correctness of an observation or inductive inference.[7]

Private knowledge based on unverifiable observations such as memories or religious revelation is scientia non transmissibilis. This private knowledge is necessary for us as human beings, and we feel an urge to communicate this knowledge to others, but this communication does not transmit our own (putative) knowledge as knowledge. Transmission is limited to the personal report that we believe we have

---

[6]Ibid., p. 308. [7]Brecht, Political Theory, p. 280.

knowledge on such and such a basis. Mere speculation, Brecht adds, such as a belief in life after death, does not constitute science in the sense of the two preceding categories. Such a speculation can supply "knowledge" only insofar as it can "(1) clarify the meaning of problems or (2) lead to greater clarity about potential alternatives of truth and relative possibilities." It may influence the selection of problems and methods of inquiry in trying to find scientia transmissibilis, and thus gain importance as a working hypothesis.[8]

Scientific Method

In presenting a clearly defined model of scientific investigation in his book Political Theory, Brecht capitalizes the words "Scientific Method," declaring it to be exclusive in that all of the rules there stated are essential for a scientific method which can supply intersubjectively transmissible knowledge. Brecht's Scientific Method outlines the following steps of scientific procedure:

> (1) Observation of what can be observed, and tentative acceptance or non-acceptance of the observation as sufficiently exact.
> (2) Description of what has been observed, and tentative acceptance or non-acceptance of the description as correct and adequate.
> (3) Measurement of what can be measured; this being merely a particular type of observation and description, but one sufficiently distinct and important to merit separate listing.

---

[8] Ibid., p. 281.

(4) Acceptance or non-acceptance (tentative) as facts or reality of the results of observation, description and measurement.
(5) Inductive generalization (tentative) of accepted individual facts (No. 4) offered as "factual hypothesis."
(6) Explanation (tentative) of accepted individual facts (No. 4), or of inductively reached factual generaliations (No. 5), in terms of relations, especially causal relations, offered as a "theoretical hypothesis."
(7) Logical deductive reasoning from inductively reached factual generalizations (No. 4) or hypothetical explanations (No. 6), so as to make explicit what is implied in them regarding previously accepted facts (No. 4), factual generalizations (No. 5), and hypothetical explanations (No. 6).
(8) Testing by further observations (Nos. 1-4) the tentative acceptance of observations, reports, and measurements as properly made (Nos. 1-3), and of their results as facts (No. 4), or tentative expectations as warranted (No. 7).
(9) Correcting the tentative acceptance of observations, etc., and of their results (Nos. 1-4), of inductive generalizations (No. 5) and hypothetical explanations (No. 6), whenever they are incompatible with other accepted observations, generalizations or explanations, or correcting the previously accepted contributions.
(10) Predicting events or conditions, or of any possible constellation of such in order either (a) to test factual or theoretical hypotheses, this being identical with steps 7 and 8; or (b) to supply a scientific contribution to the practical problem of choosing between several possible alternatives of action.
(11) Non-acceptance (elimination from acceptable propositions) of all statements not obtained or confirmed in the manner here described, especially of a-priori propositions, except when immanent in Scientific Method or offered merely as "tentative assumptions" or "working Propositions."[9]

Logical reasoning, for Brecht, is accepted as full proof by Scientific Method only when it is strictly analytic; that is, when nothing is added to the meaning of a term or

---

[9] Ibid., pp. 28-29.

proposition, but the meaning is simply made explicit. A proposition is synthetic when something is added to the meaning. It then cannot be arrived at from the given term or proposition. As a logical positivist, Brecht makes this dictinction.[10]

Science and Political Policy

Keeping these scientific limitations in mind, what can scientific political theory contribute to political policy? Is it correct to say that science can deal only with means and must leave the deliberation of ends to politics, philosophy or religion? Arnold Brecht denies that this antithesis is correct, and cites several significant ways in which scientific political theory is able to deal with goals and goal values. It can examine

> (a) the meaning of goals and goal values and all the implications of that meaning; (b) the possibility or impossibility of reaching them; (c) the cost of pursuing and reaching them, especially the price to be paid through the sacrifice of other goals or values and through undesired side effects; (d) all other consequences and risks involved; and (e) implications, consequences and risks of alternative goals, so as to make an informed choice possible.[11]

Brecht proposes that the proper task of scientific political theory is to engage in various types of examination of

---

[10]Dante Germino, Beyond Ideology: The Revival of Political Theory (New York, 1967), p. 69.

[11]Arnold Brecht, "Political Theory," International Encyclopedia of the Social Sciences, p. 313.

goals, in fact he declares that the examination of goals should be the center of political theory where it appeared in former centuries; however in scientific work this investigation should be limited to scientific means. In this regard, topics that attracted most attention until the beginning of this century included the ends of state and its proper goals as well as the best form of government. The distinction between scientific and nonscientific political theory has pushed these questions into the background, since science is not able to say what is "best" in absolute terms, with no reference to the questions "for whom," or "for what" it is best or proper.[12]

Gabriel Almond expresses his thoughts on this subject of "good" policy in the following quotation:

> If then, public policy is a primary datum of political science, by what means can that discipline contribute to the success of "good" policy and the defeat of bad? Science cannot create values; these grow out of the needs and aspirations of the people. It can, however demonstrate how and to what extent alternative public policies contribute to the realization of public values and aspirations. Controversy arises over the question as to which means are the most efficient in leading to these ends. And here the political scientist and his collaborators in the other social sciences can perform a useful function in judging the relative efficiency and applicability of means. The political scientist may also play a useful role in evaluating the consequences of realizing one value or set of values for other values, and thereby make the consequences of particular choices clear. It is only when those who exercise public power are capable of determining the efficiency of

---

[12] Ibid., p. 314.

> alternative means, and the compatibility of ends, that rationality in public policy becomes possible. The political scientist is qualified to make a contribution toward rendering policy formation more rational, that is, to genuinely meet the needs and aspirations of the public. In this sense his function is essentially an ethical one.[13]

Arnold Brecht is in complete agreement with these views.[14]

Scientific Relativism in the social sciences is based on this contention: that no scientific method has been devised to determine the superiority of any goal or purpose over any other goal or purpose in absolute terms. Only a relative superiority as a means in pursuit of another ulterior purpose can be shown. Which of these ulterior purposes or ends is superior to others is beyond the scope of science to determine. For example, there is no scientific method to prove in non-relative terms whether man has a special dignity that ought to be respected, whether there is greater value in peace or war, or whether the interests of the individual or the group are more important.[15]

However, because scholars are unable to prove the superiority of any ultimate purpose, it does not follow that

---

[13]Gabriel Almond, "Politics and Ethics: A Symposium," American Political Science Review, XL (1946), p. 293.

[14]For a conflicting view that social science serves entrenched institutions see Marvin Surkin, "Sense and Non-Sense in Politice," in An End to Political Science: The Caucus Papers, edited by Marvin Surkin and Alan Wolfe (New York, 1970), p. 24.

[15]Arnold Brecht, "Beyond Relativism in Political Theory," American Political Science Review, XLI (June 1947), p. 471.

none is superior. High level relativists do admit that there may be an absolute truth regarding the superiority or inferiority of ultimate values, and that there may be a valid intuition regarding these values. Although many scholars may have such a conviction, Brecht states, "We do deny that we can transmit our convictions as "knowledge" regarding values to other men in the form of proof or conclusive demonstration."[16] Brecht, himself, has such convictions which he explains in this way:

> I did not teach that all values are relative; no one who believed in God or the possibility of there being a God, could do that, but only that the contributions of science, at this point in contrast to the contributions of belief and philosophycal speculations, could only be of a relative character.[17]

Continuing in an avowal of his religious beliefs, Brecht makes this statement:

> My approach to faith and religion has basically remained the same. Aware as I am, of the lack of scientific evidence for the existence of a God who makes demands on me and watches me, nevertheless the belief in such a condition of life has remained constant in my vegetative life. Thus I serve the unknown God in my own way, very incompetently, very defectively. But I do serve him, waiting patiently for his grace.[18]

---

[16] Ibid., p. 471.

[17] Arnold Brecht, The Political Education of Arnold Brecht (Princeton, N.J., 1970), p. 490.

[18] Ibid., pp. 491-492.

Scientific Contributions to a Discussion of Values

In spite of this skepticism regarding the demonstrability of ultimate values, the relativists affirm that science can contribute to the discussion of values by "clarifying the precise meaning of proposed evaluations and examining the consequences based on these evaluations."[19] Scientific Value Relativism requires that

> (1) The question whether something is "valuable" can be answered scientifically only in relation to (a) some goal or purpose for the pursuit of which it is or is not useful (valuable, or to (b) the ideas held by some person or group of persons regarding what is or is not valuable, and that consequently
> (2) It is impossible to establish scientifically what goals or purposes are valuable irrespective of (a) the value they have in the pursuit of other goals or purposes, or (b) of someone's ideas about ulterior or ultimate goals and purposes.[20]

In other words, science can approach values only indirectly, thus Scientific Value Relativism, for Brecht, is the logical implication of Scientific Method.

Risks and Consequences

In illustrating the use of science to point out risks and consequences, Brecht has given us an example in his discussion of a scientific approach in dealing with liberty. In his essay, "Liberty and Truth: The Responsibility of Science," he states,

---

[19]Brecht, "Beyond Relativism," p. 492.

[20]Brecht, Political Theory, pp. 17-18.

> We may list as impartially as we possibly can, the items of strength and items of weakness, both measured in terms of consequences and risks, that are inherent in a policy based on respect for liberty in the great varieties of shades such respect may assume, and also the items of strength and weakness inherent in a policy based on subordination of personal liberty to some common purpose such as quick industrialization of an underdeveloped country. This will lead us to the great and unresolved issue of our time: whether individual freedom or collective command will reach certain aims more fully and more quickly and at what price in other human values.[21]

At this point, however, science would have to stop. It cannot evaluate the price to be paid as adequate or too high. Science can only point out what the price is for attaining some goal through the means contemplated, and what the chances are that the people will be willing to pay such a price without revolt or revolution. In other words, as Brecht sees it, the function of a social scientist in dealing with ends and means is not to proclaim dogmas, but to show the risks or consequences involved in pursuing alternative courses.

John Stuart Mill's Scientific Treatment of Liberty

John Stuart Mill, although he was both dogmatic and scientific, is cited by Brecht for his scientific contributions in his treatise, On Liberty. Mill tried to point out the consequences and risks involved in encroachments on liberty. The basic foundation of Mill's argument rests on the premise that "the sole end for which mankind is warranted,

---

[21]Arnold Brecht, "Liberty and Truth," Nomos, IV (New York, 1962), p. 245.

individually or collectively, in interfering with the liberty of action of any of their numbers is self protection."[22] What scientific evidence does he present?

Regarding freedom of opinion, Mill describes the consequences of suppression in three different situations: (1) when the suppressed opinion is true; (2) when it is false, and (3) when the prevailing and oppressed opinions are half true only. His most important arguments are as follows: First, the oppression of opinions always involves a risk of suppressing truth, because the oppressed opinion may be true even against all appearances. Intellectually active people are not produced by conformity and mental slavery. Secondly, when the suppressed opinion is false, its suppression, nevertheless has grave consequences, as traditional opinions are in danger of becoming dead belief, not living truth. Thirdly, when the conflicting opinions share the truth, the violent conflict between parts of the truth is not the evil, but the quiet suppression of half of it. Truth has no choice unless every opinion which contains any fraction of the truth, finds advocates and is listened to.[23]

Mill then turns to freedom of action and bases his case against the interference of society with the free development

---

[22]John Stuart Mill, On Liberty, Representative Government, The Subjection of Women: Three Essays (London, 1960), p. 15.

[23]Ibid., p. 65.

of the individual, so long as his actions do not affect others, on the consequences that interference has for the individual himself, and for civilization, education and culture. Genius can only breathe freely in an atmosphere of freedom. "He who lets the world or his own portion of it, choose his plan of life for him, has no need of any faculty than the ape-like one of imitation. He who chooses his plan for himself, uses all his faculties."[24] Mill pointed out that the chief danger of the time was conformity. He emphasized,

> Such are the differences among human beings in their sources of pleasure, their susceptibilities of pain, and the operation on them of different physical and moral agencies, that unless there is a corresponding diversity in modes of life, men neither obtain their fair share of happiness nor grow up to the mental, moral and aesthetic stature of which their nature is capable.[25]

A third major discussion of consequences centers about the question of whether government, without having been given trouble by the conduct of individuals, should do something "for the benefit of the citizens," instead of leaving it to be done by themselves. Mill does not regard this type of interference as an infringement on liberty, but objects to it on the basis of its negative consequences. Even when individuals may not do a task as well, it is better to leave it to them, because the evil consequences of government

---

[24] Ibid., p. 73. [25] Ibid., p. 84.

takeover outweigh the advantages. Mill gives these three reasons: (1) the mental education of individuals left on their own is not forthcoming if government takes over, (2) government operations are everywhere alike; therefore society loses the advantage of diversity and (3) government's power is augmented, and the public is converted to government hangers-on.[26]

The chief danger, as Mill sees it, is the emergence of a huge bureaucracy to whom the community would look for all things. No reform could be effected contrary to the interests of the bureaucracy. Brecht is concerned with Mill's prophecy on totalitarian bureaucracy and adds the warning that the absorption of the principal ability into the governing body is fatal to the progressiveness and mental activity of the body itself.[27]

Brecht has attempted to show that some of Mill's arguments in On Liberty were truly scientific contributions based on an analysis of consequences. They describe what Mill thinks will happen whenever government expands its activities beyond a certain measure. Mill can be said to have given some proof, not that the consequences will always be the kind he anticipated, but there is a grave risk that they will be so. In referring to conditions in the Soviet

---

[26]Ibid., pp. 113-135.

