# BEYOND THE STABLE STATE OF LAW

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This paper is itself the result of a loss of stability. Originally my intention had been to elaborate some of my ideas on the future of the legal point of view, and to limit myself to a few remarks on technology. Then I felt I could not ignore technology and that I must at least do some background reading. This was my undoing, for needless to say, there was an endless array of books on the subject, and I was drawn into the bottomless pit of sociology. It was only by sheer luck that I discovered an escape route, though whether I really succeeded will be for you to judge. Many years ago, I had read a book by Donald Schon, *Displacement of Concepts*,[1] which produced quite a powerful impression on me and which I thought would be particularly fruitful for a more satisfactory explanation of change in the common law. Now another book by the same author, *Beyond the Stable State*,[2] fell into my hands, and gave me the idea for the title of this paper. The book also fitted in well with Thomas Kuhn's *The Structure of Scientific Revolutions*,[3] which had greatly influenced me. So I began to approach my topic over these three bridges, only to discover Jacques Ellul's classic, *The Technological Society*.[4] I felt immediately that my treatment of technology had been too skimpy and that I had to take issue with Ellul's gloomy prophecy. The result, as you will see, is a rather curious patchwork.

According to Schon, there are two types of theories about the emergence of new concepts: the type which makes a mystery of their emergence, and the type which reduces new concepts to old (*e.g.*, a theory of associationism that treats a new idea as a simple recombination of old ideas).[5] Schon rejects this latter view of the formation of new concepts, and suggests that new concepts come about through the shift of old concepts to new situations. In this process the old concept is not applied to the new situation, as a concept to an instance, but is taken as a symbol or metaphor for the new situation. The new concept grows out of the making, elaboration and correction of the metaphor. There is no single moment at which it emerges; the process is continuous, like the emergence of a biological species, and its freezing at any one moment is always arbitrary.[6]

In *Beyond the Stable State*, Schon is concerned with man's stubborn belief in stability, a belief that extends even to the concept of change. Change is regarded as incremental and peripheral. Belief in the stable

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[1] (1963).

[2] (1973). *See also* DONALD SCHON, TECHNOLOGY AND CHANGE (1967).

[3] (2d ed. 1970).

[4] (J. Wilkinson, transl. 1964, 1st ed. 1954).

[5] *Supra* note 1, at 11-13.

[6] *Id.* at 53.

state, Schon says, is central; it is a bulwark against the threat of uncertainty. Given the reality of change, we can maintain belief in the stable state only through desperate and destructive tactics of which we are largely unaware. In our time, the attack on the stable state has become too intense for the strategies of resistance to contain. We are experiencing an unprecedented and accelerating rate of change, which we attribute to an accelerating technology. This change has become *pervasive*; changes whose impact might have been contained in particular industries, in particular regions or in particular aspects of life, now penetrate all industries, all regions and all life. Much of the new technology has been implosive in its effects. It has been *infrastructure* technology, governing the flow of goods, people, money and information. [7]

According to Schon, every system seeks to protect itself against the threat of change by "strategies of dynamic conservatism". For any given system, a certain level of energy is necessary to overcome the forces involved in the system's dynamic conservatism and to *break* the stable state. Once the threshold has been reached, the system goes into exponential change until it reaches a new zone, where a new dynamic conservatism begins to operate. [8]

Schon points out that it would be wrong to attribute dynamic conservatism entirely to self-interest or stupidity. The power of social systems over individuals becomes understandable only if we see that they provide not just sources of livelihood, protection against outside threats and the promise of economic security, but a framework of theory, values and related technology which enables individuals to make sense of their lives. [9] This makes it more difficult to break the stranglehold of dynamic conservative strategies, but it must be done, and they must be replaced with new "learning systems" if the problem of novel change is to be met. "Existentialism", which is the learning system favoured by Schon, begins with experience, phenomena, and existence as these are perceived. The here-and-now provides the test, the source, and the limit of knowledge. No theory drawn from past experience is literally applicable to this situation, nor will a theory derived from this situation prove literally applicable to the next. But theories drawn from other situations may provide perspectives or "projective models" for the present situation, helping to shape it and permit action within it. This process of existential theory-building must grow out of the experience of the here-and-now; any theory emerging from it will have to be tested against the next situation to which it may be inapplicable. We cannot therefore validly speak of its *probable application* to the next instance. [10]

Despite Schon's insistence that technological, theoretical and social systems exist as aspects of one another, and that change in one provokes change in the others, [11] he gives the impression that technology calls the tune.

