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Book Review

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THE RISE AND FALL (AND RISE AGAIN?) OF HAROLD LASKI

ISAAC KRAMNICK & BARRY SHEERMAN, HAROLD LASKI: A LIFE ON THE LEFT. New York: The Penguin Press, 1993.
MICHAEL NEWMAN, HAROLD LASKI: A POLITICAL BIOGRAPHY. London: The Macmillan Press, Ltd., 1993.

REVIEWED BY JEFFREY O'CONNELL* AND THOMAS E. O'CONNELL**

Retiring University of Maryland Professor Oscar Gray reminds one in many ways of an old-fashioned European professor—bearded, bespectacled, tweedy, and, more substantively, a learned and productive scholar, warmly honored by many generations of law students and lawyers. It seems appropriate therefore to join in this richly deserved tribute to Oscar by reviewing two new biographies of a very different but also beloved, erudite, old-world academic—Harold Laski.

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Harold Laski, though not a lawyer, was a profound student of the law. Indeed, for a time in 1916 he was formally enrolled in law school at Harvard while he also served on the Harvard faculty in the Division of History, Government, and Economics.[1] His many teaching, writing, and outside lecturing activities, all necessary to support his wife and new daughter, however, precluded his finishing his law studies. But, when so many American students went off to serve in World War I, he was pressed into duty as book review editor of the *Harvard Law Review* from November 1917 until June 1919.[2]

Laski's active interest in American law had begun even earlier with an article in the *Harvard Law Review*,[3] and it never ceased. By

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* Samuel H. McCoy II Professor of Law, University of Virginia; B.A., Dartmouth College; J.D., Harvard University.

** President Emeritus, Berkshire [Massachusetts] Community College; B.A., Dartmouth College; M.P.A., Syracuse University; L.H.D., Williams College; Ed.D., University of Massachusetts.

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1. ISAAC KRAMNICK & BARRY SHEERMAN, HAROLD LASKI: A LIFE ON THE LEFT 96 (1993).

2. *See id.* at 100. He was the only editor in the history of the *Harvard Law Review* who was not a registered student in the Harvard Law School. *Id.*

3. Harold J. Laski, *The Personality of Associations*, 29 HARV. L. REV. 404 (1916).

1929, for example, he was writing from England to his great friend Justice Oliver Wendell Holmes:

> Of one great thing I am hopeful—that I shall get Sankey [the Lord Chancellor] to set up a Royal Commission on Legal Education and see whether we cannot devote some of the immense funds of the Inns of Court to building a Harvard Law School in this country. At present, as you know, the whole system of teaching law here is thoroughly bad; and the lack of any recognition for the barristers who become professors of law means that outside one or two posts like the Vinerian professorship the law teachers are a very inferior set of people who mainly teach because they cannot make a success of the bar. I should like to end that . . . .[4]

Laski's friendship with Holmes was perhaps the main stimulus of his continuing interest in American law. That interest is fully documented in the hundreds of letters Laski wrote to Holmes over the two decades of their friendship before the old justice died in 1935.[5] These letters are the best of Laski's writing. Holmes's return letters are also the best of Holmes's writing.

Two sterling biographies of Laski have been published recently. Laski was one of the early leading figures in the British Labour Party as well as a longtime and world-renowned professor of political science at the London School of Economics. One biography is entitled *Harold Laski: A Life on the Left*, by Isaac Kramnick and Barry Sheerman.[6] The other is *Harold Laski: A Political Biography*, by Michael Newman.[7] Both books carefully and effectively trace Laski's useful but tumultuous career, with due attention to his work on the penumbra of American as well as British law. Both biographies also stress the importance of Laski's friendships, not only with Holmes, but with another well-known United States Supreme Court Justice, Felix Frankfurter. Indeed, one comes away from reading these two books with a sense of Laski's pivotal role as a key intellectual link between England and the United States in the time between the two world wars.[8] His two key contacts during that important period in the United States were Holmes and Frankfurter.

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4. Letter from Harold Laski to Oliver Wendell Holmes, Jr. (June 11, 1929), *in* HOLMES–LASKI LETTERS: THE CORRESPONDENCE OF MR. JUSTICE HOLMES AND HAROLD J. LASKI, 1916–1935, at 1156 (Mark D. Howe ed., 1953) [hereinafter HOLMES–LASKI LETTERS].

5. *See* HOLMES–LASKI LETTERS, *supra* note 4, *passim*.

6. KRAMNICK & SHEERMAN, *supra* note 1.

7. MICHAEL NEWMAN, HAROLD LASKI: A POLITICAL BIOGRAPHY (1993).

8. Laski saw clear differences between the way the Americans and the British view the world.

British by birth, Laski found himself on the American side of the Atlantic during the First World War, having been declared physically ineligible to serve in the British military service.[9] He taught first at McGill University in Montreal, Canada, and later, through the good offices of Frankfurter, at Harvard.[10] After an exciting and important four years at Harvard (highlighted by his controversial intervention in the famous Boston Police Strike of 1919), Laski returned to England to take the post that he held for the rest of his life at the London School of Economics (LSE).[11] But his years at Harvard and his fre-

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> Did I remark to you that I am beginning to discover that there is a genuinely English mind? I see that when I talk to [Graham] Wallas, who is full of real insights, can never concentrate on any subject, never argue about it abstractly, is always driven to the use of a concrete illustration, is rarely logical and about eight times out of ten patently in the right. Well, say you, the life of the law has been experience and not logic; but I think these English (I write with the detachment of an outsider) specialise in subconscious processes the implications of which they don't understand. To all of which I am moved by some talk of Wallas yesterday on the civil service. All he wanted was admirable and his reasons for wanting it would have been equally applicable to the geodetic survey of Siam! So he had his way and ended doubtful not of the arguments but of their result. Do you wonder that such a people blunders into the ownership of the world?

Letter from Harold Laski to Oliver Wendell Holmes, Jr. (Dec. 28, 1920), *in* HOLMES–LASKI LETTERS, *supra* note 4, at 303-04. The contrast in Laski's receptive attitude toward the United States compared with other British intellectuals is captured in the following passage:

> Most [British] intellectuals [in Laski's time] sneered at the United States. Before the [Second World] War, the attitude that America was an immature civilization was so common among educated Englishmen as to excite no comment when expressed. C.S. Lewis's remark was typical: "The so-called Renaissance produced three disasters: the invention of gunpowder, the invention of printing and the discovery of America." Violent crime perpetrated by gangsters such as Dillinger and Capone appeared to bear out the notion that Americans were still cowboys in suits. Left-wingers in particular viewed the USA as "the great beast"—though they were impressed by Roosevelt's New Deal. There was very little contact between America and Europe, and most Englishmen's idea of the United States was through the medium of Hollywood. America's self-imposed isolation from Europe, until 1941, made it seem like a vast backyard.
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> . . . .
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> G.D.H. Cole [once] emerged from a taxi drawn up outside Balliol having just returned from lecturing in Chicago, and was asked what America was like. "Just as I always knew it would be—hateful." [A.J.P. Taylor] . . . was no less dismissive. Reviewing an American textbook, he wrote: "Like most American writing for university audiences, [it] presents secondary-school material in an adult way—altogether a parable of that curious nation."

ADAM SISSMAN, A.J.P. TAYLOR: A BIOGRAPHY 185-87 (1994).

9. KRAMNICK & SHEERMAN, *supra* note 1, at 78-79.

10. Frankfurter, who had met Laski on a visit to McGill, was teaching at the Harvard Law School.

11. *See* KRAMNICK & SHEERMAN, *supra* note 1, at ch. 6 (discussing the Boston Police Strike); *id.* at 245 (discussing Laski's appointment to LSE).

quent visits to America thereafter made Laski into a quasi-Yank, and from the 1920s until his death in 1950 he was seen on both sides of the Atlantic as a keen and knowledgeable reporter on the activities on the other side.

The authors in both biographies underscore that this role of interpreter between the two transatlantic power centers was never more important than in the time between the start of "the Hitler War" (as the British called it) in 1939 and the Japanese attack on Pearl Harbor in 1941.[12] During that period, as American admiration grew for Britain's valiant, solitary stand against Hitler, American isolationism gradually eroded to permit vital aid to be sent to the besieged British. In those critical months and years, both biographies make clear, Harold Laski was the most important British spokesman telling Britain's story to the American populace.[13] Through a tireless stream of articles in American magazines and newspapers and frequent lecture tour visits, the dapper little intellectual-salesman became for Americans a highly admired and popular figure. He was thus able to play a key part in converting Americans to the anti-Hitler cause. His messages in his eloquent letters to Frankfurter were passed on to the highest levels of government. For example, Kramnick and Sheerman quote a letter Laski wrote to Frankfurter just two days after the fall of France, which Frankfurter then passed on to President Franklin Roosevelt:

> The full weight of the German attack will fall on us . . . [and] who of us lives if England dies? I beg you to stimulate every American you can to realize fully the measure of the evil things we are fighting. Make them see the need to organize in time. Make them settle all internal quarrels and find the resources that alone give victory. Make them learn the lesson a million of us are going to die for, because Chamberlain would not learn it. There is little you should not be ready to sacrifice to kill this thing . . . . Tell the President to explain to his people that fascism is so literally the enemy of mankind that there is no price you can pay for its destruction that is too high . . . . If you do not get ready now, you will have your Dunkirk too; and were that to come, there would be no prospect for the sons of men . . . . Either you or Hitler makes the future. You will have to fight for the right to make it. I beg you to realize the need to be ready for the conflict.[14]

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12. *See id.* at 4 (noting that Laski "played a principal role in shaping the ideas of democratic socialism in America in the inter-war period").

13. *See id.* at 421-49 (discussing Laski's activities during the 1930s and 1940s); NEWMAN, *supra* note 7, at 152-64 (discussing Laski's writings and influence during the 1930s).