[27]Brecht, "Liberty and Truth," p. 256.

Union today, Brecht finds these consequences of which Mill warns, confirmed. He shows that the form of Soviet society kills the advantage of endless diversity of individual experiments, that governmental power is increased beyond escape for the individual, and that an active and ambitious segment of the public is converted into mere camp followers, conformity being enforced and a tremendous bureaucracy being created.[28]

In his appraisal of Mill's arguments, Arnold Brecht considers questions not mentioned by Mill. In the question of governmental interference, Brecht insists that the question of liberty is all important. He feels that the resentment caused among the people by a denial of liberty would cause resistance and revolutionary upheaval. This consequence, he feels, is neglected by Mill. Secondly, "utility," according to Brecht, is not a suitable measure of the effects of interference if there is a conflict of values, some being promoted at the expense of others, by governmental action. In this regard, Brecht cites the radical transformation of China into mechanized communes which had a favorable effect on production and material standards of living, but, in turn, a negative effect by destroying the deep culture of Chinese family life and general tradition.[29]

---

[28] Ibid., p. 257. [29] Ibid., p. 259.

Brecht concludes his essay with the hope that a truly scientific treatment of liberty may gradually bring about, by its constructive criticism of governmental systems, some meeting of the minds of individual countries, and improve the basis of international discussions. He suggests that political science has many opportunities to contribute critical and constructive thoughts to the practical question of the most effective defense of liberty wherever it is threatened.

The Gulf Doctrine

Foremost among the factors that have contributed the rise of Scientific Value Relativism is the doctrine that no logical conclusions can be drawn from any statement in the world of Is concerning any postulate in the world of Ought, either inductively or deductively. Until the end of the nineteenth century theorists in political and legal philosophy evolved their concepts of what "ought to be" from the factual "what is." Human beings are, therefore they ought to be. The fact that human beings exist does not logically justify the conclusion that they ought to exist any more than the fact that man-eating sharks exist justifies their existence. The insistence on logical accuracy, beginning with Hume, had far reaching consequences because although it is relatively easy to verify propositions in the physical or biological world, it is certainly doubtful to what extent

it is possible to present any transmissible proof about "ought" propositions, if logical derivations of "is" are barred as fallacies.

It is a truism of formal logic that a deductive conclusion of "ought" cannot be extracted from premises of the "is" form, but only from two premises, one of which is in the "ought" form. There seems to be an unbridgeable gulf between is and ought. As a result of this separation, scholars in politics and jurisprudence have been forced to work from fundamental "assumptions" regarded as arbitrary in a scientific sense, i.e., chosen but not proven. The most radical outcome of this situation was a positivism which assumed the validity of the constitution or basic law of any country and ignored all problems which transcended such positive law. Some scholars who concerned themselves with formation of policy or with problems of justice transcending traditional law were forced to choose their basic assumptions in the world of ought according to a personal creed or to adopt an attitude of neutrality toward all creeds. The result, according to Brecht, has been scientific relativism on one side and unscientific dogmatism on the other.[30]

---

[30]Arnold Brecht, "The Myth of Is and Ought," in The Political Philosophy of Arnold Brecht, edited by Morris D. Porkosh (New York, 1954), p. 143.

Characteristics of Modern Scientific Relativism

Brecht espouses a Modern Scientific Relativism which is no longer limited to positive law as was the relativism of the nineteenth century legal positivists; but is rather transpositive in its essence. It is not latent as was the transpositive relativism of the nineteenth century, but is now overt. Not merely passive, as was the relativism of many skeptics, it is active in its denouncing political ideologies that present non-scientific value judgments as scientifically established. Finally, although it may be partisan in proposing goals to be attained, admitting the choice to be non-scientific in character, it may rise to the level of strict neutrality to contribute a thorough analysis or a scientific comparison of different value systems.[31] The method of Scientific Value Relativism is limited to the scientific approach as distinct from the religious, the philosophical or the juridical approach.

Impossibility or Limited Possibility

Another contribution of Scientific Method as pointed out by Brecht, is the ability of the scientist to show the impossibility or limited possibility of reaching some goal by the proposed means, or of reaching it at all, while in other cases he is able to refute such alleged impossibility.

---

[31]Brecht, Political Theory, p. 486.

Science may lead to definite statements about the extent to which the range of possible events has been narrowed or widened by events in the past, or will be by possible events in the future, especially human actions. The objection that can be raised against a proposed political action that it cannot be executed, or that a proposed goal cannot be reached by any means, is relevant irrespective of any value judgment about the goals pursued. Nature sets manifold limits as to what can be attained; there are physical, biological, psychological, logical and legal impossibilities. Impossibilities including implied evils and risks, according to Brecht, are perfectly accessible to intersubjective demonstration to a large extent, and he believes that scientific research in these fields can produce relevant results for politics and legislation. He says, "Let us show convincingly that some achievement is possible and how it can be reached without any undesirable implication, and we will open the road to peaceful progress."[32]

Science, then, in pointing up these impossibilities, can contribute to the selection of plans in which governments can properly engage. A few general illustrations may make this position clearer to the reader. It is impossible to establish full equality, for even if economic conditions could be made

---

[32]Arnold Brecht, "Political and Legal Philosophy," in The Political Philosophy of Arnold Brecht, p. 143.

equal,

> it would remain impossible to equalize physical and mental qualities of all individual persons, the state of their health, the length of their lives, their character, the atmosphere of family life in which they grow up, the happiness of their matings, the number, length of life, health and behavior of their children and friends, the staisfaction they find in their work, and many other conditions of personal happiness.[33]

Political history contains many plans which were doomed to failure because of naturalistic reasons of impossibility; the end was beyond human reach, or the means were inadequate.

Impossibility is also the issue whenever a desired goal can only be reached by the inclusion of some "implied evil." Brecht explains the importance of this concept in the following manner:

> If someone proclaims A to be his highest end or value, it may appear according to physical, biological or psychological conditions that A is necessarily linked with B, and that, therefore, only A + B, that is C, can be attained, not A alone, or at least that the means, m, proposed for attaining A, will never attain A alone, but always A + B. If the parties to the discussion define B as evil, one may speak of an "implied evil" in the sense of an evil which it is impossible to evade in pursuing an otherwise desired value.[34]

Science can approach many important political issues from this angle of "implied evil." In the case of regimes, while science cannot disregard the possibility that a dictator may be a man of high moral and intellectual qualities, it can

---

[33]Brecht, Political Theory, p. 426.

[34]Brecht, The Political Philosophy of Arnold Brecht, p. 136.

state objectively some aspects of dictatorial rule. Even if he is a saint morally, the inescapable naturalistic rule of human limitation would make it impossible for him to give his personal attention to 100,000,000 people. He must have help in the form of subordinates, all of whom cannot be expected to be of the same high caliber. These agents may withhold from their leader the complaints of the people regarding injustices, if there are no effective controls or independent courts. Other implied evils can be determined objectively, also. It may be possible to select a person of high qualities as leader, but it can be proved that it is impossible to devise institutions which would guarantee this selection.[35]

In all of these studies, it must be kept in mind that for those who prefer A + B to non-A, the fact that B is an implied evil will not keep them from pursuing the goal. The price will then be paid. In the case of war, the fact that many will be killed is the accepted evil. The purpose of science, in any such case, is to point out the cost more exactly and by this means to influence preferences. Brecht emphasizes that while science should not venture value judgments, it may clarify the meaning and implication of values. In such arguments, Brecht feels that the possibilities offered by a scientific examination of impossibility and limited possibility has been more or less neglected.

---

[35]Ibid., p. 137.

Topics of Scientific Political Theory

Science, according to Brecht, may deal with the following topics which are amenable to scientific theory:

> (a) Types of power and influence, with special regard to novel methods and discoveries of psychology, manipulation opinions, and mass media and other communication problems.
> (b) Types of choices and decision making, with special regard to distinctions to be made between them.
> (c) Types of values or valuations that can be distinguished theoretically as objects of choice (decision), or types of goals, and the implications, consequences and risks of their pursuit.
> (d) Rival forms of government, conceivable alternatives never tried, and the implications, consequences and risks involved in each.
> (e) Details of constitutions and the implications, consequences, and risks of each[36]
>
> (f) Alternatives in the setup of administrative institutions and in the methods of manning them, and the implication, consequences and risks of each.[37]
>
> (g) Alternatives in the conduct of foreign policy and the implications, consequences and risks of each.[38]

In this consideration of the place of science in Arnold Brecht's political philosophy, we have not ventured onto an adjacent ground, his legal philosophy. These two are closely interwoven, as will become apparent in the next chapter.

---

[36]See Arnold Brecht, Prelude to Silence (New York, 1968), in which he points out the defects in the Weimar Constitution which were essential conditions in the collapse of the German Republic.

[37]See Arnold Brecht, "Democracy and Administration," in Political and Economic Democracy (New York, 1937), pp. 217-228, for a view on the difficulty of maintaining a consistent administration in spite of recurrent changes in the majorities and the character and composition of it heads.

[38]Brecht, Political Theory, p. 315.

CHAPTER III

ARNOLD BRECHT'S THEORY OF JUSTICE

Justice and Political Science

What is the role of justice in political science? As a lawyer, Arnold Brecht answers this question by presenting two axioms as generally accepted without question as proper ends of government: first, that governmental action should be just, and secondly, that governmental institutions should insure that justice is preserved. Laws laid down by governments ought to be just laws and once laid down, they should be administered justly.[1] The political scientists have been traditionally concerned with the first aspect, the lawyers with the second.

Brecht is concerned with the basic question of what is just and what is unjust. He does not believe that political philosophy and legal philosophy can be treated separately as two distinct fields of thought because both absolutists and relativists in either branch of philosophy must deal with the principles of justice underlying legislation. Thus, a philosophy of law is necessarily a political philosophy, and

---

[1]Arnold Brecht, Political Theory: The Foundations of Twentieth Century Political Thought (Princeton, N.J., 1959), p. 136.

Brecht states that "we are justified in speaking of political and legal philosophy in a singular form."[2]

Until about 1900 the belief in natural law and natural rights persisted, and seemed to answer this question of the just and the unjust. But, with the advent of Scientific Method, combined with the Logical Gulf Doctrine and resulting rise of Scientific Value Relativism, natural law suffered a final blow. A definite system of reference was deemed necessary to any scientific consideration of justice.[3]

According to Brecht, Scientific Method can reveal a great deal about the workings of the human mind and emotions in matters of justice. The "why" of legal rules has been a basic concern of his throughout his life, beginning with his study of law in 1902. Brecht has continued in his search for invariant elements of the sense of justice, proposing five which will be discussed later in this chapter. First, his investigation of the relative elements of justice deserves analysis.

Relative Elements of Justice

It can be observed that postulates of justice are expressed in terms of some desired state of affairs which can be described without using the concept of justice. This relation to some ideal standard is the first element and is

---

[2]Ibid., pp. 137-138. [3]Ibid., pp. 140-142.

present even though science cannot tell us which ideal state of affairs can be proved as just. Science cannot decide between differing opinions in absolute terms, but the scientist operating according to Scientific Method must "assume" some ideal standard as the really just one, or refer to opinions held by himself or others. In the words of Arnold Brecht, "Justice, therefore, is relative not only to some state of affairs, it is relative twice over . . . because what state of affairs ought to be preferred can be stated by science only in relation to some non-scientific source of authority."[4] Brecht notes that this twofold character of relativity of the ideas of justice has not been previously described in literature on the subject.

This theory of the relativity of justice has exercised a greater influence than is generally recognized, according to Brecht. It has contributed greatly to correct and cleanse scholarly thinking, but it has also given people a feeling of bewilderment. If justice is so relative, how can we cry for more justice or reform? We have lost not only natural law, but also any far reaching agreement on highest values. American courts have supported higher law and natural rights longer than their European counterpart, but the present mood is expressed by Roscoe Pound:

> Jurisprudence cannot wait for an ultimate solution of what thus far has proved insoluable (the questions

---

[4] Ibid., p. 147.

> of epistemology and the determination of the highest good). A workable measure of values on which the jurists from many different philosophical standpoints and from any of the current psychologies can agree is a necessity. More than that is a juristic luxury for which the Anglo-American lawyer is not inclined to look.[5]

Brecht declares in his article, "Relative and Absolute Justice," that individuals have varying ideas of justice, or there may be in one individual several ideas of justice at the same time, in accordance with the systems of values to which he responds positively at different times or even simultaneously. There are two distinct levels in our ideas of justice, both conditioned by something outside the proper sphere of justice. One is dependent upon the institutions and is called a traditional idea of justice. The other idea may transcend these institutions and is called, by Brecht, transtraditional justice.[6]

Traditional and Transtraditional Justice

The traditional idea of justice accepts the fundamental social institutions and does not question them, but the transtraditional idea of justice is detached from these institutions and criticizes them on a transtraditional system of values. The individual may also penetrate a third level,

---

[5]Arnold Brecht, "Fifty Years of Jurisprudence," Harvard Law Review, LI (1938), p. 460.