[7] *Supra* note 2, at 1-26.
[8] *Id.* at 48-55.
[9] *Id.* at 51.
[10] *Id.* at 201-31.
[11] *Id.* at 12.

He says that every social system mirrors a technological plenum, and that new technology does not enter a vacuum; rather, it displaces prevailing technology and in so doing *leads to chain reactions* in structure, theory and values. [12] For Schon the crucial problem seems to be how to cope with technological change, and his solution to that problem is to devise a learning system that can manage novel change with sophistication and not by resort to crude conservative strategies.

This way of presenting the problem is, in my view, misleading. Modern technology is not like an earthquake or a plague; its danger does not lie in itself, but in the form which has been impressed on it and in the use to which it has been put by a social system based on economic exploitation. Although such a system only becomes sophisticated at a certain level of technological know-how, the impetus for exploitation comes from the social system, and not from its technology. From its own perspective, however, the system may *appear* to be dominated by its technology, since it requires an accelerating rate of technological development in order to satisfy its exploitative ends. The system is caught in a chain reaction which it is not so much unwilling as unable to control. Given its assumption that it is the best possible system in an imperfect world, modern technology does indeed *seem* to set the pace and the direction of its own development.

According to Herbert Marcuse, [13] critical social theory, confronted with the total character of the achievements of advanced industrial society, is left without the rationale for transcending it. In the face of the totalitarian features of this society, the traditional notion of the "neutrality" of technology can no longer be maintained. Technology as such cannot be isolated from the use to which it is put; the technological society is a system of domination which operates already in the concept and construction of techniques.

Marcuse is careful to limit such observations to the most highly developed contemporary societies, and he notes that there are large areas within and without those societies where they *do not yet prevail.* [14] This brings me to a fundamental point: our technocrats divide the world into two kinds of nations, the developed nations which have the benefits of technology, and the underdeveloped nations which still lack these benefits and so must be lifted up to the level of their superiors. The quality of the lives of these unfortunate people is measured by our criteria of the success of their economies, and there is a continuous attempt to relate the success or failure of their economies to the success or failure of their personal lives.

It is an elementary mistake of categorization to equate "technology" with any particular kind of technology. Even so-called primitive people possess their own kinds of technology. "Technology", I suggest, should be defined as the systems of means employed by men living in a given society to satisfy their social objectives. Insofar as these objectives can be system-

[12] *Id.* at 37.
[13] ONE DIMENSIONAL MAN 12-14 (1972, 1st ed. 1964).
[14] *Id.* at 15.

atized and stated within the framework of a socio-political program, they may be said to constitute an "ideology". It is the ideological bias of a particular society in a particular period which determines the form and use of its technology, and not the other way round.

By "technology" I mean technique, though nothing as *outré* as Jacques Ellul's use of the term. The term "technique", he says, does not mean machines, technology, or this or that procedure for attaining an end. "In our technological society, *technique* is the *totality of methods rationally arrived at and having absolute efficiency* (for a given stage of development) in *every* field of human activity. Its characteristics are new; the technique of the present has no common measure with that of the past." [15] According to Ellul, our civilization is a civilization of means; it is the means, not the ends, that really matter in modern life. Moreover, the choice between alternative means is becoming less and less subjective and more and more a matter of which means is *the best*, the most efficient as determined by numerical calculation. "It is, then, the specialist who chooses the means, [and] a science of means comes into being—a science of techniques, progressively elaborated." [16] This is the "technical phenomenon" which has spread throughout the world.

Ellul stresses two essential characteristics of today's technical phenomenon. The first is rationality. "In technique . . . a rational process is present which tends to bring mechanics to bear on all that is spontaneous or irrational." [17] The second is artificiality. Technique is the creation of an artificial system, of an artificial world which eliminates or subordinates the natural world. "The two worlds obey different imperatives, different directives, and different laws which have nothing in common." [18] Autonomy is the essential condition for the development of technique; for technique must be free from constraints and limitations imposed from without. This used to be spoken of as its neutrality, but today "the power and autonomy of technique are so well secured that it, in its turn, has become the judge of what is moral, the creator of a new morality. Thus it plays the role of creator of a new civilization as well". [19] Technique, Ellul claims, renders man not only insignificant, but ultimately redundant. Since it must attain its result with mathematical precision, it seeks to eliminate or minimize "all human variability and elasticity". [20] The state plays a crucial role in this task; it unites the whole complex of previously uncoordinated techniques. "Planning itself is the result of well-applied techniques, and only the state is in a position to establish plans which are valid on the national level." [21]