14. KRAMNICK & SHEERMAN, *supra* note 1, at 428.

This kind of appeal was particularly important at that moment because, as Kramnick and Sheerman recount,

> [v]ery different messages were coming to Roosevelt in 1940 from his ambassador to London, Joseph Kennedy. Laski had taken a keen interest in the Kennedys ever since Joe, Jr[.] had studied with him in 1934. The following year Jack Kennedy had come to the LSE, also for a year with Laski before Harvard. In October 1935, however, the future President fell ill and returned to America. The family patriarch arrived in 1938 as Roosevelt's ambassador to Britain and immediately moved into the fashionable life of the Cliveden set. Laski was shocked by Kennedy's ambition and "the degree to which he is anti-liberal." Kennedy's speeches belittling the threat of Hitler, Laski informed Roosevelt, were being "turned to the service of the worst elements of reaction in Great Britain" as well as giving people the impression that Roosevelt was solidly behind Chamberlain's policies. Nor did it help that Father Coughlin's Jew-baiting weekly, *Social Justice*, declared Joe Kennedy "the Man of the Week" in February 1939.[15]

Kramnick and Sheerman describe the importance of Laski's friendships with other American opinion leaders like Edward R. Murrow, Max Lerner, and Eric Sevareid.[16] Laski also developed a cordial relationship with Franklin Roosevelt himself, although Newman, while acknowledging the frequency and warmth of the Laski–Roosevelt contacts, says that, "[i]t is unclear whether he [Laski] actually exerted any influence over Roosevelt."[17] Certainly, however, Laski was recognized as fighting Roosevelt's fight: "In general, Roosevelt probably saw Laski as someone whose views were worthy of consideration and who was a useful conduit for attracting foreign and domestic support for his own administration."[18]

Indeed, Laski had the kind of bantering relationship with Roosevelt that permitted the president to send a note to the Englishman commenting on reactions to Laski's American lectures in 1939:

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15. *Id.* at 429.

16. *See id.* at 1-2, 422-23. At the time, Edward R. Murrow was assistant to the director of the Carnegie Endowment for Peace's Institute of International Education in New York and ran the emergency committee seeking to help academic victims of Nazism. Murrow was in charge of placing refugee German scholars in American universities. *Id.* at 239, 396. He was appointed the European head of CBS Radio News in 1937. Max Lerner was an American scholar and journalist. *Id.* at 119. Eric Sevareid worked for CBS News. *Id.* at 453.

17. NEWMAN, *supra* note 7, at 184.

18. *Id.*

> "A delightful description has come from Anna [Roosevelt's daughter, in Seattle] telling of the furore you have caused at the women's clubs, golf courses, pink tea-parties and university circles. May the furore increase in furiosity. Come and see me as soon as you get back."
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> In his reply Laski noted that he was doing good by Roosevelt in his speeches, pointing out "to these red-necked lumber millionaires" that "the man in the White House is a moderate compared to me."[19]

As one reads these two stimulating biographies, one might well ask how it can be that such an influential figure as Laski, so famous in his own time both in England and America, has all but dropped from sight. The matter might seem all the more puzzling when one takes into account that Newman is able to make a persuasive case for his assertion that Laski was "arguably the most famous socialist intellectual of his era."[20] "With this prominence in so many spheres, it seemed no exaggeration to claim, when he died, that future historians might talk of the period between 1920 and 1950 as the 'Age of Laski.'"[21]

Both biographies, in effect, emphasize the same reasons for Laski's disappearance. First, Laski worshiped "the god that failed"—Marxism. Having been wrong on that central issue, he has suffered the fate throughout history of those who guess wrong. (Even though, as we shall see, Laski was right on many other seminal issues.) Second, his reputation during his lifetime and even more since his death in 1950 suffered from his tendency to tell stories exaggerating his own importance, particularly stories relating to himself and the "great and good."[22] Third, his writing, both scholarly and—more understandably—journalistic, has not stood the test of time, quite apart from its Marxist premises. Finally, in light of the above, he could really only survive as a personality—and personalities very rarely survive their own time.[23]

First, as to Laski's Marxism. One of his major problems in this regard was that, as Ralf Dahrendorf has put it in his recent superb history of LSE, "[e]conomics was the weakest weapon in [Laski's] con-

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19. KRAMNICK & SHEERMAN, *supra* note 1, at 406.

20. NEWMAN, *supra* note 7, at x.

21. *Id.*

22. *Id.* at xi.

23. We will assert later that Laski ultimately may prove to be an exception, although not because of his political or historical work.

siderable armoury."[24] If that seems puzzling for someone who taught for thirty years at a place called the "London School of Economics," the oft-forgotten fact is that the full name of the school was and is "The London School of Economics and Political Science."[25] And it was the political science end for which Laski was largely responsible.[26] But, even more fundamentally, and thinking in terms of political science as well as economics, Laski was the intellectual leader of a leftist movement that was guilty of not only a twofold mistake but a mutually reinforcing one. As former leftist Eugene Genovese ruefully admits, the Left of Laski's time and thereafter "overestimated the weaknesses of capitalism and . . . underestimated the weakness of socialism."[27] Laski's Left remained convinced that the problems of capitalism could not be solved whereas the problems of socialism would be. "As blunders go," concedes Genovese, that "was a beaut."[28]

Kramnick and Sheerman trace Laski's intellectual commitment to some form of socialism back to the very first of the twenty-five books he authored (he edited a number of others).[29] Called *Studies in the Problem of Sovereignty*,[30] this first book was published in 1917 when he was twenty-three years old.[31] In spite of his youth, it became one of his most influential books. In it, Laski advanced the ideas that, as Kramnick and Sheerman summarize them, "the church and the state had changed places since the Reformation and that the evils of unified ecclesiastical control had become the tactics of the modern state."[32] Further, Laski wrote to Bertrand Russell, "it then struck me that the evil of this sovereignty could be shown fairly easily in the sphere of religion in its state-connection where men might still hesitate to admit it in the economic sphere."[33] Laski's argument, in effect, was that claims of trade unions in the early twentieth century vis-à-vis governmental power were analogous to historic "claims of churches in the face of overweaning state power."[34]

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24. RALF DAHRENDORF, LSE: A HISTORY OF THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE: 1895–1995, at 223 (1995).

25. *Id.*

26. *Id.* at 225-26.

27. Eugene D. Genovese, *The Age of Extremes: A History of the World, 1914–1991*, NEW REPUBLIC, Apr. 17, 1995, at 42 (reviewing ERIC HOBSBAWN, THE AGE OF EXTREMES (1994)).

28. *Id.*

29. KRAMNICK & SHEERMAN, *supra* note 1, at 101.

30. HAROLD J. LASKI, STUDIES IN THE PROBLEM OF SOVEREIGNTY (1917).

31. KRAMNICK & SHEERMAN, *supra* note 1, at 101.

32. *Id.*

33. *Id.*

34. *Id.*

From this first book, Laski moved leftward through the years to Fabian Socialism, and ultimately all the way left to committed Marxism. [35] While it was primarily as an intellectual Marxist that he became most famous and influential, he was quite willing to become an extreme activist in liberal or even radical causes when opportunity presented itself. Kramnick and Sheerman tell for the first time a dramatic story of Laski's involvement while an Oxford student in a "political guerrilla warfare" incident.[36] The cause was the British suffragette movement.

> On the rainy night of 3 April 1913 in the Surrey village of Oxted, Laski and a friend placed an explosive device in the men's lavatory of the railway station. Triggered by an alarm clock and wrapped in a cardboard box, the device detonated but the damage was slight, since the gunpowder fuse had failed to ignite the petrol in it. Laski was, it seems, truly clumsy and mechanically inept in manual skills.[37]

As the police attempted to locate the culprits,

> Laski, the future Chairman of the British Labour Party, was meanwhile hiding in Paris. [His wife] Frida had borrowed some money and a friend's car and driven Laski, covered with a rug in the back seat, to Dover. Once in Paris he coolly acted as a tourist guide for four days and made enough money from showing Americans around the city to pay back what Frida had borrowed.[38]

Kramnick and Sheerman are able to tell the story for the first time because, as they note,

> Laski never told anyone nor did he ever write a word about the Oxted bombing for the rest of his life. It is told here reconstructed from Frida's autobiographical fragment, Laski's letters to her, police and press reports. So well kept was the secret that his closest English friend and first biographer, Kingsley Martin, wrote that in this period Laski avoided militant suffragette activity, choosing "more or less constitutional types of agitation."
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> Laski, however, would not have repudiated this Oxted action. On several occasions during his career Laski would

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35. Laski always thought of himself, according to Kramnick and Sheerman, as a "Marxist socialist," and not a "Marxist communist," by which he meant a Leninist or Stalinist. *Id.* at 360-61. It was making such distinctions that finally got him into such devastating trouble. *See infra* notes 172-175 and accompanying text.

36. KRAMNICK & SHEERMAN, *supra* note 1, at 66.

37. *Id.*

38. *Id.* at 67-68.

> defend suffragette militancy in surprisingly outspoken terms, while making no reference to his own experience.[39]

Because he was a leading defender of the Marxist position in Western intellectual circles, even to the point of sometimes explaining away Stalin's abuses of the 1930s, inevitably Laski became a controversial figure during the Cold War. But this still may not explain his free-fall from sight. Newman goes so far as to attribute the fall to a concerted "Cold War campaign against him."[40]

> It is, of course, legitimate to criticise the contribution of any theorist or practitioner of politics, and Laski had always been a controversial figure. However, there was something different about the nature of this posthumous attack: in my view, it was largely a product of the Cold War and was a quite deliberate attempt to confine Laski to the "dustbin of history" because he did not subscribe to the orthodox Western version of the conflict.[41]

Newman's introduction in his biography is essentially a defense of Laski from the accusations of his political and academic adversaries (their numbers were legion). Newman argues that these foes so tarnished Laski's reputation after his death that Laski subsequently has been dismissed.[42]

Newman's introduction also addresses a second reason why Laski has been forgotten: the accusations of exaggeration in Laski's accounts of his daily life. Newman writes:

> Generations of staff and students at LSE had enjoyed Laski's "tall stories" about encounters with the "great and the good." Throughout his life there were some who found this irritating but, after his death, this character trait was used to discredit him. It was argued that he was a notorious liar who lived in a world of fantasy. Overall, the suggestion was that Laski was a liar and that his politics could therefore be discounted. As Malcolm Muggeridge put it in a particularly vicious piece:
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> > "Laski was physically small, a Jew from Manchester, fabulously quick-witted, and as fabulously untruthful. . . . What he resented was not established authority, as such, but rather his exclusion from it."

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39. *Id.* at 68.
40. NEWMAN, *supra* note 7, at xv.
41. *Id.* at xi.
42. *See id.* at xv.