[6]Arnold Brecht, "Relative and Absolute Justice," The Political Philosophy of Arnold Brecht (New York, 1954), p. 26.

where he may be critical of a political party or even a friend. To illustrate the difference between the various levels: traditional justice in western civilization rests on certain fundamental social institutions such as monogamy, family, private property, inheritance, contract and a certain degree of liberty and equality. We operate with these institutions as given conditions. Thus, the traditional idea of justice is relative to something objective, in this case, the existing institutions.[7]

In transtraditional justice, we criticize the existing structure, but the standard we are applying becomes subjective, that is, a personal conviction as to a valuable goal for the system. To illustrate the idea of transtraditional justice, Brecht describes a variety of aims which people regard as highest values. These include the following pure types; the equalitarian, who places equality as his highest value and derives his standards of justice from this idea. There are many kinds of equalitarian, depending upon what one desires to equalize; freedom, happiness, opportunity or wealth. Secondly, Brecht mentions the libertarian who measures justice with the yardstick of liberty. In the third case, there is the revelationist to whom the execution of God's will is paramount, whether this divine will be individualistic, national or universal. Next

---

[7]Ibid., pp. 27-28.

comes the conservative, the traditionalist, whose trans-traditional idea of justice is identical with the traditional one. If the institutions have recently been changed, he wishes to set the clock back to former stages. The fifth "pure type" is the authoritarian to whom leadership is the principle of highest value. Justice means to follow this leadership unquestioningly. The majority worshipper is mentioned next, who holds that whatever the majority decides must be the highest value. To follow the majority will is just, and to oppose it is unjust by this standard. The hedonist looks for happiness or the greatest happiness of the greatest number. In the eighth case mentioned by Brecht, we encounter the group worshipper. His group may be a racial group, religious sect, territorial community, state or nation, the continent or humanity. The interest of the group comes first; (right or wrong, my country). The harmonizer regards harmony as an ultimate value, perhaps ignoring backward institutions in the interest of harmony. As Brecht points out here, a libertarian might prefer hell to harmony. The pyramid builder is the transpersonalist who values civilization or Kultur, the folk spirit, or a more specific achievement, building a cathedral or winning a battle. Also, we have the man of duty, who sees life as a chain of duties and derives rights from duties. Lastly, there is the peace-and-order fanatic who regards peace and order as the

ultimate goal, regardless of what they stand for.[8] In each case the transtraditional idea of justice varies with a subjective scheme of values. If one changes from one evaluation to another, he will then have a different idea of justice.

A rainbow of party ideologies, which reflect the many ideas of justice, is a logical consequence of the fact that science cannot decide which of the several views is the correct one. Therefore, wherever tolerance is accepted as a basis for society, different views will exist, side by side, each claiming respect. In the United States, under a two-party system, the value of equality is associated with the Democratic Party while the Republicans have traditionally emphasized liberty as a value.

Scientific Method and Justice

How can science serve justice? Arnold Brecht believes that the scientist can render service by (1) clarifying the meaning of alternative ideas of justice; (2) by examining the consequences and risks involved in their acceptance and practical execution; and (3) by leading the fight against dogmatic doctrines of justice offered as scientifically valid, a claim that is untenable under Scientific Method.[9]

---

[8] Ibid., pp. 29-32.

[9] Brecht, Political Theory, p. 158.

Judicial and Scientific Validity

The impotence of science to establish ultimate standards of justice does not imply that, in matters of law, citizens must accept as legally valid any governmental command handed down to them in the shape of positive law, especially those of the most dictorial and cruel nature. Brecht clearly states that the rejection of the scientific validity of natural law does not demand acceptance of legal positivism. Whether commands issued in the form of law (for example, laws ordering mass killings of certain types of people) should be considered legally valid should depend on human ideas about legitimate powers of government. These ideas are not only motivated by scientific thought, but also by public concepts of a desirable type of government and way of life. The question revolves around the powers people wish to concede to government. One who denies scientific validity to higher law may deny juridical validity to legal commands because they have been issued in excess of the conceded governmental powers.[10]

Brecht makes a definite distinction between "(1) whether some norm is juridically valid at a specific time and place; and (2) whether the norm or its opposite is

---

[10]Arnold Brecht, "Political Theory," International Encyclopedia of the Social Sciences (1968), p. 312.

scientifically valid regardless of time and place."[11] Because of Brecht's experiences in Germany, he feels that this distinction is extremely important. His position is that the answer to the question of which commands are or are not legally binding at a specific time and place does not depend on a previous answer of what is true or valid universally and at any time, or what is in other than a legal sense. He adds this, "It may suffice to state that at some time and place commands given in violation of those principles that are considered higher are not regarded as juridically valid or binding, especially for courts and administrators."[12] A legal argument may be based on clauses of a constitution, the consensus of the people, legal tradition or the current status of civilization. Brecht argues that even after formal abrogation of constitutional guarantees in any country, certain principles continue to be juridically valid.[13] The types of orders which ought or ought not to be regarded as juridically valid is, therefore, a political and not necessarily a scientific question.

Brecht believes that since the question of legal validity is a matter of discretionary political will, particularly that of constitution makers, the determination

---

[11]Arnold Brecht, "The Ultimate Standard of Justice," Nomos, VI (New York, 1963), p. 64.

[12]Ibid., pp. 64-65. [13]Ibid., p. 65.

that certain commands should not be determined legally valid is a matter, not of science, but of human political design. A determination to set limits to the legal validity of governmental measures may be guided by scientific grounds or by religious convictions, but it may be propelled by a desire for a certain way of life. This determination may be satisfied with a checks and balances system and a bill of rights included in a written constitution, but Brecht asserts,

> Nothing can prevent us from grounding our legal theory on the fiction of a . . . law according to which every country's constitution is valid except so far as it authorizes violation of minimum standards of respect for human dignity. To take this step is a matter for juridical conviction and tradition, or for popular agreement on principles, not a scientific journey into the realm of truth.[14]

To elaborate further on this theme, Brecht continues by stating that it is also not the function of science to say who is entitled to make this political decision on limits to be set to the validity of governmental orders. The question of whether that must be done by a formal process of making or altering a written constitution; if the courts can decide with deeper authority; whether popular consensus, religious doctrines, ideas of a resistance movement, or long tradition should decide is not for science to say. Scientific investigation can attempt to determine

---

[14]Brecht, Political Theory, p. 160.

what forces have actually been considered legitimate in establishing legal validity and its limits at a certain time and place. In addition to this function, Brecht indicates that science can also investigate the consequences and risks involved in various views, but it has no authority to determine the rules of legal validity.[15]

In order to underline this distinction between the legal and scientific validity of norms, Arnold Brecht discusses our great humanitarian principle of human equality which we assume as a universally accepted principle. In matters of justice, we may even demonstrate that whatever is equal ought to be treated equally, but this maxim, according to which we guarantee certain basic rights to all, even to the sick, the inferior and to strangers and enemies, is not a scientific principle and cannot be established by purely scientific means. According to Brecht, it has an historical basis in the religious doctrine of equality of all men before God, and as Brecht firmly believes, in respect for the fact that every man is equal to another man in his ability to choose between good and evil every minute of his life. From a religious origin, this principle of equality has reached its present high status by a long process of historical evolution. If we wish to establish this same principle on a nonreligious

---

[15]Brecht, "The Ultimate Standard of Justice," p. 66.

basis, we can refer to the creative idealism of those who wish to see a world based on peace and sympathy.[16]

Realization of the inadequacy of science in this area does not discourage Brecht. He concludes his article, "The Ultimate Standard of Justice," with these remarks, actually an exhortation to responsible action:

> Only after fully recognizing that our humitarian ideals in their most important aspects, cannot be extracted from nature solely by scientific means, only then are we mature enough to comprehend our personal responsibility, individually, or in groups, in choosing our ultimate standards of measurement, our ultimate norms. No longer then can we take the easy way of waiting for science to find out what is true. Education of the self and of others, then, seeks its ultimate orientation, not in science but in our own responsibility and in the firm resolve to take it seriously. What fundamental attitude to take toward the claim of all men to share in human freedom and happiness and what limits to set to the legal validity of government measures that disregard this claim, we do not decide by scientific standards, but by religious or philosophical convictions or our creative and political will.[17]

There is some optimism to be found, also, in Arnold Brecht's conviction that it is possible to investigate scientifically (anthropologically, phenomenologically, sociologically, etc.) whether any universal and invariant postulates exist in the field of morals and justice. He has concentrated, as mentioned before on the postulates of the sense of justice, and has concluded "according to strong available evidence,"

---

[16] Ibid., p. 68.

[17] Ibid., p. 68.

that the desire for justice is a universal human one and that invariant elements exist.

Universal Postulates of Justice

Justice depends greatly, as we have shown, on relative elements that have not universal character, such as traditional institutions, or in the case of transtraditional justice, upon subjective ideas. Brecht wishes to point out that we must "beware of the fallacy which would have us believe that necessarily everything in justice depends on either such considerations and evaluations, or on a scientific proof of metaphysical principles which is a priori doomed to failure."[18] He hopes to establish that there are certain invariant elements in the human way of thinking and feeling about values. Grounded in his own religious beliefs, he adds,

> Not that we would then know for certain that there is a divine order. Strongly as much inference may suggest itself to believers, the origin of the universal elements might still be sought in other factors by non-believers. Yet the verification of such elements would provide us with an international and interdenominational yardstick in human terms.[19]

According to Brecht, there are many indications that all ideas of justice, all varieties of thinking and feeling about justice, have something in common:

---

[18]Brecht, "Relative and Absolute Justice," p. 34.

[19]Brecht, Political Theory, p. 388.

> First, such ideas exist everywhere as a distinct category of ideas; second, the term justice or its approximate equivalent exists everywhere; third, human longing for justice is so universal a factor no one in public life can neglect presenting his acts as just;[20] and fourth, there is the negative indication that we can easily construe an action which is not just, for example, a teacher punishing one child, knowingly and out of pure meanness, for what another has done.[21]

Brecht states that such elements are common to all ideas of justice, and that their practical value is indicated by the fact that they can form an international "vocabulary of justice" which can be used among various traditions and creeds. He is most emphatic in his statement that "they are universal in the empirical sense and absolute in the sense that they are invariable postulates of justice in the face of all the various systems of values."[22] However, he does make the concession that his list of absolute postulates is subject to challenge, and that an utterance to the contrary may overturn any item on the list, provided, of course, that the contradiction were not merely one of the use of terms.

---

[20]Mussolini took great care to demonstrate the justice of Italy's cause against Ethiopia, ending his radio speech of October 2, 1935 with these words: "It is the cry of Italy which goes beyond the mountains and the seas out into the great world. It is the cry of justice and of victory." Brecht, "Relative and Absolute Justice," footnote #17, p. 48.

[21]Brecht, "Relative and Absolute Justice," p. 34.

[22]Ibid., p. 35.

Determining Tests or Criteria

Arnold Brecht proposes four tests or criteria of the universal and invariant elements of justice:

> first, our own subjective experience regarding our feelings of immediate evidence; second, general confession to the same subjective evidence by others who are in earnest, without any exception; third, our own inability even to imagine a view that would not contain these elements; and fourth, inability of others to imagine such a deviation.[23]

In each of these four tests attention is focused on a different aspect. Our own ideas of justice may be correct or incorrect, and the fact that others share our ideas cannot document the validity of these ideas, but Brecht argues that if certain elements in our ideas of justice are found time and time again in other persons' thinking without any exception, and no deviation can be imagined by us or them, this constitutes validity. He proposes the question of why we should look for feeling common to all human beings, and not limit ourselves to "reasonable" people. He answers this question by stating that whenever "reasonableness" is the issue, we cannot decide it in an intersubjectively plausible manner by referring to our own reason. In dealing with ultimate standards, reason loses its intersubjective meaning whenever people still prefer different standards in good faith. It is therefore necessary, according to Brecht, to identify those invariant

---

[23]Brecht, Political Theory, p. 388.

elements in the sense of justice found in all people. He recommends a combination of inner observation and comparison, or phenomenology and comparative empiricism. The scientist, then starts with a way of feeling, thinking and judging which he denotes by the general name of justice and which he wishes to describe more exactly.[24] Description is the starting point and results are checked by comparison. Brecht admits that "neither method alone can lead to a conclusive result, but together they may."[25]

Brecht limits the knowledge of typical characteristics of human nature as "transmissible" qua knowledge to the extent that these traits are actually shared, and thus, they are in need of empirical corroboration. Sometimes, as in the characteristic phenomena of hunger, thirst, pain, joy, sexual desire, the ability to think, the empirical evidence is so strong, that there is no room for reasonable coubt. In other cases, the evidence is less compelling, but may justify a "tentative hypothesis" that an idea is universal, such as a desire for respect by others.

---

[24] Ibid., p. 395.

[25] See David Braybrooke, "The Ethical Control of Politics," Ethics, LXX (July 1960), p. 317. Braybrooke defines Brecht's universal postulates as analytical features of the concept of justice and his method as an empirical method of ordinary language philosophy.

Five Universal Postulates of Justice

Even under the most diverse cultural environments, Brecht finds that ideas of justice always include the following five postulates:

(1) Truth. In the objective sense justice requires an accordance with truth, and in the subjective sense it requires an accordance with what is thought to be true.

(2) Generality of the system of values which is applied. Arbitrary selection of a system of values from one case to another is unjust.