Law, Ellul says, is a function of traditional society; it is vitiated by its

[15] *Supra* note 4, at xxv.
[16] *Id.* at 21.
[17] *Id.* at 78-79.
[18] *Id.* at 79.
[19] *Id.* at 134.
[20] *Id.* at 135.
[21] *Id.* at 307.

backwardness. [22] Administration is better adapted to the new technological world and continually encroaches on the judicial sphere, which is inefficient and irrelevant because of the impossibility of transforming the notion of justice into technical elements: "If one pursues genuine justice (and not some automatism or egalitarianism) one never knows where one will end." [23] Since technique requires that law be made efficient, "the judicial element . . . is no longer charged with pursuing justice or *creating* law in any way whatsoever. It is charged with [the mechanical role of] applying the laws". [24] "Legal" technique becomes political technique for all practical purposes, and this explains the enormous proliferation of laws: there must be a law for each fact. So law becomes an instrument of the state, and in the end it disappears. Law has become method. [25]

Unlike Marcuse, Ellul regards technique by itself, and not its abuse by ideology, as the crux of our dilemma. It may be naïve to believe that the individual, or a community group, or even the nation state, has the power to buck the technological trend, but, I suggest, it is even more naïve to believe that technology has a magic power over the whole collectivity of man which seals his fate. There is an inherent absurdity in the assumption that the totality of human means will *a priori* dominate the totality of human ends until the final cataclysm. Can means survive *as means* without ends? Can they be efficient? A means, by its very nature, exists to serve an end. It may serve it well, in which case it will be efficient as a means, or it may serve it badly, in which case it will be inefficient. It cannot be efficient, or rational, as a means *eo ipso*.

The fallacy that means are autonomous arises either because we take the end for granted or because a former means has covertly become an end. The classes of means and ends are not frozen, but change with time in accordance with our changing ideologies. Moreover, what is a means to one person or institution may be an end to another, and what is a means in one context may be an end in another. Furthermore, there are chains of means and ends, and what may be a means on one chain may be an end on another. We must distinguish between a stipulative definition of "technology", such as I have proposed ("systems of means in relation to certain ends") and a hard and fast dichotomy between means and ends. What is a means to one particular society at a particular period of its development may be an end to another society at that time, or to the same society at a different time.

It is the unconscious identification of technique with mechanical efficiency, and the false assumption that there is always one optimum mechanical model, which creates the erroneous belief in technique as a means efficient in its own right. Experts, in whom Ellul has an irrational faith, also tend to make this assumption and therefore to take a very limited point of view,

[22] *Id.* at 251.
[23] *Id.* at 291-92.
[24] *Id.* at 294.
[25] *Id.* at 291-300.

which by no means always coincides with that of their employer. Hence, they are often completely blind to other points of view and to other ends; and even when they are agreed on ends, their professional competitiveness will make them just as likely to disagree as agree on the appropriate means. For these reasons, ordinary people are often more efficient than experts, for they tend to see problems in the round, from different points of view, and in relation to different means. An expert should always be kept securely in his cage.

The weaknesses in Ellul's extreme position are self-evident, but his standpoint gives us a very good insight into the arguments of those who believe that man is now at the mercy of technology and that all he can do is to adapt himself the best way he can to the inevitable. Their emphasis is on the *acceleration* of technological change that is sweeping everything before it. But why is that so? Because technology is more efficient? That answer, as I have noted, is misleading. It should be apparent to everybody now that our much-vaunted efficiency is a myth of our ideology. It is only by concealing so-called non-economic costs, and by translating so-called economic benefits into *real* benefits, that we are able to shore up the myth that we live in an efficient, rational and beneficent society.