> There is no doubt that Laski embellished his stories. As a colleague, H.L. Beales, put it in 1945: "Sometimes his desire to dramatise a good story leads him to an over-artistic arrangement of its incidentals." But Beales also noted that Laski was aware of this foible, and therefore played on it. Moreover, Laski obviously regarded Beales' point as fair comment, for he regarded the article as "absurdly generous." However, a second crucial point is that most of the important "stories" contained a substantial basis of truth. [43]

Kramnick and Sheerman, too, defend Laski's "telling of self-enhancing stories about himself."[44] They quote Beatrice Webb referring to Laski's "imaginary conversations," which, she quickly added, were "never malicious or mischievous" and they point out that "[f]riends and admirers accepted this problem as almost endearing."[45]

Both biographies indicate that it was the posthumous publication of the Holmes–Laski letters that sparked the most critical comments of Laski's "romancing"—ironically enough in light of the thesis later advanced in this review.[46] Holmes himself occasionally gently chided Laski for his tall tales. For example, he once replied to a Laski anecdote, "'I find it hard not to suspect you of embroidering—but they make bully stories.'"[47] But in 1953 critics in both England and America pounced on Laski's letters to his old friend as indications of his total inability to refrain from exaggerating his own role in the corridors of power, whether political, social, or intellectual.[48]

Kramnick and Sheerman provide one explanation of *why* Laski embroidered:

> There hovered about Laski a quality of almost perpetual youth, reinforced by his diminutive size. As Kingsley Martin put it, he acted like a schoolboy always showing off, always wanting to be noticed. It is striking how references to Laski as being childlike or boyish, or as a naughty "schoolboy" or "*enfant terrible*," recur in characterizations of him from [different] people . . . .[49]

The carefully balanced way in which both of these biographies treat this flaw in Laski is a measure of the inherent value of both

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43. *Id.* at xi (footnotes omitted).
44. *Id.*
45. KRAMNICK & SHEERMAN, *supra* note 1, at 203.
46. *Id.*; NEWMAN, *supra* note 7, at xii.
47. KRAMNICK & SHEERMAN, *supra* note 1, at 203 (quoting Justice Holmes).
48. *Id.* at 203-05.
49. *Id.* at 584.

books. Newman's biography, however, is written much more as a polemic—as a defense of Laski. Nor does Newman hide this. He states, "This book . . . seeks to re-establish the position Laski deserves as a thinker and an historical actor. It is not uncritical, but it attempts to rescue him from some of the unfair attacks that he received . . . ."[50] Undoubtedly, Laski merits the spirited defense Newman provides. But it is Kramnick and Sheerman's book that constitutes the more fully rounded portrait of the man and the more thorough analysis of his work. The purposes of the two books are somewhat different and Kramnick and Sheerman understandably take more time to tell their more complete story, 669 pages as compared to 438 pages for Newman.

One of Kramnick and Sheerman's most useful sections is their helpful sequence of summaries of Laski's twenty-five books. The authors of this review, longtime admirers of Laski, concede that most of his books are daunting and even dense. Kramnick and Sheerman's clear, concise abstracts have in a number of cases allowed us to more readily penetrate Laski's meaning.

Like many Americans, we first became intrigued with Laski when we read those very letters to Justice Holmes that brought down such a storm of criticism on Laski's head from some reviewers. In 1953, to us, as to many young people beginning careers in law and public administration, Holmes was a god. In our twenties, we were dumbfounded and fascinated to learn that a fellow even younger than us[51] could have befriended and impressed this Olympian figure and, indeed, could have dazzled Holmes to the point where Laski became the Justice's mentor on French church history and dozens of other esoteric topics. We asked ourselves, who *was* this amazing young man?

Of course many more mature Americans already knew much of Laski, who had died just three years earlier, in 1950. His fame as "the friend of the great and good" was well known to our professors and other senior friends. Not only was he the famously witty and erudite LSE professor, who knew Roosevelt and Churchill and everyone else who mattered on both sides of the Atlantic, but he was also one of the pillars of the British Labour Party and a defender of Karl Marx. Natty and tiny, he was an engrossing speaker who gave perfectly worded lectures without using a single note and then answered questions, taking on all comers, with brilliance and humor. [52]

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50. NEWMAN, *supra* note 7, at xv.

51. Laski was 22 when he first met Holmes, who was 75.

52. Kramnick and Sheerman give an excellent example of Laski's handling of questions:

We read with enormous pleasure Laski's lovely letters to Holmes (and Holmes's shorter, pithier, even better replies). As they subsequently became available, we read avidly George Feaver's provocative paper, *Intellectuals and Politics: Harold Laski Revisited*,[53] and the Laski biographies by Kingsley Martin[54] and Granville Eastwood.[55]

Laski's own books were another matter. They seemed to pile layer upon layer of thick interweavings of unappetizing political and social theory. Kramnick and Sheerman, though, help to bring Laski's books to life. For example, Kramnick and Sheerman's summary of what may be Laski's most enduring book, *The Rise of European Liberalism*,[56] published in 1936, is treated on two simply written pages in a way that clarifies an erudite and somewhat abstruse Laski polemic.[57] This book of Laski's was a polemic not just for liberty and individualism but for science as opposed to religion.

> The argument of the book pivots on what Laski referred to as his "crypto-Marxist" conviction that the liberal theory of the Rights of Man found in English and French political thought between the English Revolution in 1640 and the French Revolution in 1789 meant not the universal rights of all men but the rights of the limited class of men who owned property. The liberal tradition, then, was forged by the bourgeoisie as part of its assault on the feudal and Catholic old order.
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> Ideas, Laski argued, like the state, reflected economic class interests. The liberal values of free expression, tolerance and individual rights were born to serve the interests of

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At a speech to the National Institute of Public Affairs in Washington, Congressman Fred Davenport interrupted Laski with a question about why social welfare programmes never seemed to accomplish their intended purpose. Laski replied:

> Precisely because of people like you. You Republican conservatives try in every way to kill a good social reform by massive propaganda against it. Then you kill it with kindness when its passage is inevitable by loading it up with so many devices to protect the private interests you represent that it becomes an operational nightmare.

KRAMNICK & SHEERMAN, *supra* note 1, at 391.

53. *See* George Feaver, Intellectuals and Politics: Harold Laski Revisited, Paper Given at the 46th Annual Meeting of the Canadian Political Science Association, University of Toronto (June 3-6, 1974) [hereinafter Feaver, Harold Laski Revisited] (on file with Jeffrey O'Connell). A shortened version of Feaver's paper was subsequently published as George Feaver, *Intellectuals and Politics: The Moral of Harold Laski*, LUCAMO REV., at 2 (1975) [hereinafter Feaver, *The Moral of Harold Laski*]. Feaver used excerpts from KINGSLEY MARTIN, HAROLD LASKI (1953) and GRANVILLE EASTWOOD, HAROLD LASKI (1955).

54. MARTIN, *supra* note 53.

55. EASTWOOD, *supra* note 53.

56. HAROLD J. LASKI, THE RISE OF EUROPEAN LIBERALISM (1936).

57. *See* KRAMNICK & SHEERMAN, *supra* note 1, at 362-63.

> the middle class in their battle to overturn the hierarchical world of aristocratic privilege.[58]

At the same time, Kramnick and Sheerman admit that

> few of his books have endured, with perhaps only *The Rise of European Liberalism* found on college syllabuses today. He wrote too much in general and far too much journalism in particular for the academy to take him that seriously. His journalism sparkled, but Laski's scholarly writings were often unimpressive and poorly written.[59]

Thus, the authors of this review are not alone in finding Laski's books "repetitive and tortured."[60]

What, then, do we learn of Harold Laski's merits, in contrast to his better known faults, from these two worthy biographies? We learn that the virtues we sensed in the man who was befriended by Holmes were virtues worth knowing in detail. They were, to be sure, virtues that had been described by earlier biographies,[61] but in these two books they are treated more fully and engagingly. For Laski was, first and foremost, an extraordinarily good and generous man; he was also one of the most gifted teachers ever; and he had a rare capacity for friendship, exemplified by, but by no means limited to, those two rich friendships with Frankfurter and Holmes. Largely through his role as informal adviser to those in the corridors of power, he helped in important ways to set the stage for a number of the key, positive developments that have come about in his and our waning century. Included among them are the establishment of the State of Israel,[62] the independence of India,[63] enhanced freedom of speech,[64] academic freedom, sympathy for the Third World,[65] and helping victims of tyranny (especially Hitler's).[66] As indicated earlier, Laski was wrong about the future of Marxism (and conversely the collapse of capitalism),[67] but he was passionately right about many of the other great issues of the first half of our century.

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58. *Id.* at 362.

59. *Id.* at 585.

60. *Id.*

61. MARTIN, *supra* note 53, at 243-59.

62. *See* KRAMNICK & SHEERMAN, *supra* note 1, at 551-59 (discussing Laski's opposition to the Labour Party's retreat from a commitment to a Jewish national homeland).

63. *See infra* notes 102-109 and accompanying text.

64. *See infra* notes 88-101 and accompanying text.

65. *See* KRAMNICK & SHEERMAN, *supra* note 1, at 589 ("On one aspect of Laski's legacy there is, however, little debate: his profound impact on India and the Third World.").

66. *See supra* notes 12-14 and accompanying text.

67. *See supra* text accompanying notes 27-28.

Laski lived such a fascinating life and was such a puzzling, contradictory figure that the more one learns about him the more absorbed one can get. He has never seemed to us to be one of those historical figures who deserves to be forgotten and—as we shall argue later—ultimately will not be, albeit for reasons ancillary to his career. First, we will examine in a bit more detail some of Laski's merits as these two biographies, and other commentators who knew Laski personally, have underscored them.

1. The Good and Generous Man.—Biographers previously treating Harold Laski have all commented on his generosity—generosity to hundreds of people with whom he came in contact who needed help in whatever form. Eastwood quotes John Hutchinson, later visiting professor of international relations at Johns Hopkins, saying of Laski, "[H]e was . . . an incredibly generous man, both with his time and money."[68] Quoting Laski himself, Feaver commented that "the intellectual's role, for Laski, lay in gradually building up 'what may fairly be termed a religion of service to one's fellowmen.'"[69] Martin writes that Laski "would never refuse anyone who asked for help . . . . I doubt if any professor has ever taken so much trouble and been so generally successful in helping students."[70] Martin indicates that as Laski grew older and his strength failed, he still tried to help and often overextended himself:

> It was only at the last period of his life that his habit of assuming that he was the universal provider sometimes got him into trouble; when he promised what he ought to have known he could not possibly find the time or strength to do. This was merely because he never refused to spend himself, and he was, if you like to put it that way, too vain to admit that he no longer had quite so much to spend.[71]

After discussing certain other aspects of Laski's reputation, Kramnick and Sheerman state: "Laski was admired by those who knew him more as a warm and generous person than as a scholar. They saw a man of engaging charm and electric personality whom they liked to be with even as he told stories they disbelieved or espoused views they opposed."[72] Early on in his book, Newman writes

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68. EASTWOOD, *supra* note 53, at 29.