(3) Treating as equal what is equal under the system. To discriminate arbitrarily among equal cases is unjust.

(4) No restriction of freedom beyond the requirements of the system. To restrict freedom arbitrarily is unjust.

(5) Respect for the necessities of nature in the strictest sense. To inflict punishment for non-fulfillment of a command which is impossible of fulfillment is unjust.[26] Brecht believes that by summing up these postulates, we would have a minimum definition of justice. This summary would then be an exact description of a phenomenon based on universal characteristics of human existence.

Tentative Evidence of Universality

Brecht contents that no statement can be found in literature that is in substantial contradiction to any of

---

[26]Brecht, Political Theory, p. 396.

these five postulates as stated, unless such a contradiction should arise from a difference in the use of terms or lack of sincerity.[27] Therefore, he refers to the entire literature of justice as evidence, admitting, however, that positive confirmations from literature are casual in most cases, because most writers have gone much further in mentioning some postulates while neglecting others. A systematic cross-check of these invariant elements has not been made. Only one of the postulates, the third, calling for equal treatment of equal cases (equality before the law), has been included in the meaning of justice by almost all writers in line with Aristotle.[28] As Brecht points out, this postulate is often treated as a synonym for justice.

The postulate of generality has been proclaimed specifically as a requirement of law, but Brecht feels that this postulate is not restricted to law, but belongs in the scheme of values expressed in law.[29] In this regard he insists that "any specific law, as well as acts and opinions outside the sphere of law, must, in order to be just, be directed by a general scheme of values, not

---

[27]Brecht here refers to Hobbes' use of the word justice. See Thomas Hobbes The Leviathan, (New York, 1964), pp. 97-98.

[28]See Carl Friedrich, "Justice: The Political Act," in Nomos, V (1961), p. 28, for a discussion of Aristotle's view that equals should be treated equally.

[29]Brecht, Political Theory, p. 398.

arbitrarily selected from case to case."[30] The fourth postulate, that freedom be not restricted unless in line with the accepted system, has not been proclaimed as such in the literature on justice, although it has never been contradicted. However, all those who approve of actions to suppress freedom in favor of other values (i.e., the national interest), will admit that such actions in order to be just, must pursue values considered higher under the accepted scheme, and that arbitrary application is unjust.[31]

Universal and invariant recognition of the second, third, and fourth postulates follows indirectly, also, from a general acknowledgment that arbitrary actions of a discriminatory type are unjust. Brecht here clearly states that this is not merely a question of definition, but that no matter how we define justice, an arbitrary discrimination will inescapable hurt that type of feeling which we call the sense of justice.

Importance of the Postulate of Truth

Brecht feels that the most important postulate is that of truth, either subjective or objective truth, according to whether we are speaking of subjective or

---

[30]Freidrich, "Justice: The Political Act," p. 28. Freidrich states, "The rule of impartiality is analagous: only an impartiality molded and determined by the value preferences of the political community is considered truly impartial."

[31]Brecht, Political Theory, p. 399.

objective justice. It has never been denied in literature, and has been accepted, according to Brecht's statement, in many specific contexts. He maintains that the phenomenon of the human urge for justice is inseparable from the requirement of truth as the basis of justice in these words, "I submit that the phenomenal feeling of justice directly requires truth (objective, or at least subjective truth) as an indispensable element."[32]

A discriminatory statement can be entirely just, Brecht emphasizes, only when it is true. To say that a person has stolen who has not, is "objectively unjust in every case, and it is so even if the person who makes the statement has investigated thoroughly and speaks in good faith. In the latter case, the statement is then "subjectively just" but "objectively unjust." A "subjectively just" statement merely indicates that the speaker believes what he says to be true. If he thinks that his statement is contrary to fact, then the statement is "subjectively unjust", even if it happens to be objectively true. Regarding factual truth, therefore, a statement may be both subjectively and objectively just, subjectively just but objectively unjust or subjectively unjust but objectively just.[33]

---

[32] Ibid., p. 401. [33] Ibid., p. 404.

Factual truth is a necessary condition of justice. To Brecht, who regards truth as the most important aspect of justice, to get the facts stated as they actually are is more important than a redress of grievances or the punishment of a wrong-doer. Though human nature builds on lies and illusions, Brecht believes that one's inner vocabulary will not call what is a lie the truth, nor just what is contrary to truth. Why is truth a necessary condition of justice? Brecht feels that the answer to this question is such a self-evident concept, that it is difficult to focus attention on the reasons. Discounting the idea of popular usage or the scientific examination of justice as leading to truth as illogical, men may derive this absolute certainty as to the essential postulates of justice from their strong feeling of something transcendant in the majesty of the idea of justice. However, consistency with scientific method denies reference to divine forces. There remains only one ground on which to base the unconditional inclusion of the postulate of truth in a scientific definition of justice. According to Brecht,

> This is the fact that we are dealing with a universal phenomenon of human experience, of human thinking and feeling, which would not be correctly described if we omitted the postulate. Whether or not we are faced here with such a universal phenomenon has nothing to do with postulates of logic, or science, or of religion. It is exclusively a question of fact.[34]

---

[34] Ibid., pp. 404-405.

In answer to the question of whether there is a human "sense" of justice or only a kind of "feeling and thinking" about justice, and whether it is an innate feeling or merely the product of experience (Hume),[35] Brecht answers in this fashion:

> If this way of feeling and thinking should not be innate; if it was merely a matter of response to experience, then this experience and the response to it must be of universal character, grounded in the human situation as such, and quite inescapable, just as memory of the truth is not escapable at will.[36]

Most cases in which justice is questioned can be reduced to the real issue of the truth of a factual statement. A factual controversy usually makes possible a difference in judgments. Brecht illustrates this important, if obvious point by citing the Dreyfus case in France. Dreyfus was a Jewish officer, arrested in 1894 on the charge of selling military secrets to Germany. He was convicted, publicly humiliated, and deported to Devil's Island, only to be acquitted in 1906, at a second retrial. It was a true factual statement which settled the case by proving that the first conviction had been based on a forgery, and that he had not, in fact sold secrets to any foreign power. The important thing about the case was not that he was restored

---

[35]Hume stressed that a sense of justice arose from convention and moral sentiment. See David Hume, Treatise of Human Nature, (Oxford, 1896) Book III, Section II, p. 498.

[36]Brecht, Political Theory, p. 407.

to office and served as a colonel in World War I, but that the statement acknowledging the facts was accepted as true, to secure his release.[37]

Several implications of factual truth have figured in the history of justice. Those procedural elements for ascertaining the true facts include provisions for safeguarding the evidence, the demand for a "fair" hearing ("fair" meaning that all the relevant facts should be ascertained), that the litigants be allowed to prove their contentions, and that the judge be unbiased. These requirements are all applications of the one postulate of truth.[38]

Brecht also points out how the postulate of truth invades the basis of the relativity of justice in several constructive ways. First, evaluations are based on assumptions concerning facts and these assumptions may be proved to be different from those assumed. Thus, when we come to realize that our convictions or beliefs were based on erroneous assumptions about facts or on poor thinking, then our trantraditional ideas of justice will change. Science, in fighting for truth, remodels evaluations.[39]

---

[37]Brecht, "Relative and Absolute Justice," p. 39.

[38]Ibid., p. 39. [39]Ibid., pp. 40-41.

The three postulates that refer to an accepted system of values, (that a system be general in character, that cases equal under the system be treated equally, and that freedom be not restricted according to the accepted system), may seem to be relative, but Brecht points out that even if the reference systems are different, the three postulates are universal, with a particular substantive meaning and have great potentialities. The better we succeed in eliminating discriminations in our evaluations, the more importance these postulates assume.[40]

The fifth postulate which guarantees respect for the necessities of nature is independent of any reference system. In practice, although there may be little that is unjust because it is objectively impossible of fulfillment, the receiver of a command may differ in his opinion of what is possible. He will feel treated unjustly when he subjectively thinks that a command is impossible of fulfillment. This may make him a rebel in the cause of justice, even if he approves of the hierarchy of values which instituted the command.[41]

Brecht makes a final point regarding these postulates in declaring that "it is the aggregate of all the items and their interrelation, rather than any single item which gives them significance. Whatever their significance may

---

[40] Ibid., p. 42. [41] Ibid., p. 44.

be, science must try to state soberly and objectively what is relative and what is absolute in justice."[42] In concluding his discussion of the five universal postulates of justice in his work, Political Theory, Brecht cautiously makes this statement:

> Our list of five universal postulates of justice is, of course, tentative only, as are all scientific hypotheses. The five, however, are so well supported by the available evidence, even now, that the question whether this evidence can be accepted as sufficient for elevating the hypothesis that they are universal to the rank of scientific law, tentative as are all scientific laws, but sufficiently founded to be called a law, is a matter of conventional agreement among scholars.[43]

Thus, Brecht seems to have found a factual, not logical link between Is and Ought.

---

[42] Ibid., p. 45.

[43] Brecht, Political Theory, p. 402.

CHAPTER IV

SCIENCE AND DEMOCRACY

Analysis of Means: Democratic Institutions and Procedures

Arnold Brecht, by his own admission loves democracy, that is, democracy in the modern western sense. His definition of democracy combines three principles:

> The protection of human or basic rights, the independence of the courts of law, and the maxim that all other matters are decided or controlled by the majority on the basis of general elections, in such a way that the people, by making free use of their right to vote can determine and change (either at any time or periodically within reasonable periods of time) both the membership of the legislative assembly and (directly or indirectly) the holders of the highest executive offices.[1]

By pointing out some defects in the Weimar Constitution, Brecht illustrates his thesis that although the principles of modern democracy in the west, as stated, are the same in all western democracies, they are realized in different forms, and that these differences in constitutional provisions should be analyzed scientifically to avoid similar problems in the future. With this purpose in mind, Brecht lists several errors in the German Constitution of

---

[1]Arnold Brecht, The Political Education of Arnold Brecht (Princeton, New Jersey, 1970), p. 153.

1919 and discusses their contribution to the downfall of the German Republic.

First; proportional representation was prescribed by the Constitution so that this requirement, regarded as particularly democratic, could be changed only by a two-thirds majority. While Brecht feels that proportional representation may be a very good method for the election of a constituative assembly, assuring each faction a proportional share in setting up the constitution, he does not consider it the best method of electing recurring parliaments. His view is expressed in these words:

> Proportional representation often deprives the people of that very cooperation in fundamental decisions that general elections were supposed to grant them. They are compelled to elect candidates who represent special interests or philosophies instead of persons seeking necessary balance between different interests and philosophies. Proportional representation encourages the break-down into many, or at least more than two parties. In this way a small group may hold pivotal power between large parties.[2]

The worst defect of proportional representation, according to Brecht, was that it actually opened the doors of parliament to anti-democratic radical groups. The lower voting age of twenty in Germany contributed to the number of votes cast for radical parties.[3]

Second; in the Weimar period proportional representation had an indirect influence upon the nomination of candidates

---

[2] Ibid., p. 156. [3] Ibid., p. 156.

in the presidential elections. The president was to be elected by general elections, the more democratic method, as compared to election by the legislature. In the United States the selection of the president by national elections has worked well, but in Germany, where the constitution was attacked by strong rightist and leftist parties, proportional representation kept the parliament split into many conflicting parties. Because of this split, no party was in a position to carry its own candidate. In this situation, it can happen that outsiders are nominated who are popular, but may be laymen in politics without ties to parliamentary democracy. In this manner, opponents of democracy may achieve power.[4]

Third; although Article 48 gave special authority to the president in times of crisis, four factors would hopefully guarantee democratic control: the power to issue emergency decrees was to reside in a president, elected by the people, rather than a prince; each decree required for its validity, counter-signature by a constitutional chancellor or minister, who was responsible to the Reichstag and could be dismissed by it; the Reichstag was entitled by simple majority to enforce repeal of any emergency decree; finally, statutory law could regulate details such as protective

---

[4]Ibid., p. 157.

custody and the length of time for which rights might be suspended.[5]

If these guarantees had gained real significance, Brecht believes that presidential emergency powers might have been restricted by democratic control. Dictatorial abuse in Germany, however, was made possible by the broad power of the president to appoint and dismiss the chancellor. The wording of the constitution allowed the president to dismiss the chancellor at any time. The president could then appoint anyone he chose as chancellor, irrespective of his receiving a vote of confidence. He could then have the new chancellor counter-sign a decree dissolving the Reichstag, and emergency decrees, before a new Reichstag could object by vote of censure. In this way the power to suspend basic laws could come into the hands of a person unlimited by parliamentary control. In Germany in 1932, this situation came about, all the more dangerous because there were no statutory laws on the books to provide protection against such abuse. There were no such laws because the numerous parties could not come to an agreement on such laws.[6]

Arnold Brecht shows us the great influence that a few lines in the Weimar Constitution had on the fate of the first German Republic in the following quotation:

---

[5]Ibid., pp. 157-158. [6]Ibid., p. 158.