Admittedly, it is oversimple to think that the accelerating pace of technological change is the result of the *conscious* application of its underlying ideology. This ideology has long ago become internalized; it has not just filled our minds, but crept into our very bones and become almost impossible to dislodge. Although it is modern technology which is cast in the role of the greedy dragon who must be fed more and more victims if the standard of living of everybody is not to be jeopardized, the real dragon is our ideology. Technology *seems* out of control because our ideology has exploited its destructive potential to the point of no return. What is wrong with modern technology is that it has been fashioned in the image of our ideology and harnessed to its destructive ends. The remedy is not to turn our backs on modern technology, but to recreate it in a different image which minimizes its destructive potential and turns it into a power for good.

As long as we perceive the world through the blinkers of our ideology, we will not be able to see the true nature of our problems and the ineffectiveness of our so-called solutions. We must break through the shell of this ideology and expose the hollowness of its slogans. We must not accept its motherhood statements and its distorted criteria of success at their face value; we must look at what it has done *to* us, not just at what it has done for us. Our ideology is very adept at hiding the enormous price that it exacts for its "benefits". All too often they are illusory and downright detrimental. It is characteristic of our ideology that it measures progress through statistics of production and consumption. *What* is produced and what is consumed are of little consequence, and the human price paid by the producer and the consumer is ignored.

Marcuse warns us against all technological fetishism. Technics, as a

universe of instrumentalities, he says, may increase the weakness as well as the power of man, and at the present stage he is perhaps more powerless over his own apparatus than he ever was before. The danger is not averted by transferring technological omnipotence from particular groups to the state. The more technology is freed from its exploitative features, the more will it become dependent on constructive political direction—the collective effort to attain a pacific existence. Pacification presupposes mastery of nature, which remains the obstacle to the developing human subject, but there are, Marcuse says, two kinds of mastery: one that is repressive and one that is liberating. The latter results in the reduction of misery, violence and cruelty. In nature as in history, the struggle for existence causes scarcity, suffering and want. In the process of civilization, nature ceases to be nature to the degree that its blind forces are comprehended and mastered. History is the negation of nature. What is merely natural is overcome and recreated by the power of reason. [26]

It would not do to follow too far Marcuse's Hegelian flights. All life may be seen as a constant battle against the environment. Yet, it is the environment which can alone provide the sustenance that individual organisms need for their survival. Man's contradictory attitudes to his environment may be explained along these lines without slipping into hard and fast dichotomies. The tension between man and nature can only be resolved by a balanced synthesis taking account of the ecology on which all life depends.

So much for technology. The time has now come to introduce Kuhn's theory of scientific revolutions, a theory which bears some striking family resemblances to Schon's account of the displacement of concepts and social change (though Schon is concerned with economic and political policy and Kuhn with the history of science). It would be quite wrong simply to transplant either model to the field of legal philosophy without making allowances for the change of discipline. Even in his own field, the meaning and ambit of Kuhn's theory is by no means clear, and it has been the source of considerable controversy. [27] This does not vitiate its usefulness. We often gain the greatest insights from concepts developed in other fields. Indeed, the boundaries of a discipline, or of a branch of a discipline, are never closed. It is merely dogmatism to deny entry to a foreign concept on the ground that it lacks the requisite passport. The concept should be treated as a potentially useful immigrant who may be of great value to his new country. He should be encouraged to draw on his old experiences in his new life, but warned not to impose lessons learnt elsewhere on his new environment.

In the 1969 postscript to the second edition of his famous book, [28]

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[26] *Supra* note 13, at 184-185.

[27] *See, e.g.*, CRITICISM AND THE GROWTH OF KNOWLEDGE (I. Lakatos & A. Musgrave eds. 1970).

[28] *Supra* note 3.

Kuhn distinguishes two senses of "paradigm". "On the one hand, [the term] stands for the entire constellation of beliefs, values, techniques, and so on shared by the members of a given community. On the other, it denotes one sort of element in that constellation, the concrete puzzle-solutions which, employed as models or examples, can replace explicit rules as a basis for solution of the remaining puzzles of normal science." [29] The second sense of paradigm, Kuhn says, is the deeper of the two, and is the main source of the controversies and misunderstandings that the book has evoked. Kuhn defines a scientific community as consisting of the practitioners of a scientific specialty. To an extent unparallelled in most other fields, they have undergone a similar education and similar professional initiations. Professional communication across specialty lines is perilous and may provoke previously unsuspected disagreement. A paradigm in the first sense is always shared by the members of a scientific community, but not a paradigm in the second sense. Only with the acquisition of the latter does a scientific community reach a state of maturity in which normal puzzle-solving research becomes possible. Before that, the community is in the "pre-paradigm" period. The concentrated convergent research of the paradigm period brings to light anomalies which cannot be handled by the established paradigm. Gradually, "normal science" under that paradigm comes to an end in the chaos of the "post-paradigm" period. Although the members of the scientific community are reluctant to let go of the old paradigm, they are forced to relinquish it under the pressure of their divergent findings. A scientific revolution is a sort of *gestalt* switch which finally topples the old paradigm and ushers in the new. The "world-view" of the old paradigm is replaced by that of the new.