69. Feaver, Harold Laski Revisited, *supra* note 53, at 38 (quoting Harold J. Laski, *The Age of Reason*, *in* STUDIES IN LAW AND POLITICS 41 (1932)).

70. MARTIN, *supra* note 53, at 254.

71. *Id.* at 255.

72. KRAMNICK & SHEERMAN, *supra* note 1, at 585.

"[a]s this book will show, Laski was a highly complex personality. He was . . . generally regarded as one of the kindest and most generous of people."[73]

2. *The Gifted Teacher.*—Two factors contributed to Laski's popularity as a teacher—his dazzling mind and his tireless attention to his students' needs. Eastwood mentions the impression Laski could make on people at a first meeting: "Kingsley Martin, at one time an assistant of Laski's at the [LSE], said that the first time he met [Laski] he was 'stunned by his brilliance.'"[74] Martin himself indicates that he had heard Laski described as "the most articulate human being who has ever lived."[75]

But it was Laski's devotion to his students that endeared him to them. He wrote to Holmes in 1920 speaking of the ambiance at Harvard where he was teaching undergraduates for the last time there.

> Just now the atmosphere here is rather wonderful. I think the boys are genuinely sorry I am going, and I agree daily to attend some other dinner they are getting up as a farewell. It is very moving to me because it shows how eagerly they repay even the briefest interest in their intellectual well-being. If I had to make up a creed for the professor I'm certain that its first article would be "trust undergraduates." They may be stupid, lazy, what you will; but ninety-nine out of every hundred have a divine spark in them somewhere which sympathy and enthusiasm is sure to light. Really, it is leaving the undergraduates that cuts me most in going from here. It's a wonderful thing to watch one's ideas take root in a boy's mind and know that he will be different because you have had contact with him. But I must not moralise.[76]

Ten years later Laski wrote to Holmes from LSE:

> And I was pleased because on receiving the notification of my reappointment to the university for the rest of my days, the chairman of our governors wrote that "we build the next years of the School more round your work than that of any other teacher." That made me feel that, on the whole, it is probably better to go on with the hard work of teaching than

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73. NEWMAN, *supra* note 7, at xi.

74. EASTWOOD, *supra* note 53, at 24.

75. MARTIN, *supra* note 53, at x.

76. Letter from Harold Laski to Oliver Wendell Holmes, Jr., (May 15?, 1920), *in* HOLMES–LASKI LETTERS, *supra* note 4, at 263.

> my dream of a house in the country and endless leisure to write. But dreams are futile things![77]

Although, as mentioned, Laski's reputation generally went into eclipse after his death, Kramnick and Sheerman point out that

> [n]othing eclipsed Laski's reputation as a teacher, "one of the greatest teachers of our time" as Frankfurter noted, and the later success of countless scholars he trained, politicians he inspired and statesmen like Sharett, Menon, and Trudeau whom he sent to public service has kept him alive. In describing Laski's legendary rapport with students, [his wife] Frida observed that he kept "not only an open door and an open house, but an open heart."[78]

As a fellow LSE teacher said of Laski:

> Despite his enormous international fame, despite the outpouring of books, articles, speeches, despite his deep involvement in the politics of the Labour Party, he was more completely devoted than any university teacher I have ever known to the well-being of his students, regardless of their individual merits. . . .
>
> Whenever I have felt inclined to cut corners in dealing with some particularly tedious student I recall the memory of Harold Laski and it puts me to shame.[79]

3. The Capacity for Friendship.—Kramnick and Sheerman quote Edward R. Murrow, of radio and television fame, and a good friend of Laski's: "His friendship and assistance were freely given, without any effort to exact agreement upon political and economic issues as a price for that friendship and assistance."[80]

In addition to Murrow, Laski made many American friends, including Supreme Court Justices Stone and Black. (Of course he had many life-long friends in England as well.) His friendships with Justices Holmes and Frankfurter are emblematic. Laski wrote late in his life to Frankfurter:

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77. Letter from Harold Laski to Oliver Wendell Holmes, Jr., (Nov. 1, 1930), *in* HOLMES–LASKI LETTERS, *supra* note 4, at 1295. Like most teachers, Laski found his most onerous task to be grading papers. Two years after the November 1, 1930 letter, he wrote to Holmes: "Please imagine me surrounded by vast heaps of examination-books on every side. If there is a grimmer or more wearisome task I do not know it; and it leaves one deprived of mind." Letter from Harold Laski to Oliver Wendell Holmes, Jr., (May 19, 1932), *in* HOLMES–LASKI LETTERS, *supra* note 4, at 1391-92.

78. KRAMNICK & SHEERMAN, *supra* note 1, at 586.

79. NEWMAN, *supra* note 7, at 360 (quoting Robert MacKenzie) (ellipsis in original).

80. KRAMNICK & SHEERMAN, *supra* note 1, at 579.

> So you, my dear, dear, Felix, are sixty-six. I don't think of you that way. I count the years we have know each other—now over thirty-three—and the magic they have brought me, the gifts of insight and sympathy and affection they have brought, and it does not seem a generation since I rather timidly knocked at your door in the Law School and walked into the second most precious experience it has ever been my lot to have. I know all the gaps in thought, know, too, that our emotions have, at different points, very different balances; but I don't think I remember one shadow falling across the kind of friendship which has helped me to go through hard experiences and bitter years.[81]

Of his friendship with Holmes (the key, as we will argue, to Laski's lasting importance), Martin quotes Holmes's 1920 letter to Laski as Laski was leaving the United States to return to England to teach at LSE:

> I think you must have seen the delight I have had in your companionship. Such things are like the magnet, there can't be a North Pole without a South Pole. It has made my work easier and happier. It is a great fortune for an old fellow to have such intimacy with a young one, and your gifts have made it full of suggestion and instruction. You know all this, but one likes to say and hear it.[82]

Earlier, in the first year of their friendship, Laski had shown his reverence for Holmes in this delightful tribute:

> But the real purpose of this note is to ask you when you will pass through Boston so that I may pay my homage at the station. Twice a year to the lord's court did his vassals go and place their hands between his, and swear to be his men and do him faithful service as a man owes to his lord.[83]

Laski and several of his friends played a key role in rejuvenating Holmes at a time when Holmes's ego required it. During his early years on the Court, Holmes sometimes felt lonely and unrecognized. In a 1993 biography of Holmes, G. Edward White described the malaise that Holmes had felt.

> [H]e . . . recognized that much of the "loneliness" he had equated with his lack of recognition had sprung from "egotism," as he put it to [his Irish friend] Canon Patrick

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81. MARTIN, *supra* note 53, at 259.

82. *Id.* at 39.

83. Letter from Harold Laski to Oliver Wendell Holmes, Jr., (June 18, 1917), *in* HOLMES–LASKI LETTERS, *supra* note 4, at 90.

> Sheehan. His discontent in his first decade on the Court had come, he confessed to Sheehan, from "the feeling thrown back on oneself when one sees little attention given to what one thinks is most important."[84]

White goes on to describe the key role played by Laski and his friends in promoting Holmes during his last two decades on the Court. White explained that one

> dimension of Holmes' emergence was personal, the product of an odd sociological interaction between an aging symbol of Brahmin Boston and a group of ambitious, upwardly mobile young professionals whose Jewish backgrounds had contributed to their sense of social marginality. Holmes was important, for this group of acolytes, not only because of what he was but because of who he was.[85]

Felix Frankfurter, Walter Lippmann, Morris Cohen, Laski, and others tirelessly publicized Holmes's ideas and opinions (often in the *New Republic*),[86] praised him through the academic grapevine, and helped him feel he was no longer lonely and unrecognized. By encouraging and recognizing Holmes's contributions to the causes of judicial activism in protecting free speech and judicial acquiescence toward social legislation, the young men helped push Holmes toward much of the most celebrated aspects of his entire judicial career.[87]

4. The Catalyst for Constructive Change.—

a. Laski and Free Speech.—Laski's own efforts to limit sanctions on free speech in Britain paralleled those of Holmes in America.[88] Kramnick and Sheerman trace in fascinating detail Laski's campaign to persuade Holmes to take the lead on free speech matters

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84. G. EDWARD WHITE, JUSTICE OLIVER WENDELL HOLMES: LAW AND THE INNER SELF 355 (1993). White's book includes a lengthy description of Laski and Zachariah Chafee's roles in influencing Holmes in forming his defense of free speech in his dissent in Abrams v. United States, 250 U.S. 616 (1919). WHITE, *supra*, at 420-30. *Abrams* involved a group of five Russian Jewish immigrants arrested in the summer of 1918 for distributing leaflets in New York City protesting against American intervention in the Russian Revolution. *Abrams*, 250 U.S. at 616-17, 621. They were convicted under the recently passed Sedition Act and given prison sentences of between 15 and 20 years. KRAMNICK & SHEERMAN, *supra* note 1, at 126 (discussing *Abrams*). The Supreme Court upheld the conviction, with Holmes, joined by Brandeis, writing his influential dissent that helped shape much of future First Amendment adjudication of free speech. *Id.*

85. WHITE, *supra* note 84, at 355.

86. *See, e.g.*, Walter Lippmann, *To Justice Holmes*, 6 THE NEW REPUBLIC 156 (1916).

87. WHITE, *supra* note 84, at 355, 359-60.

88. KRAMNICK & SHEERMAN, *supra* note 1, at 126-27.

in America.[89] The pivotal efforts took place while Laski was in America in 1919, culminating in Holmes's famous dissent in the *Abrams* case in the autumn of that year.[90]

> The fame of Holmes's dissent rests on two pillars: his presumption that the state could not restrict free expression unless "a clear and present danger" threatening the country resulted from that speech; and his broad philosophical defence of "free trade in ideas" with "fighting faith" surviving the "best test of truth," which was "the power of the thought to get itself accepted in the competition of the market," since "all life is an experiment" and no truth is accepted for ever.[91]

Kramnick and Sheerman demonstrate that at the time Holmes was developing his thoughts about free speech, Laski was constantly in touch.[92] For example, he brought Holmes together with Zachariah Chafee of the Harvard Law School faculty, who had shortly before published a provocative article summarizing several key arguments in favor of what became Holmes's position in defense of free speech.[93] Laski was also constantly writing to Holmes on such issues, often restating the arguments that Laski had made in both his first book, *Studies in the Problem of Sovereignty*,[94] and his second *Authority in the Modern State* (dedicated, incidentally, to Holmes).[95]

> Holmes's magisterial defence of free speech in his dissent was almost verbatim Laski's own amalgam of J.S. Mill and Charles Darwin. Political ideas are adequate for the moment they were formulated, but since men are various and move in varied directions, no one single scheme of interpreting life ever lasts. "Political good refuses the swaddling clothes of finality. It is a shifting conception," Laski writes. It is "in the clash of ideas that we shall find the means of truth. There is no other safeguard of progress."[96]

As for Laski's own tireless efforts to change things in England, his views were nowhere better expressed than in his 1925 book, *A Grammar of Politics*:

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89. *Id.*

90. See *supra* note 84 for a brief summary of the *Abrams* case; *see also* WHITE, *supra* note 84, at 421-26 (describing Holmes's correspondence with Laski regarding free speech).