> Had the rights of the president been more prudently defined, then, in 1932, Hindenburg would neither have been able to discharge Bruning, nor to appoint Papen; nor to dissolve the Reichstag with Papen's, from the democratic standpoint, worthless signature; nor to remove the Prussian ministers; nor finally, in February 1933, entirely to suspend the constitutional protection of human rights. Had the voting system made it possible, as in England, in the United States, and at that time in France, to keep extremist candidates away from parliament by locally outvoting them, then the National Socialists and the Communists would never have had the large Reichstag representation which gave their movements such impetus. If the president had been elected by a joint session of the Reichstag and Riechsrat, or by other indirect methods, Hindenburg would never have become Ebert's successor in 1925, and so would not have been able to play the disastrous role he did in 1932 and 1933.[7]

When the Constitution was written, Brecht points out, there were still overwhelming democratic majorities in the parliament, and the thought that these majorities could be lost was not considered by the makers of the Constitution. The errors became dangerous only with the loss of the pro-democratic majority. This is another important concern of Arnold Brecht's, the special problem of majority rule with the complication of an undemocratic majority.

Undemocratic Majorities

Arnold Brecht, again because of his own experiences, is concerned that western political theory, while emphasizing the positive democratic doctrines of free elections and majority rule, has not followed those doctrines through

---

[7] Ibid., p. 158.

to the conclusion that this majority, although elected freely will be undemocratic, and as he states "will be undemocratic, not only in the sense of being hostile to certain individual liberties, but also in that of being hostile to the very principle of majority rule and its institutional guarantees."[8] The question, then, is this: must adherents of democracy submit to the majority in such a situation? If they do not, then what are they advised to do?

This question may become much more of a challenge to political theory, not only in light of the research of Arnold Brecht concerning the German experience, but especially because of the recent popular election of a Marxist government in Chile. Even today, the generally accepted idea is that democracy means majority rule except for considerations of constitutionally guaranteed individual rights. The democratic creed and the majority formula have become so closely associated, that many, according to Brecht, have become blind to this problem, a problem only to those, incidentally, whose values are democratic ones. Having stated his ultimate value as democracy, Brecht proposes that political theory come up with an answer to this problem of the undemocratic majority. A bill of rights is not the whole answer, for as Brecht tells us,

---

[8]Arnold Brecht, "Democracy, Challenge to Theory," Social Research, XIII (June 1946), p. 210.

> A bill of rights does not bar a majority from destroying democracy. No bill of rights prevents an undemocratic majority from legislating methodically to the advantage of some and to the disadvantage of others; from filling public offices with enemies of democracy, who plainly favor other enemies at the expense of democracy's friends; from turning justice into the handmaiden of an anti-democratic executive; and from spending public monies, duly appropriated by the majority, for anti-democratic purposes. Least of all, does a bill of rights hinder anti-democratic majorities from taking over all positions of power, in order that in due time, they may be able to do away with the bill of rights altogether.[9]

In Germany, the course of events led to a situation in which free democratic elections resulted in an undemocratic majority. This was the result of elections in 1932, the end of a democratic period, but the democrats were not in the majority as early as the elections of 1920. To illustrate Brecht's point it is useful to recall what actually happened in Germany. Friedrich Ebert, the leader of Germany in 1918 had great faith in western democratic methods, and these implied majority rule. Because of his democratic convictions, he did not implement his socialist ideas by dictatorial methods, but instead led the Germans to early general elections. This action indicated that he wanted the majority of the people, not only socialists to make the political decisions. But who constituted the majority? The free elections in Germany from May 1920 to the end of the republican period showed that the majority of Germans

---

[9] Ibid., p. 211.

were not even democratic.[10] Because of these circumstances under democratic procedures, democratic cabinets had to fall, or they had to enter into coalition cabinets with parties advocating authoritarian methods, which then could not carry through strong democratic measures without breaking down. This situation existed from 1920 until the end of the republic.[11]

Arnold Brecht then asks the question, "What did western theory do when confronted by this situation?" It did not warn Ebert against using the method of general elections, but praised and encouraged him. Non-democratic majorities were being returned, but western critics merely blamed the democratic minority for not being a majority, instead of giving needed advice regarding the art of government. Political scientists, Brecht relates, advised the German cabinets to maintain a democratic policy, advice that was inadequate, in Brecht's opinion, during the twelve years between 1920 and 1932, when the democratic parties did not have a majority. Theory failed to tell the democrats in German cabinets how they could be effective under democratic rules, and has yet to provide an answer to this problem. Brecht seeks this answer.

He continues his historical account of the happenings in Germany to point out another new factor in the situation.

---

[10] Ibid., p. 212. [11] Ibid., p. 213.

The undemocratic majority which arose in Germany in the 1920's was one in which a considerable democratic minority was flanked by anti-democratic groups on the right and on the left. Separately these two groups were minorities, but together formed a majority. The undemocratic majority existing through the last pre-Hitler elections in November 1932 was not purely reactionary, but consisted of rightist totalitarians, constitutional monarchists, plus communists. Before March 1933, the rightists alone were weaker in number than the democrats (Weimar Coalition) and communists together, and until 1930, they were weaker than the democrats alone. If the democrats had been able to swing the communists into line, then they would have had a majority all the time, but the communists refused to go along, insisting on proletarian dictatorship. Brecht relates how western political theory applauded the democrats for their action in not leaning on the communists.[12]

What then, does Brecht advise a strong democratic minority to do when confronted by undemocratic minorities to left and right which together form a majority? Because he feels that authoritarian rule is inevitable under such conditions, he suggests that men who cherish democratic ideals should assume authoritarian government themselves. Denying that this is merely a tactical question, but one-

---

[12] Ibid., pp. 214-215.

within the sphere of political theory, he describes the theoretical issue involved in the case of every undemocratic majority as the right of such a majority to be obeyed. In noting that theory has not proposed a solution to this problem, Brecht offers some suggestions as follows:

> In matters that are not in conflict with fundamental democratic principles, majority rule should, of course, apply in democracies; adherents of democracy should readily join forces with other political groups, even if they are undemocratic, in order to win majorities. But in matters of fundamental democratic principle, especially the freedom of pre-democratic forces to express their true will in elections, and questions regarding the independence of justice, they ought not to be told that they have to submit meekly to hostile majorities. If the authoritarian rule is inevitable, because the advocates of undemocratic principles hold majorities, then the adherents of democracy should seek to assume that kind of rule themselves instead of leaving it to anti-democrats merely because the latter have numerical superiority.[13]

Since there is no democracy left, the rules of democracy need not apply, and democratic adherents, according to Brecht, may even disfranchise opponents who would disfranchise them, or limit the rights of assembly to those who would use these rights to destroy democracy.

Amendment Proof Minimum Standards

Arnold Brecht, in his study of constitutions, sees another inadequacy of political theory as it relates to democratic procedure. While calling our attention to the

---

[13] Ibid., pp. 216-217.

fact that political theory has approved the practice of drawing up written constitutions so that changes are legalized in advance if made by qualified majorities or by special procedures, he points out that theory has little to say about the grave danger of legalizing any changes in advance if achieved by qualified majorities or specially designated procedures. The history of constitutions provides evidence that democratic legislatures have passed rash amendments, authorizing barbaric measures by vesting broad powers, including that of changing the constitution in an individual. Such bills also transferred to one person the power to abrogate individual rights, as in the case of Hitler. This situation allowed an individual to commit barbaric acts without violating the constitution or the law of the land. Courts and civil servants, bound by an obligation to respect the amendment procedure, considered themselves bound, also, to carry through any orders authorized by such amendments. Thus, legal positivism played a decisive part in the early victory of Hitlerism.[14]

What answer has theory for this danger to individual rights? A way out of this dilemma is suggested by Brecht in these words:

> Let us fight positivism with its own weapon, positive law on a national level. Let us see to it that the national courts and public employees

---

[14] Ibid., p. 218.

> always find themselves functioning under the right sort of law in control of barbarism. To this end, let us advise all those who, in the future, draw democratic constitutions, not only to insert some fine bill of rights in the text, but also to be more careful than in the past in formulating emergency powers and amendment clauses. Let us tell them to exclude certain minimum standards of justice and respect for human dignity from the operation of emergency powers, and from the effect of any amendment however sweeping its terms. In other words, let us prepare a careful list of elements which, in democratic bills of rights should be exempted from any change, either by legislation or by constitutional amendment, even in emergencies.[15]

If minimum standards were held to be exempt from constitutional amendment, then Brecht assumes that every judge and public employee could refuse obedience to an order violating these standards, instead of having to carry out such orders, however grudgingly. Although the United States and Great Britain may not be in such need of these minimum standards for themselves, there is a need in countries that have less secure conditions for the workings of democracy. Brecht challenges theory to compose a list of sacrosant minimum standards and to consider a clause to be added to all national constitutions that suspension of these minimum standards is declared, in advance, to be invalid. He includes the following on his tentative list:

> Equality before the law; prohibition of retroactive criminal laws; independence of judges from

---

[15] Ibid., p. 220.

> the executive branch; the right of the accused to be confronted with available witnesses against him, to obtain available witnesses in his favor, and to have legal counsel; limitation of the period during which detention in concentration camps, protective custody or the like are allowed to continue, even in emergencies, without criminal charges being made and duly prosecuted, prohibition of cruelties to interned persons, the right to appeal to some board or court, on the part of those who are subjected to political detention during emergencies, rules on adequate control and supervision of all places of detention, including the right of the courts to inspect them; freedom or worship; and the right to petition for redress of grievances.[16]

In Prelude to Silence, Arnold Brecht makes it clear that it is the duty of the political scientist to define the principles of government which he considers morally objectionable and to oppose them.[17] Brecht opposes totalitarian regimes by emphasizing the impossibilities in totalitarian regimes and by questioning and refuting the alleged impossibilities of democratic systems.

Impossibility in the Argument between Democracy and Totalitarianism

Whatever terms or definitions are used to distinguish the various systems of government today, Arnold Brecht advocates the scientific approach of political theory to the description and analysis of similarities and differences. This approach can clarify what these differences mean for

---

[16] Ibid., p. 221-222.

[17] Arnold Brecht, Prelude to Silence (New York, 1968), Preface, p. XVIII.

various ideals. Systematic investigations of this type could give importance to the category of the impossible, because, as Brecht believes, a demonstration of the impossible in the means-end relationship offers a way to refute a means-end proposition without referring to value judgments.[18]

In the debate between the virtues of democracy and totalitarianism, reference to alleged impossibilities have been widely propounded by both sides. Brecht calls upon science not only to refute phony allegations which would obscure hidden possibilities for a working democracy, but also to disclose genuine impossibilities inherent in totalitarianism.

Genuine Impossibilities in Totalitarian Regimes

Arnold Brecht, because of his deep love for democracy and individual freedom, and his aversion to dictatorship, feels it necessary to point out some genuine impossibilities regarding the transition to a dictatorial regime from a free government. These impossibilities are present in any grant of dictatorial powers, especially total powers, regardless of the system, be it communist, fascist, or other. The basic question is the impact of impossibility.

We all realize that it is not impossible for democracy to break down. As Brecht reminds us, democratic Germany,

---

[18]Brecht, "Democracy, Challenge to Theory," p. 204.

democratic Italy, democratic Austria and democratic Spain, did break down. Thus, "the stimulation and watchfulness that science can provide are among the most important factors in keeping a democracy compact and self-controlled."[19] If a country, feeling the need of authoritarian government, perhaps in time of crisis, does surrender all power to one man, it is not impossible that he is both good and wise, but Brecht does deem it impossible:

> (1) To ensure that the particular person emerging in the dictatorial role actually will be a man both good and wise.
> (2) To ensure that, if he is so in the beginning, he will continue to be so later on; he may turn insane, senile or corrupt, or become the puppet of corrupt wirepullers; for even if power should not always corrupt, it often does, and it is certainly impossible to guarantee that it will not do so.
> (3) To ensure that his successors will be good and wise; benevolent dictators from Pisistratus onward, and long before him, often had particularly cruel or stupid successors.[20]

Also, once all of the legal powers including command of the military forces as well as police, of bureaucracy and lawmaking are surrendered to a dictator, it is impossible, then,

> (4) To get rid of him without his own consent short of a violent revolt or revolution which, as the

---

[19]Arnold Brecht, "Democracy and Administration", Political and Economic Democracy, edited by M. Ascoli and F. Lehmann (New York, 1937), p. 16.

[20]Arnold Brecht, Political Theory: The Foundation of Twentieth-Century Political Thought (Princeton, New Jersey, 1959), p. 438.

> entire machine of the state and all legal powers are in his hands, has to be fought against tremendous odds, exposing the rebels and their families to the cruelest suppressive measures.[21]

These four scientific objections, according to Brecht, are valid irrespective of the scientist's own value judgments. Brecht mentions a fifth impossibility of great significance. It is impossible for one man "(5) to watch over the welfare of many millions of individuals."[22] This is a physical impossibility and can be stated with the exactness of natural science. Every executive has, as a human being, a limited span of control. This fact has led to disastrous consequences which can be documented from history. A dictator who is to rule a nation of a hundred million people or more needs many subordinates who cannot all be good and wise. These underlings, unless they are controlled by freedom of speech and press and by independent courts, may commit barbaric or unwise acts which the dictator might condemn. The only remedies for these implied evils are those of constitutional limitations of power, law courts independent of the executive, freedom of speech and press, and the writ of habeas corpus or its equivalent.[23]

The next impossibility pointed out by Brecht regarding totalitarianism is that it is impossible "(6) to carry

---

[21] Ibid., p. 439.

[22] Ibid., p. 440.