The above is an extremely rough account of Kuhn's theory of scientific revolutions, but it would obviously be impossible to do justice to it here. I shall limit myself to repeating some warnings against misunderstanding given by Kuhn himself. Although his theory is one of revolutionary discontinuity and an attack on the traditional incremental view of scientific progress, Kuhn is at pains to emphasize that its revolutionary aspect is only one of two complementary aspects of scientific advance. Almost none of the research undertaken by even the greatest scientisists is designed to be revolutionary, and very little of it is. On the contrary, normal research is a highly convergent activity, and revolutionary shifts are relatively rare. There is an "essential tension", Kuhn says, implicit in scientific research. To do his job the scientist must undertake a complex set of scientific and manipulative commitments, yet his claim to fame may finally rest on his ability to abandon this set of commitments for others of his own choosing. [30]

Kuhn explicitly restricts his theory to basic science, where practitioners have been relatively free to choose their own problems. Characteristically,

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[29] *Id.* at 175.

[30] Kuhn, *The Essential Tension: Tradition and Innovation in Scientific Research*, *in* THE ECOLOGY OF HUMAN INTELLIGENCE (L. Hudson ed. 1970).

they have selected problems for which paradigms were clearly applicable but for which exciting puzzles remained in their application.[31] Kuhn acknowledges his indebtedness to historians of other fields. Periodization, such as the identification of revolutionary breaks in style, taste, and institutional structure, has, he says, been among the standard tools of historians of literature, music, the arts and political development. Kuhn's main claim to originality consists, in his own view, of having applied this concept to the sciences—an area of human activity which had been widely thought to develop in a different way. Notwithstanding his thesis, however, Kuhn acknowledges that science is distinguished by the relative scarcity of its competing schools, by the extent to which the members of a scientific community provide the only judges and audience for the work done, and by the peculiar puzzle-solving nature of scientific education.[32]

The large and complex legal community bears little resemblance to Kuhn's specialized scientific community, and its activities are of course entirely different. Scientists attempt to account for the basic phenomena of nature by general theories, while lawyers (in the widest sense) attempt to explain *and* manipulate a relatively narrow range of social phenomena which they describe as "legal". Although scientists give incidental guidance to each other—Kuhn's theory, for instance, is normative as well as descriptive[33]—scientific activity largely lacks the normative dimension possessed by legal activity; the scientist takes the basic structure of the universe as given, while the lawyer is necessarily concerned with social change and action. This is not to say that the universe can be objectively described by the scientist without distortion and reliance on subjective theories, but there is still an enormous difference between the scientist's interpretation of the world and a lawyer's interpretation of legal data.

Kuhn's concept of paradigm (in both the first and the second sense), suitably adapted to the very different discipline of legal philosophy, provides a useful antidote to the myth that law is objective. It helps us to become aware that legal phenomena can be apprehended only by virtue of a paradigm that treats them as genuine. The legal problems to which they give rise and the solutions which they inspire depend entirely on the paradigm. On this view, the conventional wisdom is wrong in classifying legal data as if they were independent facts capable of being handled neutrally by legal value tools. The whole process of classification, we can now see, takes place within the ideological cocoon of the paradigm.

The normative corollary of this conclusion is that if a paradigm in Kuhn's second sense is no longer useful, it should be replaced by a new one. We can substitute "legal doctrine" for "science" and say that the early stages of legal doctrine correspond to the period of the pre-paradigm, the period of maturity to that of the paradigm, and the period of decay to that of the post-

[31] *Id.* at 354-55.
[32] *Supra* note 3, at 208-209.
[33] *Id.* at 207-208.

paradigm. We may then say that in the paradigm period of maturity, concrete case-solutions, employed as models or examples, replace legal rules as the basis for the solution of the remaining problems of normal legal doctrine. But this is true only on the assumption that in the period of maturity, legal doctrine has a living relation with moral and social phenomena corresponding to the meaningful relation of Kuhn's scientific paradigm with the phenomena of nature. The period of maturity of legal doctrine passes into that of decay when this relation is eroded by a growing number of anomalies which are brought to light by the concentrated, convergent development of legal doctrine.