91. KRAMNICK & SHEERMAN, *supra* note 1, at 126.

92. *Id.* at 126-27.

93. WHITE, *supra* note 84, at 427.

94. LASKI, *supra* note 30.

95. HAROLD J. LASKI, AUTHORITY IN THE MODERN STATE (1919).

96. KRAMNICK & SHEERMAN, *supra* note 1, at 127.

> [T]he citizen must be left unfettered to express either individually, or in concert with others, any opinions he happens to hold. He may preach the complete inadequacy of the social order. . . . [H]e is entitled to speak without hindrance of any kind. He is entitled, further, to use all the ordinary means of publication to make his views known. . . . [H]e may give them in the form of a lecture; he may announce them at a public meeting. To be able to do any or all of these things, with the full protection of the State in so doing, is a right that lies at the basis of freedom.[97]

Laski put his own theories to a real world test in a momentous political trial in England between World War I and World War II. The trial came after the arrest of twelve British communists for "seditious conspiracy."[98] The defendants were accused of fomenting the coal miners' agitation that resulted in the General Strike of 1926.[99] Laski prepared a learned brief on the history of search warrants for the defendants' leading counsel,[100] and in a piece he wrote for the *Manchester Guardian* entitled "What is Sedition?" he argued for new laws narrowing the grounds for sedition, using the American model being promulgated by Holmes.[101]

While Kramnick and Sheerman make clear that in the short run both Laski's and Holmes's efforts were unsuccessful, in the long run they helped to establish a standard for judging free speech matters on both sides of the Atlantic.

b. India and Other Third World Countries.—Laski also played an important role in the complex matter of independence for India. His activity is well illustrated by his performance at an occasion with Mahatma Gandhi in 1931. Gandhi had come to England with members of his Congress Party to attempt to help solve the problems of Britain in governing India, particularly in light of bitter Hindu–Moslem antagonism.[102] As Kramnick and Sheerman write, Laski succinctly summed up the Indian dilemma confronting Lord Chancellor Sankey and other British leaders in a memo to Sankey: "We can't govern it and it really is not fit to govern itself."[103] During

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97. HAROLD J. LASKI, A GRAMMAR OF POLITICS 120 (1925).

98. KRAMNICK & SHEERMAN, *supra* note 1, at 235.

99. *Id.*

100. *Id.* at 236.

101. *Id.* Holmes's principle was that "there needed to be a clear and present danger of 'definitive and immediate possibility of action' if speech were to be restricted." *Id.*

102. *Id.* at 282-85.

103. *Id.* at 282 (quoting a letter from Harold Laski to Oliver Wendell Holmes, Jr. (June 15, 1930), *in* HOLMES–LASKI LETTERS, *supra* note 4, at 1261).

this and other visits by Indian officials—and between visits as well—Laski worked tirelessly with Labour Party colleagues to help find solutions. In this particular session, Laski and other party leaders and sympathizers, including Leonard Woolf, met with Gandhi.[104] Gandhi asked each person present to advise him on his own best course of action. Leonard Woolf, despite his generally jaundiced views, described what happened next as follows:

> When we had all said our say, there followed one of the most brilliant intellectual pyrotechnic displays which I have ever listened to. Gandhi thanked us and said that it would greatly help him if his friend Harold Laski, who was one of us, would try to sum up the various lines of judgement and advice which had emerged. Harold then stood up in front of the fireplace and gave the most lucid, faultless summary of the complicated, diverse expositions of ten or fifteen people to which he had been listening in the previous hour and a half. He spoke for about 20 minutes; he gave a perfect sketch of the pattern into which the various statements and opinions logically composed themselves; he never hesitated for a word or a thought, and, as far as I could see, he never missed a point. There was a kind of beauty in his exposition, a flawless certainty and simplicity which one feels in some works of art.[105]

John Kenneth Galbraith, an American ambassador to India, said that "the centre of Nehru's thinking was Laski."[106] Indeed Nehru liked to refer to himself (in part owing to his long sessions in England with Laski) as "the last Englishman to rule India."[107]

Kramnick and Sheerman conclude their comments on Laski's critical role in India in their discussion of "Laski's Legacy" with these words:

> So widespread was Laski's reputation in India because of his work for independence and his influence on the political elite through Nehru, Menon and the legions of LSE students in the government and the civil service that it was often said that "there was a vacant chair at every Cabinet meeting in India, reserved for the ghost of Professor Harold Laski."[108]

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104. *Id.* at 284.

105. *Id.* at 285 (quoting LEONARD WOOLF, DOWNHILL ALL THE WAY: AN AUTOBIOGRAPHY OF THE YEARS 1919–1939, at 229-30 (1967)).

106. *Id.* at 589.

107. *Id.*

108. *Id.* (quoting EASTWOOD, *supra* note 53, at 94).

Newman quotes Krishna Menon, then the Indian High Commissioner, summarizing Laski's influence on Indians:

> "His unbounded affection, generosity of mind and heart and his sense of concern, and the reality of it to the practical and the essential, are characteristics, which give him unique place among great teachers. Professor Laski's life has been the moral foundation on which many of those who really knew him and loved him have sought to build the essential structure of their thinking and social values. His great qualities of heart, mind and personality affected them more than they knew and/or can assess even now."[109]

One must not, however, gloss over the degree to which Laski's teaching and preaching about the god that failed—Marxist Socialism—had tangibly negative long-term international results.[110] For example, in India and elsewhere in the Third World, Laski's disciples (for so his most enthusiastic students were) plunged their newly socialist governments into rigid economic systems, unconnected to the world economy, which proved disastrous to the growth so essential for their countries' progress. Their central planning mechanisms were anti-profit, anti-capitalist, and insulated from international markets.[111] As Daniel Patrick Moynihan wrote in 1975, referring to the British social welfare influence that he called the "British revolution," "[R]edistribution, not production, remained central to the ethos of British socialism. Profit became synonymous with exploitation. That profit might be something conceptually elegant—least-cost production—made scarcely any impress. 'Production for profit' became a formulation for all that was wrong in the old ways . . . ."[112]

As a result of this leftward swing, at the time of Moynihan's article, one-third of the world's economies were not participating in international markets, according to the World Bank.[113] But since the leftist god failed, it is likely that nearly ninety percent of the world's work force is now working in countries with strong connections to the

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109. NEWMAN, *supra* note 7, at 358 (quoting the Indian High Commissioner, Krishna Menon).

110. *See* DAHRENDORF, *supra* note 24, at 402-12 (describing the influence of the LSE on socialist movements worldwide).

111. *See* David Warsh, *Coming to Terms: The Global Opening Since Vietnam*, BOSTON GLOBE, July 16, 1995, at 73 (describing the insulation of one-third of the world's workers from international markets).

112. Daniel P. Moynihan, *The United States in Opposition*, COMMENTARY, Mar. 1, 1975, at 32. For a careful appraisal of Moynihan's sweeping thesis, see DAHRENDORF, *supra* note 24, at 402-12.

113. Warsh, *supra* note 111, at 73.

world's economy.[114] To put it another way, a dramatic shift has occurred from "command" to "demand" economies. While Laski would not have liked the term "command" used to describe his socialist model, that is how his centrally controlled economic system came to be viewed, even by Third World leaders, after they had given his model a long and disastrous trial.

As to why Laski was so far wrong in his advice to future leaders of Third World countries, mention has already been made of his relative lack of economic expertise.[115] Ralf Dahrendorf tells us that Laski "never fully trusted the Liberal [economist John Maynard] Keynes. Keynes for him was a tinkerer whereas he was moving to more and more extreme views."[116] But Laski's extreme views turned out to be wholly unrealistic in basic economic terms, as Moynihan points out.[117]

In their final chapter, "Laski's Legacy," Kramnick and Sheerman sum up Laski's paradoxes:

> Like most important, even revered, historical figures, Laski was riven by contradiction and ambivalence. . . . He was a collectivist and an individualist, a Marx and a Voltaire. He was fiercely egalitarian yet an intellectual prone to elitism and cultural snobbery. He loved America and fiercely criticized it. He saw Soviet Russia as the harbinger of a new civilization and its crimes broke his heart. He was selfless and generous to a fault and an indefatigable self-promoter. He was an erudite scholar and a mass circulation publicizer. He detested the status quo yet he wanted to dine with those who presided over and benefited from it.[118]

Newman's summing up of Laski is equally full of paradox:

> He was ebullient, entertaining, inspirational, incredibly articulate, unbelievably knowledgeable. . . . But he was also excessively anxious to be accepted by eminent people, he was gushing in his praise, and always needed to be at the centre

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114. *Id.*

115. *See supra* note 24 and accompanying text.

116. DAHRENDORF, *supra* note 24, at 223. Dahrendorf's treatment of Laski in a section titled "Laski and Political Science" constitutes a thoughtful and balanced mini-biography of Laski. *Id.* at 223-32. Dahrendorf lauds Laski: "Few in Laski's generation equal his record as a defender of basic civil and human rights." *Id.* at 225. But he perceptively points out that, "Laski was the epitome of the 'abstract' progressive who as a rule loses out when confronted with more reality-conscious conservatives." *Id.* at 230. Other similar aperçus abound in Dahrendorf's analysis of Laski's contributions and failings during his long years at LSE.