[23] Ibid., pp. 441-443.

through a totalitarian regime without persecution."[24] Totalitarianism cannot tolerate opposition, and therefore, persecution is necessary to keep people from expressing their opposition. In his preface to his book, Prelude to Silence Brecht warns that

> Fascism is always meant to include the following specific feature, namely that physical force or systematic threat of physical force (terror), is employed for the purpose of suppressing any expression of opinions that are opposed to those either held or tolerated by the fascist group. Totalitarianism refuses to acknowledge any limitation on what the government is entitled to do in order to reach its proclaimed purposes.[25]

Because a contention of impossibility is sometimes an integral part of a political theory, the theory's conclusiveness may depend upon the validity of the allegation. If the impossibility is shown to be questionable, the theory becomes less acceptable. Therefore, it is important for science to examine such contentions, Brecht feels. In the struggle between communism and democracy, several questionable and imaginary impossibilities have played a major role, and Brecht wishes to disprove them. Some are so obviously invalid, as history has shown, that it may be that their refutation has simply been ignored for more pragmatic considerations. Brecht lists several of these alleged impossibilities with their documentation in his

---

[24] Ibid., p. 443.

[25] Brecht, Prelude to Silence, Preface, pp. XVIII-XIX

work, Political Theory: The first is the "impossibility of halting the workers' impoverishment without violent revolution."[26] History has proved this to be wrong because the workers' lot has improved in capitalist countries. The second is the "impossibility of improving workers' conditions by measures of the bourgeoisie."[27] Again we find that minimum wages, maximum hours, collective bargaining, old age and unemployment insurance and other measures have benefited the worker immeasurably.

The third alleged impossibility is "the impossibility of a change-over to socialist rule through democratic procedure."[28] As pointed out by Brecht, Marx himself did not insist on the impossibility of winning socialism through democratic procedure,[29] but Lenin restored the original theory that violent revolution was necessary in all cases. Khrushchev, in turn, repudiated Lenin's doctrine by stating that

> It is not obligatory for the implementation of these forms to be connected with civil war in all circumstances. There are different forms of social revolution and the allegation that we

---

[26]Brecht, Political Theory, p. 445.

[27]Ibid., p. 445. [28]Ibid., p. 448.

[29]Karl Marx, Address delivered after the adjournment of the Hague Congress of the International in 1872, quoted in Brecht's Political Theory, p. 446.

> recognize force and civil war as the only way of transforming society does not correspond to reality.[30]

Brecht, therefore demonstrates that, as a result of Khrushchev's speech and subsequent agreement by other communist leaders, that communist theory now admits, with reservations, that it is not impossible for the workers to change over to a socialist regime, in the initial stage, through democratic means. This fact became a reality in September 1970, when an avowed Marxist, Salvador Allende, was elected president in an impeccably democratic election. He received 36 per cent of the vote by heading a coalition dominated by Socialists and Communists. His inauguaration was followed, some five months later, by legislative and municipal elections in early April, in which he received 49.7 per cent of the vote, just short of an absolute majority. While this does not give him a majority in the Congress, no new president in the last twenty years has done as well in these municipal elections, gaining 14 per cent more than in September.[31] A prevalent fear in Chile is that Allende is a revolutionary, dedicated to eradicating democracy. We then come to Brecht's next alleged

---

[30]Nikita Khrushchev, Speech, February 14, 1956 at opening of Twentieth Congress of the Communist Party, Moscow, quoted in Brecht's Political Theory, p. 447.

[31]"China and Chile," Nation, Vol. 212, (April 26, 1971), p. 516.

impossibility: "the impossibility of implementing socialism through democratic procedures." Because it may be possible to change over to socialist rule through democratic means, does not necessarily mean that it is possible to maintain socialism with these means. Communist theory has dictated that it is impossible to carry through socialism under a system of free elections, freedom of speech, free association, and free majority decisions. Brecht indicates two arguments of Soviet theorists in this regard: Communist theory advocates a strictly dictatorial regime because (1) the capitalist opponents will resist violently against the implementation of socialism and (2) the inertia of the victorious socialist majorities will impel them to vote for immediate benefits, at a time when more work and less consumption is necessary.[32]

Brecht presents a strong argument against impossibility on these two counts. He cites the example of violent revolt against socialist measures in Spain after the Spanish Revolution of 1932 and the establishment of Franco's regime. However, he feels that this historic sequence could be avoided if the majority first builds up a strong military and police force for the support of democratic government, before it engages in measures likely to meet with violent resistance, and if it adopts a legislative program gradually

---

[32]Brecht, Political Theory, pp. 449-450.

adopted to the power relations, not trying to do more than can be enforced. This procedure may make a democratic socialism possible.[33] Another argument of the impossibility theorists that workers who have won parliamentary majorities may be impatient to secure unreasonable benefits quickly, may be counteracted, as Brecht points out, by educating these people in advance to prepare them for a more meaningful exercise of power. This solution may not be easy, but should not be considered impossible.

Brecht considers that the compatibility of democracy and socialism is still an open question. It will be interesting to see if the flickering spark of democracy still existing in Chile at present will be extinguished by the leaders in power, or if a potential socialist majority can furnish the planning necessary for socialism without the sacrifice of all personal liberties. Brecht says, "If it were correct that democratic socialism is impossible, then those many people in many countries who ardently want socialism, would have no choice but to abandon democracy."[34] Political science should give serious attention to this problem. There is real danger that in a critical situation, the masses will abandon democracy in favor of a socialist dictatorship, unless they are satisfied that it is possible to establish and

---

[33] Ibid., p. 451.

[34] Ibid., p. 452.

maintain socialism through democratic means, and unless institutional devices apt to make democratic socialism workable without the wholesale abolition of the guarantees of human rights have been prepared in advance.[35] Brecht adds that a reassuring political theory regarding the compatibility of socialism and democracy could also offer encouragement to any tendency that might develop in the Soviet Union or its satellites toward the introduction of more democratic institutions.

Proposed Scientific Theory of Democracy

Brecht's treatment of democracy illustrates the manner in which modern scientific theory can tackle types of governments. Only democracy will be analyzed here, but other types of governments may be the subject of the same type of scientific examination. Thus, a theoretical analysis (D) may list the following contemporary uses, as indicated by Brecht:

> D1 = M = Majority rule in the sense that the majority is considered entitled to decide any question in any manner.
> D2 = hR + iC + M(1-(hR + iC) = Human rights and independent courts considered exempt from executive and legislative interference, majority rule limited to other affairs (this is today the prevailing use of the term "democracy" in Western language.)
> D3 = gW + E = Successful promotion of the general welfare and of equality, regarded as both goal and criterion of democracy, its achievement,

---

[35] Ibid., p. 452.

> if necessary, to be taken care of by a specifically trained "vanguard" of the people (this is the current Communist use of the term "democracy").
>
> D4, D5 = Any other meaning of the term; either discovered in actual usage or proposed.[36]

Using these basic distinctions, political theory can proceed by listing, in each case, the goals or ends suggested for pursuit by the term democracy and the means (institutions) utilized in this pursuit. Brecht suggests that under alternative D2, (current western use) that tentative goals would include:

> government for the people, respect for human dignity, development of each to the best of his abilities, general welfare, liberty, equality (at least of opportunity and before the law), and justice; and as means: government by the people, universal adult suffrage, periodic elections of legislatures and of the chief executive or cabinet, independent courts, civil liberties (freedom of speech, press, assembly, association, religion, etc.) and other items.[37]

Both lists of ends and means cannot be fixed dogmatically, but must either refer to definite historical examples such as American, British, French, or be open for modification or addition. In this way a series of "models" emerges as a basis for detailed analysis.

On the list of ends, each item is then given a thorough examination of its meaning, implications, consequences and risks as well as its compatibility with other goal items.

---

[36]Arnold Brecht, "Political Theory," International Encyclopedia of the Social Sciences, (New York, 1968), p. 315.

[37]Ibid., p. 316.

If goal-items collide, priorities must be reassessed and modifications considered. Each item on the list of means is examined in the same way, especially regarding the compatibility or incompatibility of consequences to be expected from use of certain means with ends in the other column. Brecht gives us several illustrations such as the item "executive branch" which involves the problem of public administration. Scientific political theory may examine the consequences and risks that may be expected from the establishment of various systems of administrative organization such as the American "departmental" or European "ministerial" system, and of a stable body of public employees (under civil service) or a floating type (spoils system), and the many types of training and education of workers.[38]

In this context Arnold Brecht has written an article entitled "Democracy and Administration," in which he finds that any democracy faces a peculiar difficulty of trying to establish and maintain a consistent administration in spite of changing majorities that determine the character and composition of the executive heads. Therefore, as he sees the problem, democracies are faced with the task of organizing an efficient and impartial administration

---

[38] Ibid., p. 316.

under a system of changing governments, in a period of growing administrative functions.[39]

Brecht suggests the following thesis:

> If we can attain and maintain a tradition of living affiliation between the civil service and all classes of people, and a spirit of political neutrality in the public employees, we need not fear that non-political employees will establish a powerful bureaucracy. All employees would be led by politicians who would head the branches of the service and would be controlled directly and indirectly by the people.[40]

It has been observed that in some countries where party government is unstable and political leadership changes frequently, that the civil service becomes more powerfully entrenched and runs the country unmindful of the changes at the top that may reflect public opinion. In one party totalitarian systems, the bureaucracy is expected to promote party policy, but in the United States, administrative officials serve under and are responsible to elected officials.[41]

Brecht concludes that the machinery of state "must be run by persons who hold democracy in high regard, and are respected for their services,"[42] and that the civil

---

[39]Brecht, "Democracy and Administration," p. 221.

[40]Ibid., p. 228.

[41]Marian D. Irish and James W. Prothro, The Politics of American Democracy (Englewood Cliffs, N.J., 1968), p. 474.

[42]Brecht, "Democracy and Administration," p. 226.

service should be composed of all classes of people. Today, and especially since the Kennedy administration a strong effort has been made to recruit government workers from the entire spectrum of American society.[43]

Theoretical investigation, item for item, is certain to show that some of the consequences or the institutional means are not compatible with the desired ends. The means may lead to inequality instead of equality, to decisions by minorities instead of majorities, and to bargaining for special interest instead of general welfare. Examination of the resulting inconsistencies can foster a discussion of remedies or reforms, such as a corrupt practices act, or a civil rights act.[44]

Arnold Brecht mentions other problems that may be subjected to theoretical investigation including the handicaps that, in a democracy, prevent long-range planning where it is actually desired by a majority of the people. Under democratic rules, no majority of today can bind the majority of tomorrow except by Constitutional amendments or, to a lesser degree, by treaties and contracts. It is also of great theoretical importance to examine conditions of life, education, communication and public spirit that is assumed to be necessary to prevail in a country to make

---

[43]Irish and Prothro, op. cit., p. 458.

[44]Brecht, Political Theory, p. 316.

democracy feasible. Results of the absence of any or all of these conditions should be investigated. Finally a theory of democracy should include a comparative analysis of the

> implications, consequences, and risks that pertain to rival forms of government, since the claim to superiority raised for democracy is based, to a considerable extent, not on faultless excellence, but on the graver perils that threaten from other forms of government.[45]

---

[45] Ibid., p. 317.

CHAPTER V

EVALUATION

Comparison of Ideas

How does Brecht's idea of a practical science of politics compare with the ideas of other contemporary political scientists? Thomas L. Thorson, in his book, The Logic of Democracy, warns us that

> the great success and consequent prestige of the methods of natural science have pushed aside the justification of political systems. Scholars interested in political values, frightened by the strictures of the scientists and their emulators, retreat to textual analysis of the classics, either philosophical or theological.[1]

Thorson is convinced that students of contemporary political affairs who are seeking scientific respectability generally exclude questions of value altogether (Behavioralists) or profess to do so. Students of politics are thus faced with a dilemma; "either we justify political systems or we are scientific, but we cannot be both at once."[2] This is the "crisis" to which Brecht referred and for which he presents the solution of Scientific Value Relativism. Scientifically transmissable knowledge can

---

[1]Thomas L. Thorson, The Logic of Democracy (New York, 1962), p. ix.

[2]Ibid., p. ix.

provide the basis for a rational choice. On the other hand, Thorson's thesis is that there is a philosophy of democracy, and from this premise he elaborates as follows;

> We have imagined that we must adopt one of two views each made up of two factors,
> (1) justification must be accompanied by some metaphysical apparatus, or
> (2) acceptance of logico-scientific standards and methods implies the impossibility of justification.

Thorson tries to combine logico-scientific standards with justification. The problem is being able to accept scientific standards and being able to justify at the same time.[3]

He then comes to the root of the problem, as he sees it, the nature of proof. Thorson says that it is this agreement on the nature of proof (according to Scientific Method as defined by Brecht) accepted uncritically (transmissible) that forces the absolutist-relativist dichotomy upon us. To Thorson justification is not always the same as proof. He argues,

> In one sense, the whole point of Brecht's book, [Political Theory] is to tell us what can and what cannot be treated by the scientific method. This has led to the postulation of restrictive canons of science that are far too narrow to comprehend what practicing scientists actually do. Brecht actually goes so far as to capitalize the words scientific method so that "scientific method", the loose multifaceted phenomenon that

---

[3] Ibid., p. 11.

[4] Ibid., p. 95.