But here the analogy breaks down. Unlike basic natural phenomena, which are assumed to be immutable, moral and social phenomena do not stand still; sooner or later they call for different normative responses. Hence, the anomalies that erode a legal paradigm do not exclusively, or even predominantly, result from the internal development of legal doctrine, but are mainly the result of changes in the external moral and social phenomena with which it deals. Consequently, a new paradigm is required to meet both the internal and the external anomalies of the post-paradigm period. It should be remembered that Kuhn's scientific revolution is a *gestalt* switch that wholly changes the previous "world-view", not merely a change within the ambit of normal science. Similarly, a legal revolution is, I suggest, not merely a change within the ambit of normal legal doctrine; it is a truly revolutionary change that transforms the very foundations of legal doctrine. In my view, such a revolution is what the current situation requires, but no legal revolution would be worth its salt if it merely adjusted legal doctrine to the world outside, to the prevailing ideology, without evaluating its merits.

## CONCLUSION

In conclusion, the myth of the stable state of law has its roots in the false belief that the world changes only incrementally, and that our conceptual apparatus is therefore good for all time, provided we learn to adjust it to these incremental changes. Man, like all living organisms, craves stability; he cannot deny change, but he does the next best thing and stabilizes it. This psychological bias is reinforced by the inevitable time lag between change itself and our perception that it has taken place. To a lawyer, law is stable; although it changes, it changes only incrementally and in accordance with its own criteria of lawful change. Law is order, and the very antithesis of discontinuous revolutionary change.

In my view, the stable state of law is an illusion; it is formally true, but substantially false. Law is only as stable as the society which it serves. To the lawyer, the formal stability of law is a necessary, and usually a sufficient condition of the stability of society. That it is a myth to cloak its underlying instability is a thought that does not normally cross his mind; he

has been taught that law is the cement of society. This dogma is enshrined in the prevailing ideology and is reinforced, whether or not he is conscious of it, by his self-interest. Being so conditioned, he cannot begin to grasp that fundamental social ills may not be amenable to legal cures and that social injustice springs from an underlying ideology that cannot be changed on its own terms. From this point of view, the stability of law may be an evil rather than a good, since it masks social instability and postpones the day of reckoning.

Law cannot be reformed from within; it must be reformed from without. This requires us to transcend the prevailing ideology and reassess the role which law ought to play in the light of a new paradigm. Ellul recognizes that such a transcendental change is required if man is to be saved from his gloomy prophecy, but by pointing the finger at technology he mis-identifies the villain.[34] I would like to draw a distinction between a revolutionary change in our "world-view" which replaces an old ideology with a new, and a truly transcendental change which transcends *all* ideologies. Such a change does not produce a super-ideology that will usher in Utopia; on the contrary, it opens our eyes to the temporal nature of all ideologies. We do not need a transcendental change to save the world from technology; all we need for that is another ideology that will develop it in less destructive ways. On the other hand, although social change for the better is possible on the temporal plane, only transcendental change is ultimate, for only such a change lifts us up to the ultimate paradigm. But here we reach the realm of the "mystical" where ordinary language loses its grip. In this realm, it no longer makes sense to speak of stability and instability, of change and changelessness, and of any other kind of duality, except in a parabolic fashion.

It would be inappropriate to conclude this very temporal paper on a high note of mysticism. So I will retrace my steps at least part of the way, and finish with a note written by D. H. Lawrence in 1925:

> I knew then, and I know now, it is no use trying to do anything—I speak only for myself—publicly. It is no use trying merely to modify present forms. The whole great form of our era will have to go. And nothing will really send it down but the new shoots of life springing up and slowly bursting the foundations. And one can do nothing, but fight tooth and nail to defend the new shoots of life from being crushed out, and let them grow. We can't make life. We can but fight for the life that grows in us.[35]

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[34] *Supra* note 4, at xxxiii.

[35] Quoted in The Times (London), Feb. 17, 1975, at 5 (a profile of F. R. Leavis).