117. Moynihan, *supra* note 112, at 33.

118. KRAMNICK & SHEERMAN, *supra* note 1, at 590.

> of everything. He was, in fact, a "larger than life" character, with greater virtues and weaknesses than most of us.[119]

Laski emerges as such a contradictory figure that one might cast about for some time before coming up with someone comparable. Indeed, he was so unique that no contemporary from his own time, or from the twentieth century seems quite apposite. We are prompted to compare him with James Boswell, the legendary eighteenth century writer, lawyer, and gadfly.[120] While there are some significant differences between the two (Boswell was a notable drinker and womanizer, for example, while Laski's only sensual excesses appear to have been confined to cigarettes and chocolate sundaes), the resemblances are striking. Like Laski, Boswell was an outcast of sorts: Laski the Jew, Boswell the Scot (at a time when English prejudice against Scots was often virulently harsh). Each was and is often scorned—Laski for the reasons discussed herein and Boswell as a buffoon (as well as a lecher and drunk).[121] "Each befriended a much older Olympian figure, the great man of his age, and carried on for twenty years a warm, symbiotic relationship that was partly junior to mentor, partly son to father, [but mostly] stimulating mind to stimulating mind."[122] This brings us back to the Holmes–Laski letters for the key comparison between Laski and Boswell: If Boswell's most important contribution was his famed *Life of Johnson*, Laski's lasting achievement will, in our view, prove to be his correspondence with Holmes. In the long run, those letters probably will be what Laski will be remembered for. They may also give him real historical importance, similar to that earned by Boswell through his relationship to Johnson. Although they have long been out of print, the Holmes–Laski letters are constantly cited in works about the first half of the twentieth century. (In our view, they will eventually have to be republished.[123]) The longevity and insistent provocativeness of the letters can be seen as Laski's main service not only to himself but to his Olympian friend Holmes: They stimulated the old judge during his last twenty years to do the best writing of his

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119. NEWMAN, *supra* note 7, at xi.

120. We have made this comparison elsewhere, albeit in a somewhat cursory manner. *See* Jeffrey O'Connell & Thomas E. O'Connell, *From Doctor Johnson to Justice Holmes to Professor Laski*, 46 MD. L. REV. 320, 333-34 (1987) [hereinafter *From Doctor Johnson to Justice Holmes*]; Jeffrey O'Connell & Thomas E. O'Connell, Book Review, 44 DEPAUL L. REV. 513, 537-39 (1995) (reviewing THE ESSENTIAL HOLMES: SELECTIONS FROM THE LETTERS, SPEECHES, JUDICIAL OPINIONS, AND OTHER WRITINGS OF OLIVER WENDELL HOLMES, JR. (Richard A. Posner ed., 1992)) [hereinafter Review of THE ESSENTIAL HOLMES].

121. *From Doctor Johnson to Justice Holmes*, *supra* note 120, at 334.

122. *Id.*

123. We have long urged the Harvard University Press to reprint the letters but so far to no avail.

brilliant writing career in a valiant effort to keep up with—or to best—his dazzling young friend. For, as noted earlier, as good as Laski's letters are, Holmes's are even better.

Our comparison of Laski's role with Holmes to Boswell's role with Johnson may seem at first to be overly ambitious. Yet there is support for the idea from no less a legal polymath than Richard Posner. Posner's support is indirect, to be sure. But his splendid selection from Holmes's writing[124] includes parts of twenty-nine letters to Laski, more than to any other correspondent.[125] In his introduction to his book, Posner is lyrical in his praise of Holmes's letters, concluding with the statement that, "Holmes may have been America's premier letter writer."[126] He writes, "[o]nly after Holmes's death did it become widely known that he had conducted for upwards of half a century a voluminous, erudite, witty, zestful, and elegant correspondence with a diverse cast of pen pals."[127] And the best of those letters, as Posner's selections clearly show, were those written in his extreme old age in response to Laski's long and sparkling missives.

Sometimes, indeed, Laski's letters seem on a rereading to have been written primarily to goad the old man into a pithy response, much as Boswell's provocative remarks to Johnson often served—as they were meant—to stir the older man's animated response. If, then, Boswell could earn immortality by exciting and memorializing Britain's greatest conversationalist, could not Laski also earn lasting importance by exciting and memorializing America's greatest letter writer? Keep in mind, if Johnson's fame lies largely not on his prolific literary efforts, but on his persona as captured by his exchanges with Boswell, Holmes's place in history, too, as Posner suggests, will not be based solely—or even primarily—on his prolific "professional" legal writings but, more broadly, on his persona as a writer-philosopher,[128] captured best in our view in his exchanges with Laski.[129]

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124. THE ESSENTIAL HOLMES, *supra* note 120.

125. *Id.* at v–viii. There are multiple Holmes letters to other correspondents in Posner's volume in addition to the 29 to Laski; 20 to Oxford legal scholar Sir Frederick Pollock; 16 to diplomat Lewis Einstein; 4 to journalist Franklin Ford; 3 to Irish priest Patrick Sheehan; 5 to historian Alice Stopford Green; and 3 to philosopher Morris Cohen. *Id.*

126. *Id.* at xiv; *see also* G. Edward White, *Holmes as Correspondent*, 43 VAND. L. REV. 1707, 1709 (1990) (noting the prodigious correspondence Holmes wrote from the turn of the century until the last years of his life in the 1930s).

127. THE ESSENTIAL HOLMES, *supra* note 120, at xiv.

128. *Id.* at xvi.

129. *See* Jeffrey O'Connell & Thomas E. O'Connell, Book Review, 67 NOTRE DAME L. REV. 167, 178-79 (1991) (reviewing SHELDON M. NOVICK, HONORABLE JUSTICE: THE LIFE OF OLIVER WENDELL HOLMES (1989); GARY J. AICHELE, OLIVER WENDELL HOLMES, JR.: SOLDIER, SCHOLAR, JUDGE (1989)) [hereinafter Review of NOVICK & AICHELE] (suggesting that

All this prompts a look at some other resemblances between those unique catalysts, Laski and Boswell:

1. Personal Characteristics.—In appearance, Laski and Boswell were much alike. Both were about five and a half feet tall with black hair and dark eyes. Both were dapper in appearance and careful dressers,[130] but neither was imposing.[131] Eastwood presents the following picture of Laski while he lectured at LSE: "Formally dressed in a three-piece suit and tasteful necktie (and wearing a dark homburg hat in the street), it was commented that Laski's appearance suggested a middle class accountant or banker. Beatrice Webb said he was 'just a trifle too smart for a professor of socialist opinions.'"[132]

When they first met their senior friends both Laski and Boswell were considered self-confident and good humored. If Johnson and Holmes found their younger friends to be winning, so did most people. Fredrick Pottle tells us that many men and most women found Boswell immediately attractive.[133] As for Laski, after Sir Francis Galton, the great eugenicist, met Laski when he was a seventeen-year-old beginning student of eugenics, Galton recorded in his diary,

> "My wonderful boy Jew, Laski by name, came here with his brother to tea. The boy is simply beautiful. He is perfectly nice and quiet in his manner. Many prodigies fail but this one seems to have stamina and purpose and is not excitable so he ought to make his mark."[134]

Galton was impressed by Laski's precocity,[135] another quality Laski and Boswell shared. Respectively aged twenty-two and twenty-three when they first met their older friends, Laski and Boswell each had poise and worldly wisdom far beyond their years.

The charm of both the younger men stemmed in part from their straightforward goodwill. L.C.B. ("Jim") Gower, who had just started teaching law at LSE during Laski's last years, told us of one instance when Gower gave a lecture, which his mother and Laski both at-

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Holmes will be remembered more for his personality as captured in his letters, especially those to Laski, than for his opinions and other legal writing and speeches).

130. EASTWOOD, *supra* note 53, at 23; FREDERICK A. POTTLE, JAMES BOSWELL, THE EARLIER YEARS: 1740–1769, at 35 (1966).

131. Feaver, for example, describes Laski this way, "Physically, Laski cut a rather unprepossessing figure. [He was] [s]hort and slight of build . . . ." Feaver, Harold Laski Revisited, *supra* note 53, at 22.

132. EASTWOOD, *supra* note 53, at 23.

133. POTTLE, *supra* note 130, at 35.

134. EASTWOOD, *supra* note 53, at 4.

135. "The *Harvard Lampoon* once said Laski was born at the age of 3." Feaver, Harold Laski Revisited, *supra* note 53, at 22.

tended. In what Gower described as typical fashion, Laski charmed the older woman completely, giving of himself without stint for twenty minutes or so. Laski, the controversial socialist, had previously been anathema to her but she always spoke up for him after that encounter. Gower reported still another personal incident. Laski, according to Gower, always wanted to get a laugh and, if necessary, would hurt other people to get one. Later, Laski would regret the hurt and try to make it up. For example, as a junior faculty member, Gower was a new member of a committee on which Laski, then the most prestigious man on the faculty, also sat. Gower made a comment and, in response, Laski made a wisecrack which got the laugh he wanted. At the next meeting, two months later, Gower made a minor contribution, but Laski came up to Gower after the meeting to say how useful it had been. Laski's conscience had obviously been bothering him ever since the first meeting, though Gower said he had not minded the remark.[136]

As noted, Laski was especially generous to his students with money, energy, and time.[137] Boswell's generosity also was often best

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136. Interview with L.C.B. Gower in London (Mar. 31, 1980). Gower also had the following things to say about Laski:

> Harold felt an obligation to bring out the best in people. That's clearly what he did for Holmes. And for his students.
>
> . . .
>
> He had inordinate energy and he did indeed spend it in profligate fashion. His wife, Frida, tried hard to prevent his doing so.
>
> . . .
>
> As to his hyperbole, the interesting thing is how often he turned out to be telling the truth. It was the embroidering of raconteur. You'd disbelieve the story of a book purchase; you'd go to his house and find it there.
>
> . . .
>
> Why was he scorned? For his leftist views, that's the heart of it. It was disloyal to your class.
>
> . . .
>
> His kindness to his students was real, and one could learn of it only from the students. He was once appalled when a fellow professor put up a sign on his closed office door saying students must go through a secretary.
>
> . . .
>
> I once showed Harold a draft of a manuscript I was working on. It came back with several pages of voluminous notes in his pinched hand.

Id.

137. See KRAMNICK & SHEERMAN, *supra* note 1, at 586 for tributes to Laski's relationships with his students. *See also* EASTWOOD, *supra* note 53, at 40-43. Feaver's chapter, entitled "Student and Friend," gives testimony on the part of many of Laski's former students. It is also worth emphasizing that although Laski was not above boasting, as Feaver suggested, he almost never boasted about his many generous acts. Nor did he usually even mention them to anyone. The following quotation from a letter to Holmes is a rare exception.