> it really is becomes "Scientific Method", the ultimate standard of inclusion or exclusion.[5]

According to Thorson, Brecht provides us with a standard that will tell us in unambiguous terms with what subjects science can or cannot deal. He is essentially summing up the standards that social scientists hold, or at least say they hold, but Thorson contends that scientific political scientists, including Brecht, actually go beyond these limits. In Thorson's words, "To specify procedures that maximize clarity, precision and exactitude is sensible, but to build an impenetrable wall around them is likely to be disastrous."[6]

The question posted by Thorson is this one: is this an adequate view of science? Thorson is convinced that it is erroneous in a fundamental way. Brecht's eleven points, Thorson states, seem to comprehend both induction and deduction, but the simple combination of the two, for Thorson, does not tell the whole story of science. "Where does the hypothesis come from?" he asks, and then continues by saying, "It seems obvious in Brecht's eleven points that it is formulated by inductive inference from numerous observations. One has to 'jump' from experience to theory."[7] Thorson considers this a fissure in Brecht's Scientific Method as the jump is a working hypothesis.

---

[5] Ibid., p. 95.

[6] Ibid., p. 96.

[7] Ibid., pp. 98-99.

Thorson goes on to say that we should be more hesitant about accepting the pronouncement that political philosophy and scientific political science are fundamentally incompatible. He points out that the process of choosing one empirical theory over another is essentially a matter of philosophy. If the essential character of political philosophy is recommendatory, one of the important tasks of politics, according to Thorson, is to assess the appropriateness of a recommendation to a certain context and therefore, the investigator must have a thorough knowledge of the context. For Thorson, recommending is a new way of looking at political phenomena.[8] Thorson continues,

> We are never justified in behaving as if a question has been absolutely settled, for new evidence may be forthcoming. The recommendation "do not block the way of inquiry" is a statement of the ultimate "must" of science [by Charles Sanders Pierce].[9]

That we are not willing to accept traditional natural law or absolutism, nor are we satisfied with relativism, is the major dilemma of twentieth-century political thought, as Thorson sees it. Therefore, he is concerned with giving us a rational choice of a decision making procedure that will allocate values authoritatively for society. He states,

---

[8]Ibid., pp. 98-99.

[9]Charles Sanders Pierce, "The Scientific Attitude and Fallibilism," Philosophical Writings of Pierce, edited by Justice Buchler (New York, 1955), p. 54 cited in Thorson, op. cit., p. 129.

> If there is no way of predicting with certitude the consequences of political decisions or of establishing the ultimate rightness of any social goals, then any governmental system premised on the realization of such policies is not and cannot be justified by such premises. Just because the rightness of political decisions cannot be proved because its consequences, short or long range, cannot be predicted with certitude, nor its ultimate supremacy demonstrated, are we obligated to construct a decision-making procedure that will leave the way open for new ideas and social change. Do not block the possibility of change with respect to social goals.[10]

Thorson changed Pierce's quotation regarding the "must" of science to fit this concept. A commitment to democracy for Thorson does not have to be a matter of proof, because he makes it a matter of language clarification. He solves Brecht's crisis of separation between fact and value by the use of what he calls analytical political philosophy. Democracy as a value is justified because of the very limits of science; because it is a system which permits social change. If this argument justifies democracy logically then, scientific proof of its value is not necessary.

It is interesting to note that many of the ideas held by Arnold Brecht are also affirmed by Mulford Sibley in his article, "The Limits of Behavioralism," although we find that Sibley is not as optimistic as Brecht about the positive contributions of science to political policy or

---

[10]Thorson, op. cit., p. 139.

decision making. In discussing the relationship of science to value, Sibley begins by stating that

> behavioralism will inevitably be used within a framework of value judgments which cannot be supported through behavioral technique alone. Values and concepts which do determine what and how one studies in politics are related to one's general life experience and to the goals which one associates with the purposes of political society.[11]

Therefore, behavioral investigations are limited by these nonbehaviorally derived experiences and knowledge.

The scientist, after he has settled on a problem and decided what is important, Sibley explains, then seeks "to explain the conduct of men in politics under specific assumptions and within controlled situations and to predict how men will probably behave under like circumstances."[12] The first may be called scientific explanation and the second scientific prediction. As for the possibility of scientific predictions, Sibley points out that we must endeavor to state the several possibilities of experience and the limits within which such alternatives must lie. Science, in this sense of the term, can tell us what cannot be under specified conditions. Negations involving statements of limits can be validated by behavioral empirical methods, and Sibley believes that techniques

---

[11]Mulford Q. Sibley, "The Limitations of Behavioralism," in Contemporary Political Analysis, James C. Charlesworth, editor (New York, 1967), p. 54.

[12]Ibid., p. 59.

of this type of study will become more refined as serious students proceed along these lines. Here we certainly have a reinforcing agreement with Brecht's discussion of the importance of proving impossibility or limited possibility.

Adding to his positive view of the scientific study of politics, Sibley lists such accomplishments as the following:

> (1) Behavioralism can cast light on the circumstances under which professed values are likely to be held or are held.
> (2) It can also, in principle, help tell us that, if we value certain things, specific types of action under given specified circumstances are likely to frustrate the implementation of these values.
> (3) Behavioralism can also show that, if we have a given value hierarchy, under precisely defined conditions, the impossibilities of its implementation are, or are not great.[13]

All this is to say that Sibley agrees with Brecht that behavioralism (science) is not irrelevant to the formation of goal values. It can help us to see the possibilities within which we would have to work under hypothetical value schemes. Behavioralism, Sibley points out, must state both value and fact conditions hypothetically. It cannot tell us what we ought to value.

He states in words very similar to those of Brecht that,

---

[13]Ibid., p. 62.

> behavioralism may cast considerable light on ought questions insofar as value judgments at secondary or tertiary levels are concerned. That is to say, it can tell us that we ought to do so and so under given circumstances if we value such and such as ends in themselves. It can assist us to make the political choices which would presumably bring us closer to a realization of our primary or first order ends. But it is incapable of telling us what those first order values ought to be.[14]

Mulford Sibley suggests that behavioral science has a very limited role in the making of political policy. As he analyzes policy-making, it contains three elements, the moral, the empirical, and the legislative. The moral phase involves awareness and formulation of value hierarchies to be used, the normative framework. What role can behavioralism play in this aspect of policy-making? It is not the task of science, Sibley argues, but of linguistic analysis, rationality and intuition. In the field of empirical study the behavioralist can formulate and test if-then statements of an explanatory and predictive character. However, according to Sibley, his precision is purchased at the price of isolating small fragments from the whole. The element of "personal knowledge" (bias) is always present. Finally, Sibley tells us,

> the legislative aspect of policy-making which is built upon the foundations of what we have called practical science and philosophy, involves such elements as relating abstract, primary values to secondary or instrumental ones, making judgments about possible consequences of alternative policy

---

[14] Ibid., p. 62.

> schemes and formulating policies which seem most likely to implement primary and secondary values.[15]

This task calls for very precise information about how men are likely to act under given circumstances. In forecasting likely consequences of proposed alternatives, Sibley contends that one has to speculate about conditions which may be different from those laid down by pure scientific theory. Impurities are involved at every level, and the inter-relationships are not mechanical but organic. He says, "Factors of uniqueness in the organically related world of impure, uncontrolled (in a scientific sense) conditions makes even more difficult the task of relating scientifically derived statements to policy-making."[16] While pointing out some positive contributions of behavioralism, Sibley is more pessimistic, certainly, than is Brecht in his evaluation of the role that science can play in the formation of political policy.

Heinz Eulau, in his book The Behavioral Persuasion in Politics, agrees also with some of the views expressed by Arnold Brecht. He states,

> the policy science approach does not assume that a value-free scientific study of politics is impossible because men pursue values through politics. Indeed it sharply distinguishes between propositions of fact that are believed to be subject to scientific-empirical inquiry

---

[15] Ibid., p. 70.

[16] Ibid., p. 70.

> and propositions of value, for which empirical science has as yet, no answer.[17]

Accordingly, the political scientist must avoid violating the rules of scientific method by keeping a safe distance between fact and value. Eulau continues,

> this approach does not deny that scientific research on propositions of fact cannot serve policy objectives, indeed, it asserts that political science, as all science, should be put in the service of whatever goals men pursue in politics.[18]

This last statement certainly supports Brecht's high regard for the service of science to politics.

Dante Germino gives credit to Max Weber and Arnold Brecht for establishing a constructive relationship between science and value while maintaining the view that scientific method must be broader than that defined by Brecht. Germino argues that scientific method should be determined by the nature of the subject matter to be investigated. In a discussion of logical positivism in his book Ideology: The Revival of Political Theory, he says,

> its finest representatives, men like Max Weber and Arnold Brecht are sensitive to the limitations and difficulties attendant on the separation of fact and value, and actually succeed in rescuing a small strip of reality in which critical rational principles have some bearing.[19]

---

[17]Heinz Eulau, The Behavioral Persuasion in Politics (New York, 1968), p. 136.

[18]Ibid., pp. 136-137.

[19]Dante Germino, Ideology: The Revival of Political Theory (New York, 1967), p. 69.

Logical positivism, according to Germino, is a broad term covering many thinkers with a considerable diversity in both the scientific and political view of those who accept the label. However, all logical positivists agree about the criteria to be employed for determining what kinds of statements constitute scientific knowledge and are "unanimous in rejecting claims of traditional metaphysics to cognitive staus."[20] To the logical positivist (Germino so classifies Brecht), scientific propositions are of two kinds, analytic or synthetic. An analytic statement is logical or mathematical in nature, while a synthetic is not. Arnold Brecht clearly defines these two types of statements in his Political Theory as discussed in Chapter II of this thesis.

Germino comments about Brecht's "crisis" in the following way:

> Arnold Brecht has chronicled the process of "methodological purification" which took place in twentieth century social science. The purification consisted in the careful distinction between factual propositions and value judgments, together with the insistence that the latter be treated as beyond the purview of scientifically verifiable or inter-subjectively valid knowledge. This meant that for (logical) positivism, propositions about the right order of the psyche and society, the central questions for political theory, were matters of subjective opinion. Thus the entire enterprise of elaborating a critical epitēmē politikē, the objective of traditional political theory, was shaken to its foundations.[21]

---

[20] Ibid., p. 73.

[21] Ibid., p. 70.

It is interesting to note that Germino points to some fascinating conclusions of Harold Lasswell and Abraham Kaplan concerning "factual" and "valuable" propositions to be found in some of the masterpieces of political theory.

> A rough classification of a sample of 300 sentences from each of the following yielded these propositions of political philosophy, (demand statements and valuations) to those of political science (statements of fact and empirical hypotheses); Aristotle's Politics, 25 to 75; Rousseau's Social Contract 45-55; Machiavelli's Prince, by contrast consisted entirely (in the sample) of statements of political science in the present sense.[22]

Germino feels that "man in the fullness of his experience" is the proper focus of the political scientist's attention, and whole areas of that experience labeled ethical, metaphysical or theological should not be banished from the realm of science on grounds that they do not yield hypotheses testable by the precise methods of neopositivist methodology.[23] Germino disagrees fundamentally with Brecht regarding the methods of science. To Germino scientific method is determined by the subject matter to be investigated (natural science methods are not adequate), and not the reverse; thus

> if the empirical fact of the existing human person cannot be investigated by means of the sensory observation of phenomenal regularities alone, then it must mean that these methods in themselves

---

[22] Ibid., p. 2, citing Harold D. Lasswell and Abraham Kaplan, Power and Society (London, 1952), p. 118.

[23] Ibid., p. 6.

> are inadequate and require supplementation by inward seeing through the eye of the mind.[24]

Political science for Germino is an experiential as opposed to an exclusively experimental science.

The purpose in presenting the views of these contemporary political scientists is to provide a background of comparison for ideas regarding the role of science. While there has been a definite trend within the discipline to adopt empirical methods along with a much stricter emphasis upon scientific techniques, there remains a minority who holds to the broader view and regards analytical philosophy, linguistic analysis or normative theory as the most valuable approach.

Problems of Scientific Value Relativism

In presenting the ideas of Thorson, Sibley, Eulau and Germino, some criticisms of Scientific Value Relativism emerge. The first question to be asked in evaluating the usefulness of Scientific Value Relativism as a theory involves Brecht's Scientific Method. Is it too restrictive as has been challenged by Germino? Brecht himself brings up the question of its exclusiveness in his book Political Theory, and justifies the rules of Scientific Method on the grounds that only by adhering to this method can we supply knowledge that is intersubjectively transmissible

---

[24] Ibid., p. 6.

qua knowledge. He explains the need for a strict Scientific Method in these words:

> If we want to proceed carefully in inter-subjective scientific inquiry, . . . then reliance on empirical observation and on logical reasoning offers the safest procedure available. Let us, therefore, for good or bad, proceed along these lines. And let us do so consistently, without swerving to the use of less severe methods. What we can present, then is a substantial contribution of a pure type, which can be received and used in full awareness of the methods on which it rests.[25]

The decisive question, according to Brecht, is whether science must be defined in terms of Scientific Method and not otherwise. His answer is yes, because this method supplies a

> type of knowledge that can be transmitted from any person who has such knowledge to any other person who does not have it, but who can grasp the meaning of the symbols used in communication and perform the operations, if any, described in these communications.[26]

The problem, then, is one of definition and concerns only the type of knowledge that is to be communicated. The fact that more people may be swayed by an emotional appeal or clever propaganda only points up the need for scientific knowledge which is transmissible qua knowledge.

A second criticism of Scientific Value Relativism is that scientific knowledge cannot supply the motivation for

---

[25]Brecht, Political Theory, p. 169.

[26]Ibid., p. 114.

wise decision-making or just and humane public policy. David Braybrooke, in his article "The Ethical Control of Politics," makes this statement in reviewing Arnold Brecht's book, Political Theory,

> Disputes on points of knowledge can be brought to a decision by confronting people with facts about observations and about the use of language. What men do cannot be brought to a decision in this way. No matter what weight of argument in favor of doing a certain action, it will always be intelligible to announce that one favors the contrary, and possible to do it with or without announcement.[27]

Braybrooke would agree with Hume, that if the emotions are absent it is hopeless to depend upon theoretical arguments. He (Braybrooke) suggests, instead, a generating and maintaining of sentiments that can be mobilized behind just and humane policies. Should we then throw up our hands in despair of ever achieving a rational approach?

Arnold Brecht does not believe that we should give up the fight, or that science alone can solve all political problems. However, he addresses himself to this problem as follows:

> What guides the practician in his choice of goals may be personal preference, fondness for innovation, desire for fame, pseudo-scientific convictions, ideology, religious belief, creative urge, the genuine desire to build a better world; it is never science alone. The impotence of science alone to determine what are the proper goals of policy, unless we define what we mean as "proper", does not

---

[27]David Braybrooke, "The Ethical Control of Politics," Ethics, LXX (July 1960), p. 319.

> imply that reason has no function in setting goals. On the contrary, the first conclusion to be drawn from the impotence of science alone to determine the proper goals, is the inference that we have the choice between either leaving the determination of goals to chance, to human instincts, to individual resolutions of men in power, and the like, or realizing that we have the possibility and the responsibility, at least the causal responsibility, if we do not care to realize a moral one, of shaping and propogating goals, be it singlehanded or through reasonable cooperation with others. It is never science alone, but science plus responsible volition which sets proper goals and determines the proper means.[28]

In his introduction to the book Scientism and Value, Helmut Schoeck is more pessimistic about the role of scientific knowledge in influencing public policy. He says,

> If the public or fellow scholars are unwilling, for pre-scientific, i.e., ideological reasons, to accept our arguments, statistical data and their expert manipulation will not convince them. Indeed, we can always startle our posivistic friends in the social sciences, by asking them to name just one major policy decision, or law that came about, against the popular and political preferences for it, on the strength of quantitative data.[29]

In this same connection, W. H. Werkmeister in his article, "Social Science and the Problem of Value," makes the following interesting comment:

> It is true, of course, that any knowledge we have or can obtain concerning the facts relevant to a decision is of value. A rational and reasonable decision is impossible without such knowledge.

---

[28]Arnold Brecht, The Political Education of Arnold Brecht (Princeton, N.J., 1970), pp. 488-489.

[29]Helmut Schoeck and James W. Wiggins, editors, Scientism and Value (Princeton, N.J., 1960), pp. ix-x.

> But the knowledge upon which the decision is based concerns not only the actualities prevailing at the time of the decision; it concerns all foreseeable consequences as well. And the key to decision-making is not the knowledge provided by the scientists; it is the value commitments of a civilized humanity. These commitments and not the sciences, determine ultimately what our ends and goals shall be. The various sciences may determine the appropriateness of the means if attaining a desired end; they may enable us to determine the cost of achieving it in terms of a predictable loss of other values; and in this sense they may materially contribute to our selection and revision of the ends to be pursued.. Nevertheless science as science, and this includes the social sciences, does not define the ideals or value norms that constitute the over-all framework of valuations within which we make our decisions concerning ends and goals in relation to which the facts of science are themselves appraised in regard to their instrumental value.[30]

Although Brecht would be fully in accord with this view, he is insistent upon confirming the positive aspects of scientific contribution to policy. He admits that

> Much of good politics is art, skill and not science. But a good statesman does have to know something, in fact a good deal, in order to produce good politics. He must know the experiences of the past, the facts of the present, of human nature, etc., and must not fail to see relative consequences.[31]

Alexis de Tocqueville said, "I am tempted to believe that . . . in matters of social constitution the field of possibilities is much more extensive than men living in

---

[30]W. H. Werkmeister, "Social Science and the Problem of Value," Scientism and Value, p. 5.

[31]Brecht, The Political Education of Arnold Brecht, p. 487.

their various societies are ready to imagine."[32] Arnold Brecht suggests many possibilities for the use of science in politics and for the systematic application of reason as we are able to do it. Certainly the application of current scientific knowledge to political problems is better than succumbing to ignorance and prejudice.

Another objection encountered less often, but stressed by the Caucus for a New Political Science is that a science of politics merely reinforces the status-quo. Marvin Surkin and Alan Wolfe in their introduction to the book An End to Political Science: The Caucus Papers, attack the political science discipline for "sustaining and reinforcing corporate liberalism in America." They allege that research is being used "to serve the interests of the United States government and the corporate establishment, for whom political science research is a valuable strategic tool."[33] Marvin Surkin asserts in his article "Sense and Non-Sense in Politics," that

> the rigorous adherence to social science methodology adopted from the natural sciences and its claim to objectivity and value neutrality function . . . is fast becoming an increasingly ideological non-objective role

---

[32]Alexis de Tocqueville, Recollections (New York, 1896), p. 101,

[33]Marvin Surkin and Alan Wolfe, An End to Political Science: The Caucus Papers (New York, 1970), p. 4.

> for social science knowledge in the service institutions in American society.[34]

It may be true that politicians sometimes use experts as political weapons or even window dressing. However, in many instances experts can change the minds of the people who hired them. Expert presidential advisors on science and economics, for example, may be called upon to provide scientific rationalizations for presidential policies, yet these advisors are in a strategic position to provide new alternatives which in turn can be exploited by an alert public. Two suggestions can be made to improve the chances for applying scientific knowledge to practical politics with reform and needed change as goals. Universities must succeed in broadening the field of studies devoted to practical problems. In a democracy, the increasing need for regulation in a complex society must be met by more laws, and these laws must be planned, not only to achieve particular ends, but to preserve freedom and decentralization. William Esslinger in his book Politics and Science, sees the need for the organization of schools of politics to further recognition of politics as a science with practical application. He suggests that such recognition will induce people to pay more attention to political

---

[34]Marvin Surkin, "Sense and Non-Sense in Politics," in Ibid., p. 14.

literature. In this regard, opportunities for publishing scientific work in politics, Esslinger feels, must be vastly improved so that new ideas can be communicated.[35] These two ideas may provide some solution to the contention that science must serve the status-quo.

Universal Postulates of Justice as Empirically Proved

Brecht claims empirical proof for his five universal postulates of justice as described in Chapter III of this thesis. The nature of this empirical proof rests upon a combination of phenomenology and comparative empiricism. Is it merely an analysis and comparison of the uses of the word "justice" as suggested by Braybrooke in his article? It is certainly to be agreed that Brecht's absolute postulates are worthy of the most careful reflection and further exploration. Carl Friedrich contents, "Even if they have something of the formalism of Kantian and neo-Kantian ethics, they certainly transcend the relativism, skepticism and agnosticism rampant in Europe and America."[36] Brecht himself encourages further attempts by anthropologists, jurisprudents, political scientists or others to test the hypothesis that these

---

[35]William Esslinger, Politics and Science (New York, 1955), p. 121.

[36]Carl J. Friedrich, "Arnold Brecht, Jurist and Political Theorist," Social Research XXI (April 1954), p. 108.

five are universal and classed in the rank of a scientific law. He asserts, however, that the five are fully supported by available evidence.

It may be suggested, that there is some contradiction here, in Brecht's presentation of evidence. Since he has so clearly and precisely defined scientific knowledge as intersubjectively transmissible as determined by Scientific Method, it does not follow that the knowledge concerning the five universal postulates of justice fits this very narrow definition. His empirical proof for his five inescapable elements rests upon a universal feeling as evidenced, most markedly, in the literature of justice. The factual basis for a link between Is and Ought seems tentative according to Brecht's own definition of scientific knowledge. Brecht's new "natural law" needs more corroboration.

Significance for Today

Finally, a few words about the significant end to which this investigation of Brecht's political philosophy has brought us. Is a practical science of politics necessary or possible? Can the problems important for practical politics be treated scientifically so that those responsible for formulating policies can take advantage of the results? Arnold Brecht answers yes to both of these questions, and this author agrees that a practical science of politics is

both necessary in our complex society and that it is possible to achieve.

We are a long way from applying reason and its supreme form, science, to the practice of politics. However, with Brecht, we must not despair of making progress in this direction; the value of a scientific approach to problem solving is obvious, and the difficulties can be surmounted with dedicated scholarship and willingness to surrender old prejudices. Neither do values have to be hidden or disclaimed. Brecht has given us one way to use science to support our declared values.

> The political philosophy of Arnold Brecht embodies neither Burkian conservatism nor Benthamite reformism, neither excessive reverence for the meta-rational past nor excessive enthusiasm for a supra-rationalism of the future, but a sane and balanced appreciation of the interplay of reason and reality, of the Is and Ought.[37]

---

[37] Ibid., p. 109.

BIBLIOGRAPHY

Books

Brecht, Arnold, Federalism and Regionalism in Germany, New York, Oxford University Press, 1945.

_____, The Political Education of Arnold Brecht, Princeton, N.J., Princeton University Press, 1970.

_____, Political Theory: The Foundations of Twentieth-Century Political Thought, Princeton, N.J., Princeton University Press, 1959.

_____, Prelude to Silence, New York, H. Fertig, 1968.

Crick, Bernard, The American Science of Politics, Berkely, University of California Press, 1959.

Easton, David, The Political System, New York, Alfred A. Knopf, Inc., 1953.

Esslinger, William, Politics and Science, New York, Philosophical Library, 1955.

Eulau, Heinz, The Behavioral Persuasion in Politics, New York, Grove Press, 1968.

Forkosh, Morris D., editor, The Political Philosophy of Arnold Brecht, New York, Exposition Press, 1954.

Germino, Dante, Beyond Ideology: The Revival of Political Theory, New York, Harper and Row, 1967.

Irish, Marian D. and Prothro, James W., The Politics of American Democracy, Englewood Cliffs, N.J., 1968.

Lasswell, Harold L. and Kaplan, Abraham, Power and Society, London, Routledge, 1952.

Meehan, Eugene J., Value Judgment and Social Science, Homewood, Illinois, The Dorsey Press, 1969.

Machiavelli, Niccolo, The Prince and The Discourses, New York, Random House, Inc., 1950.

Mill, John Stuart, On Liberty, Representative Government, The Subjection of Women: Three Essays, London, Oxford University Press, 1960.

Schoeck, Helmut and James Wiggins, editors, Scientism and Values, Princeton, N.J., Von Nostrand, 1960.

Surkin, Marvin and Alan Wolfe, editors, An End to Political Science: The Caucus Papers, New York, Basic Books, Inc., 1970.

Thorson, Thomas Landon, The Logic of Democracy, New York, Holt, Rhinehart and Winston, 1962.

Weber, Max, Methodology of the Social Sciences, Glencoe, Ill., The Free Press, 1949.

Young, Roland, Approaches to the Study of Politics, Evanston, Northwestern University Press, 1958.

Articles

Almond, Gabriel, "Politics and Ethics: A Symposium," American Political Science Review, XL (1946), 293.

Braybrooke, David, "The Ethical Control of Politics," Ethics, LXX (July 1960), 316-321.

Brecht, Arnold, "A New Science of Politics," Social Research, XX (Summer 1953), 230-235.

_____, "Beyond Relativism in Political Theory," American Political Science Review, XII (June 1947), 470-488.

_____, "Constitutions and Leadership," Social Research, I (August 1934), 265-286.

_____, "Democracy and Administration," in Political and Economic Democracy, M. Ascoli and F. Lehmann, editors, New York, New School of Social Research, 1937.

_____, "Democracy: Challenge to Theory," Social Research XI (June 1946), 195-224.

_____, "Fifty Years of Jurisprudence," Harvard Law Review LI (1938), 460.

_____, "Liberty and Truth," Nomos, V (1961), 243-261.

_____, "Political Theory," International Encyclopedia of the Social Sciences, New York, 1968.

_____, "The Rise of Relativism in Political and Legal Philosophy," Social Research, VI (1939), 392-414.

_____, "Totalitarian Dictatorship and Autocracy," Review of book by Carl J. Friedrich and Zgigniew K. Brezinski, Social Research, XXIV (1957), 482-486.

_____, "The Ultimate Standard of Justice," Nomos, VI (1963), p. 62ff.

Catlin, George, "Two Books on Political Science," Political Studies, Oxford, Clarendon Press, VIII, 76-78.

"China and Chile," Nation, Vol. 212 (April 26, 1971).

Friedrich, Carl J., "Arnold Brecht, Jurist and Political Theorist," Social Research, XXI (April 1954), 107-109.

Hallowell, John, "Politics and Ethics," American Political Science Review, XXXVIII (1944), 643.

Hula, Erick, "Arnold Brecht's Contribution to Comparative Government and International Relations," Social Research, XXI (April 1954), 110-115.

Sibley, Mulford Q., "The Limitations of Behavioralism," in Contemporary Political Analysis, James C. Charlesworth, editor, New York, The Free Press, 1968.

Surkin, Marvin, "Sense and Non-Sense in Politics," in An End to Political Science: The Caucus Papers, Marvin Surkin and Alan Wolfe, editors, New York, Basic Books, Inc., 1970, p. 24.