> Of other things, not much to report. But I must tell you that with the twenty-five dollars' royalties on *Collected Legal Papers* I have fitted up a miners' reading aid in

demonstrated with those people for whom he felt a professional responsibility. His tendency as a lawyer to tirelessly defend a series of hapless, impoverished criminals beginning with the sheep stealer, John Reid, is amply demonstrated throughout his journals.[138]

Nowhere is the thoughtfulness and generosity of Laski and Boswell better shown than during the last years of their friendships with their Olympian partners. Boswell's energetic but unsuccessful efforts to help Johnson move to a more propitious climate in his last winter, after Johnson declined to come and reside with Boswell and his family in chilly Scotland, is a touching example.[139] Laski faithfully kept sending off his long, chatty letters during Holmes's last year and a half after the older man was too infirm to reply.[140] After the death of Holmes's wife, Fanny, Laski closed letters to Holmes by sending "my love" rather than "our love," as he had done previously, so as not to remind Holmes of his loss.[141]

Both young men occasionally exhibited a pushy, aggressive quality that some people found off-putting. Boswell made his reputation by being invasive with famous people. Laski's early biographer, Kingsley Martin, speaks of H.W. Nevinson describing a deputation to Lloyd George: "'Laski, still a Scholar at New [College], set upon the unhappy Minister with the fury of a little gamecock and a passion of indignation far surpassing the careful restraint of us older men.'"[142] Much later in his life, Laski demonstrated the same scrappiness as an activist in the British Labour Party, leading, for example, to the famous put-down by even fellow Labourite Clement Attlee: "A period of silence from Professor Laski would be most welcome."[143]

The pushy quality of both Laski and Boswell is often characteristic of outsiders. How else can one become an insider? It is also characteristic of performers of all kinds.

S. Wales where almost everyone is unemployed, with fifty volumes of Everyman's Library. Their gratitude was almost overpowering. On the whole I think the pleasure of giving pleasure is about the best thing that there is.

Letter from Harold Laski to Oliver Wendell Holmes, Jr. (Nov. 1, 1930), *in* HOLMES–LASKI LETTERS, *supra* note 4, at 1295.

138. See POTTLE, *supra* note 130, at 308-10 for a summary of the John Reid case.

139. THE JOURNALS OF JAMES BOSWELL 324-329 (John Wain ed., 1991) [hereinafter JOURNALS OF JAMES BOSWELL].

140. Letters from Harold Laski to Oliver Wendell Holmes, Jr. (Jan. 1, 1933 through Feb. 7, 1935), *in* HOLMES–LASKI LETTERS, *supra* note 4, at 1427-81.

141. *Id.* at 1428, 1436.

142. MARTIN, *supra* note 53, at 14 (alteration in original).

143. *See* KRAMNICK & SHEERMAN, *supra* note 1, at 583.

2. *The Performers.*—Laski and Boswell both loved to shine in public. Each developed a persona—or, in Boswell's case, several personas—that permitted him to show off the qualities he wanted to display. In Laski's case, the persona was that of an astonishingly bright, erudite, smooth-talking monologist or lecturer. He had a photographic memory that permitted him to dazzle audiences and colleagues, and had a reserve of nervous energy that permitted him to lecture or debate tirelessly. Examples abound. Kingsley Martin describes an incident of Laski's phenomenal memory as related by H.N. Brailsford. "When called upon to speak, Harold passed his manuscript complete for publication into Brailsford's hands and then, to the chairman's astonishment, delivered the whole, as if extempore, almost word for word as it was written."[144] Martin also describes Laski speaking "on foreign policy before a select audience which contained America's leading experts . . . . After a challenging speech some twenty searching and detailed questions were put to him. He sat impassive until the questions finished and then without a note proceeded to answer all the twenty seriatim, precisely, and in detail."[145]

Holmes himself commented on Laski's persona early in their friendship. He described him as "diabolically clever and omniscient."[146] Martin describes an instance, which he witnessed, when Laski sat as juror in a court case. Sir Sankaran Nair had criticized O'Dwyer, the governor of the Punjab, in a book and O'Dwyer sued. Laski sat as one of the jurors.[147] In that capacity, he insisted "courteously but firmly on taking an active part in discussions between counsel and the judge. . . . 'My Lord, may I ask through you if learned counsel has considered the case of Rex versus . . . .' [This] created something not far short of a legal earthquake."[148]

If Laski's public role was essentially that of the fluid, all-knowing lecturer, Boswell was a performer who played many different parts. Biographer Geoffrey Scott referred, for example, to Boswell's several impersonations as a young man on his Grand Tour of the continent—the pedant in Holland, the prince in Germany, the philosopher in Switzerland, and the great lover in Italy.[149] He also periodically played the roles of the self-promoting poet, the successful author of the best selling book, *Corsica*, the eager-to-please social climber, the

144. MARTIN, *supra* note 53, at 14.
145. *Id.*
146. KRAMNICK & SHEERMAN, *supra* note 1, at 112.
147. MARTIN, *supra* note 53, at 57.
148. *Id.* at 57-58.
149. POTTLE, *supra* note 130, at 198.

much-traveled public personality, the friend of the great and near-great, and the tolerated fool of the great Samuel Johnson.[150]

Like Laski, Boswell had great vitality. At his best he used his energy forcefully and effectively. He was much impressed by what Rousseau said to him during his series of interviews with the great Frenchman: "Sir, that's the great thing, to have force. Revenge even. You can always find matter to make something out of. But when force is lacking, when everything is small and split up, there's no hope."[151]

There was something of the "little boy" in both Laski and Boswell as they performed their showoff roles. Consider Edmund Wilson's description of Laski:

> With his spectacles and his round black eyes, which defied such a description as "beady" by force of the high-powered intelligence brought out by the owlish lenses, and which were usually more lively than the rest of his face, his appearance was perennially youthful, as of a schoolboy who was stumping his elders or innocently waiting for someone to pick up one of those buzzing matchboxes that give the effect of an electric shock.[152]

3. Writing.—Laski's photographic memory principally permitted him to excel as a lecturer; Boswell's memory served him best as a writer. The great biography of Johnson is essentially a record of a series of conversations with the best talker of his age; it was Boswell's memory that permitted him, with the aid of just a few notes made on the spot, to recreate his friend's wonderful talk.

Laski was also a dazzling performer as a writer. In his letters to Holmes, for example, one has the sense that he was presenting on paper that same breathtaking erudition and phenomenal memory

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150. *Id. passim.*

151. *Id.* at 170.

152. Edmund Wilson, *Justice Holmes and Harold Laski—Their Relationship*, NEW YORKER, May 16, 1953, at 139. Like many performers, Laski sometimes performed too long. A friend reported to us:

> The only time I ever met Laski was, I think, either late in 1945 or in 1946. I was working on the "New Republic" and my not-yet father-in-law, the editor [Bruce Bliven, Sr.], invited some people to his apartment to listen to Harold, a sort of ami de la maison, who had come back from, among other places, the Soviet Union, and who was in America and willing to devote an evening or part of an evening to telling us what he had seen and thought. The old Harold Laski joke—he starts talking and the family parrot cries, "It's the wireless"—was certainly brought to life that evening. He did talk so steadily . . . .

Letter from Naomi Bliven, writer for the *New Yorker*, to Jeffrey O'Connell (Dec. 17, 1995) (on file with Jeffrey O'Connell).

that characterized his lecturing. And in a measure Holmes responded in kind. The similarity of their letter writing to performing was perceived in the *New York Times Book Review*—an observation that was picked up on the dust cover of the Holmes–Pollock Letters reissued in a single volume in 1961.[153]

> The two [Holmes and Laski] played up to each other as do great actors to crowded houses; each was for the other audience . . . enough. If not, like those of Chesterfield or Walpole, written with an eye to posterity, these letters were nonetheless composed out of a sense of history, in full comprehension of the parts being enacted. They were not master and disciple, not teacher and pupil, but Socrates and Plato, Goethe and Eckermann,[154] wise old age and youthful genius. [155]

Thus, Laski's letters to Holmes were for him a counterpart of Boswell's famous journal keeping. They were in some ways as much a personal diary as a correspondence.[156]

There is, however, one telling difference between Boswell and Laski in their "journals." If Boswell reveals himself utterly, Laski is much more reticent. He tries so hard to project an image that his friend Holmes will admire that one senses a self-consciousness in his letters. They do not always reveal Laski's personal or professional difficulties, nor his reactions to those difficulties. On the other hand, the letters, compared with those of most letter writers, are not *overly* reticent. Thus, while in comparison with most letter writers Laski might be considered candid, compared with the unblushing Boswell he seems positively covert.

As a writer, Laski had some of the same ability to improvise that he constantly displayed as a speaker. Eastwood tells of a former student of Laski's who subsequently himself became a professor. "[H]e asked Laski . . . if he would be kind enough to write an article for a Newsletter the constituency Party was about to launch. 'Harold Laski sat down just where he was and wrote the whole article out without a

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153. HOLMES–POLLOCK LETTERS, dust cover (Mark D. Howe ed. 1961).

154. Johann Peter Eckermann, a German writer, was befriended by Goethe.

155. HOLMES–POLLOCK LETTERS, *supra* note 153, dust cover.

156. Essentially Boswell's writing process was in three steps: (1) Daily jottings as reminders for the journal, (2) journal entries that were usually based on earlier jottings but always depended in a measure on his remarkable memory, and (3) mining the journal for material for books. He wrote in one of his journals, "I should live no more than I can record, as one should not have more corn growing than one can get in." JOURNALS OF JAMES BOSWELL, *supra* note 139, at 284. The journals themselves make superb reading, as countless readers can attest.

moment's hesitation . . . .'"[157] In describing Laski's method of writing, Kingsley Martin explained how in his small, neat hand he was able to produce work that he never had to revise. [158] Whether he was writing an article or a book or a letter, Laski never seemed to need to make corrections.[159]

Laski wrote for a large audience. Like Boswell, he never got around to many of his writing projects. He wanted very much to have great influence as a writer and to be popular. Feaver comments that this desire for popularity "helps to bring into sharper focus the tensions between his marginality, his characteristic yearning to be appreciated as an insider, and his search for community and authority in modern life."[160] Feaver goes on to note Laski's "nontechnical, popular, and didactic character as an author and publicist—his propensity for writing to a large audience in a prose unincumbered by technical detail."[161]

Through their writing and publishing, Laski and Boswell both served their older friends well. Boswell's biography has preserved Johnson for us as no other biography has done for any historical figure. And Laski more than anyone else has helped us to know Holmes. In 1920, Laski published Holmes's *Collected Legal Papers*.[162] He wrote a number of articles about Holmes, all of which were full of praise.[163] Laski also counseled Holmes on the choice of his biographer.[164] (Laski wanted Felix Frankfurter; Holmes was more inclined to want another "Yankee.") Laski intended to supervise the publication of the Holmes–Laski letters but never found time to do so. Even so, a year before his death he dispatched Holmes's letters to the Harvard Law School where his own letters had been sent after Holmes's death in 1935. Shortly after Laski's death, the magnificent correspondence was published under the painstaking yet deft editorship of Mark De Wolfe Howe. [165]

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157. EASTWOOD, *supra* note 53, at 101.

158. MARTIN, *supra* note 53, at 64.

159. *Id.*

160. Feaver, Harold Laski Revisited, *supra* note 53, at 21.

161. *Id.* at 21 n.59.

162. OLIVER WENDELL HOLMES, COLLECTED LEGAL PAPERS (1920).

163. *E.g.*, Harold Laski, *Mr. Justice Holmes: For His Eighty-Ninth Birthday*, 160 HARPER'S MAG. 415 (Mar. 1930), *reprinted in* MR. JUSTICE HOLMES (Felix Frankfurter ed., 1931); *The Political Philosophy of Mr. Justice Holmes*, 40 YALE L.J. 683 (1931).

164. Letter from Harold Laski to Oliver Wendell Holmes, Jr. (June 11, 1931), *in* HOLMES–LASKI LETTERS, *supra* note 4, at 1318.

165. *See* HOLMES–LASKI LETTERS, *supra* note 4. For more on Howe's superb editing, see Review of THE ESSENTIAL HOLMES, *supra* note 120, at 541-43.

Thus, the two outcasts, each in his own way, preserved for us the thoughts—and even more important—the personas of their Olympian friends.

4. Reputation.—Boswell wrote his big book; Laski did not. This difference explains the disparity in their current reputations.

Boswell's big book stands as tall today as when it was described in Macaulay's famous words in 1831:

> *The Life of Johnson* is assuredly a great, a very great work. Homer is not more decidedly the first of heroic poets, Shakespeare is not more decidedly the first of dramatists, Demosthenes is not more decidedly the first of orators, than Boswell is the first of biographers. He has no second. He has distanced all his competitors so decidedly that it is not worth while to place them. Eclipse is first, and the rest nowhere.[166]

In contrast, Laski's failure to complete what he thought of as his big book, which he spoke of as encompassing European political thought from the Conciliar Movement to the French Enlightenment, has meant that his reputation today, nearly fifty years after his death, is at best dim, as we have seen. Also, as we have demonstrated, what reputation he has stems primarily from his teaching and from the Third-World students he influenced. For example, as former British Prime Minister James Callaghan wrote:

> During the last thirty years whenever I have travelled to America, to India or to almost any part of what is now called the Third World, at some stage I was bound to meet a distinguished academic, administrator, or politician who would boast that they had been taught by Laski when they were young students at the London School of Economics.[167]

This aspect of Laski's reputation is best summed up in the reference by Max Beloff to "The Age of Laski."[168]

Laski's lifelong ambivalence between the scholar–teacher's isolated life in academe and the politician's daily involvement in the bustle of public affairs was fatal to his ambition to leave a mark in writing.

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166. Thomas B. Macaulay, Book Review, EDINBURGH REV., Sept. 1831, at 16 (reviewing JAMES BOSWELL, THE LIFE OF SAMUEL JOHNSON (John W. Croker ed., 1831)). Macaulay then proceeded famously to excoriate Boswell the man. *Id.* at 16-19.

167. EASTWOOD, *supra* note 53, at vii.

168. Max Beloff, *The Age of Laski*, FORTNIGHTLY REV., June 1950, at 378-84 (arguing that "the future historian may talk of the period between 1920 and 1950 as the 'Age of Laski[,]'" because of Laski's great contributions to the study and teaching of politics); *see supra* text accompanying note 21.

His scholarly writing suffered from his frenetic and continuing involvement in the struggles of Britain's Labour Party. Eastwood believed that

> "[i]n his passionate desire to persuade his generation of the danger in which society stood he wrote too much and repeated himself too often and neglected those periods of lonely thought out of which creative ideas spring .... Sometimes one feels that Laski was the most verbose and redundant of writers and that a quarter of the words could have been advantageously deleted." [169]

Boswell too was ambivalent about performing a role as a writer vis-à-vis a role in the larger world by practicing law in London or devoting himself to politics in Scotland. Pottle points out that only Boswell's friend John Wilkes saw what a waste it was for Boswell to pursue law or politics when his true genius was as a writer.

> [H]e was the first person who ever assessed Boswell's peculiar gift correctly and encouraged him to exploit it. Everybody else wanted to make Boswell over; Wilkes saw that he was *sui generis*, and that to lop his luxuriances would be to spoil him.... Long before any one else, he recognized that Boswell's letters and journal were significant art, not the mere exercises that Boswell himself considered them. [170]

The conflict between the reflective writer and the involved activist is at the heart of much of the disappointment that surrounds both men. Although he was the youthful author of the enormously popular record of his trip to Corsica, Boswell was unsatisfied. As with Laski, to be a writer—however successful—was not quite up to Boswell's ambitions. Boswell wanted to be the "great man," not just the man whose books were read. This was so even at the end of his life when his *Life of Johnson* had routed the competition from the field.[171] When he died in 1795 at the age of fifty-five, worn out by literary, legal, familial, convivial, bibulous, and sexual endeavors, he by no means saw himself as a successful man.

Laski too died in his mid-fifties, also worn out by his ceaseless endeavors—political, literary, pedagogical, and legal. Indeed the

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169. EASTWOOD, *supra* note 53, at 118 (quoting Kingsley Martin).

170. POTTLE, *supra* note 130, at 208-09.

171. After years of toil and discouragement Boswell brought out his great *Life of Samuel Johnson* in 1791 and had the satisfaction of seeing it sweep aside his rivals, notably Hawkins and Hester Thrale. *See* Macaulay, *supra* note 166, at 16-17 (stating that Boswell's biography was "one of the best books in the world"); *see also supra* text accompanying note 166.

crowning blow for him came from a lawsuit—a libel trial. As Kramnick and Sheerman describe it:

> The courtroom was "packed and crowds could not get in" to the opening day of the trial of "one of the world's most noted historians and philosophers," the *New York Times* correspondent wrote. Reporters and photographers jostled spectators at the entrance to London's High Court of Justice on the Strand to catch a glimpse of Laski and the legal giants assembled for one of London's most sensational trials in years.[172]

Laski had made a campaign speech prior to the 1945 election in which the Labour Party turned Winston Churchill out of office, just as World War II was ending in Europe. A heckling questioner had asked him why he had earlier "openly advocated revolution by violence."[173] Two newspapers had reported that Laski's response was, "'[I]f Labour could not obtain what it needed by general consent, we shall have to use violence even if it means revolution.'"[174] As Kramnick and Sheerman write, Laski sued for libel, insisting that

> [i]t was false and malicious to report that he had said that if Labour were not elected "we shall have to use violence even if it means revolution." He had said, he claimed, that "great changes were so urgent in this country that if they were not made by consent they would be made by violence." In other words, he was warning the electorate to beware the possibility of violence.[175]

The case did not come up until after the stunning Labour election victory. It was assumed that Laski, then the chairman of the Labour Party, in the flush of triumph would drop the suit. Not at all. He pressed on. Kramnick and Sheerman indicate that Laski's reasons for pursuing the suit included the following: his prickly pride about his reputation as one committed to parliamentary socialism; his resentment at inferences that he had used the initiation of the suit to avoid having to explain his remarks in his exchange with the reporter, and that he would therefore drop the suit after the election made his response moot; and, finally, his suspicions that the attacks on him were motivated by anti-Semitism and therefore should be answered in a dramatic public way.[176] But there also well may have been an arro-

172. KRAMNICK & SHEERMAN, *supra* note 1, at 516.
173. *Id.* at 486.
174. *Id.*
175. *Id.* at 487.
176. *Id.* at 516.

gance on Laski's part—he thought he could defend himself easily against any lawyer the newspapers could find.

His letters to Holmes over the years had often referred to his ability to best others in debate. For example, as we have seen, he had once spoken up in court when serving as a juror,[177] and then had written to Holmes about how well he had comported himself.[178] He should have known better, however, than to be arrogant in his libel suit. Counsel for the defense was the redoubtable barrister, Sir Patrick Hastings. As Kramnick and Sheerman report, "nearly twenty years earlier [Laski] had written to Frida that Hastings's examination of Collins in the famous Savage case 'was the most brilliant thing I have ever heard in a court of law.'"[179]

In the end, Laski was humiliated by Hastings, lost the case, and suffered grave personal and financial distress.[180] Indeed, Laski never recovered from the devastating loss; his defeat depressed him severely. That it did so should not be surprising. Even more than most academics in law, economics, and political science, Laski took inordinate pride in being the best in both the academic world and the larger one of public affairs. To suffer such a crushing public defeat in that larger world at the hands of a mere legal practitioner was more than he could bear physically and emotionally.[181]

There was one further reason for Laski's demise. If Boswell was an alcoholic at the end, Laski was a workaholic. Eastwood wrote that a colleague of Laski's in those last days had commented to him that Laski "'simply could not stop accepting speaking engagements which became something of an obsession.'"[182]

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177. *See supra* text accompanying note 148.

178. KRAMNICK & SHEERMAN, *supra* note 1, at 220.

179. *Id.* at 517.

180. One is reminded of the much greater but similar disaster that befell an arrogant Oscar Wilde in being destroyed on cross examination by a great barrister of his era, Sir Edward Carson.

181. *See* NEWMAN, *supra* note 7, at 279-80 (describing Laski's deep emotional and physical distress following the trial).

182. EASTWOOD, *supra* note 53, at 160. Kingsley Martin wrote of Laski's vitality being sapped by overwork and illness: "When the election came in February of 1950, Harold, who had scarcely recovered from one of his now too frequent attacks of bronchitis, plunged into the fight with his old enthusiasm." MARTIN, *supra* note 53, at 241. Martin also referred to a speech of Laski's:

> [T]hose of us who knew Harold listened to it with something like dismay; it was so obviously the speech of a man who could hardly stand on his feet. At the end I helped him into a waiting car, urging him to go home at once to get some rest. I had no premonition that I should not see him again.

Id. at 242.

While the end for both men appears equally sad, their reputations up to now have been very different. By completing his big book Boswell ensured his fame. By failing to get out what he thought of as his big book, Laski did not. But wait. Might it turn out in the long run that through his letters to Holmes, Laski also did in fact complete his big book?[183] We think so; and perhaps these two fine biographies will help to accelerate what we dare to predict will be the "rise again" of Harold Laski.

183. Arguably, Holmes too will achieve posterity based not on his formal writings, such as his judicial opinions, but his informal writings, especially his letters and, most important, in his letters to Laski. The same applies to Doctor Samuel Johnson. He too lives on not nearly as much through his formal writings—his dictionary and his literary efforts—but through his informal remarks as captured by Boswell's biography of him. Review of NOVICK & AICHELE, *supra* note 129, at 178-79.