AN ANALYSIS AND CRITICISM OF THE SOCIAL
CONTRACT THEORY OF POLITICAL OBLIGATION.

by

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It was not without reason that Hobhouse, who wrote his criticism, "The Metaphysical Theory of the State", during the first world war, declared that sociological reflection is generally stimulated by an experience of some social evil. Scarcely more than twenty years have passed and the nations are again at war. The following study in political philosophy has been undertaken in the consciousness of the present world conflict. The external relationships of a nation are directly related to its internal social life, for, as Laski has observed, what the state is in its internal relationships so also is it in its relationships with other states. Questions relating to the war, if pursued, carry us back to an investigation of the nature of states themselves.

Such questioning of the foundations of political society was undertaken by thinkers of the seventeenth and eighteenth centuries, and they attempted to give an answer in terms of the theory of the social contract. Our investigation carries us back to the original works of the outstanding writers of that period. Hobbes argued that the nature of the state could be ex-
pressed in an organic analogy, the Leviathan, whose power was the result of a contract made by each member of society with every other. Locke interpreted Hobbes' theory in such a way that it could be used as a bulwark of parliamentary government. Spinoza, who considered the state to be an integral part of universal nature, did not make use of the notion of contract, but declared that the state was a combination of the powers of the individuals. Rousseau attempted to use the concept of "contract" to explain away the loss of freedom in political society. An examination of the political philosophies of T.H. Green and Bernard Bosanquet, two political idealists of the nineteenth century, presents a fresh point of view from which to estimate the worth of the social contract theory. The philosophies of Green and Bosanquet in turn receive correction at the hands of two modern writers, Hobhouse and Laski. Our study throughout brings us in contact with the minds of men who have been leaders in the political thought of their age and prepares us to evaluate in the concluding sections of our survey, from a truly philosophical point of view, the theory that political obligation is based upon a social contract.
CHAPTER I.

THE SOCIAL CONTRACT THEORY IN THE POLITICAL PHILOSOPHY OF THOMAS HOBBES.
CHAPTER I: THE SOCIAL CONTRACT THEORY IN THE
POLITICAL PHILOSOPHY OF THOMAS HOBES

The work of any social Philosopher
is better understood when it is considered in the light
of the times in which he lived and wrote. This is especially
ture of Thomas Hobbes who, although he was an original thinker
of the first order, was nevertheless profoundly influenced
in his thought by the current philosophical views and
the political circumstances of his age. In order to
have an understanding of his great treatise the "Leviathan",
which is here our concern, it is necessary first to take
brief notice of some of the characteristics of the period
in which Hobbes lived.

Hobbes developed his philosophy during
the thirty years war - a period which plunged Europe into
chaos and confusion. The troubled international situation,
moreover was rivalled in confusion by the turbulent condition
of revolutionary England. These factors were among the most
important determinants of the form which Hobbes' political
philosophy took, and of the point of view which he adopted.
The prevalence of strife both abroad and at home impressed
him with the need for order. His overpowering conviction was
that some force, some device of government was required
to check man's ever present tendency to war.

The intellectual environment in Hobbes' day
was as confused as the social scene. Just as the authority of pope and king had been undermined in the political sphere, the tradition of intellectual authority in the Middle Ages had been undermined in the Reformation. New ideas were in process of development everywhere and from these new trends of thought Hobbes drew the preconceptions of his political philosophy. The revolution in physics, again, had given matter a new status. From the time of Galileo on, Europe was to take "Matter" seriously. Descartes discoveries in mathematics gave rationalism and the deductive method a new interpretation and a new prestige. The atomic theory of Democritus had been reviewed by Gassendi. The discovery of the Americas not only pushed back the horizons of geography, but revealed also primitive societies, and suggested the conception of a state of nature, antecedent even to early civilization. Hobbes wrote with an awareness of these advances in human inquiry. In his own philosophical system he built them into a framework to support a new conception of man in society.

Hobbes' basic methodological principle was that the political commonwealth should be thought of as an "artificial animal", a great Leviathan made on the pattern of man. Man is both the matter and the maker of this Leviathan. To understand fully Hobbes' conception of the commonwealth we must consider with him the following four questions:

(1) What is the nature of man, the atom of the structure.
(2) How is the origin of the commonwealth to be understood.
(3) What are the characteristics of the commonwealth.
(4) What is the relation of his conception of a commonwealth to a Christian Commonwealth and what Hobbes calls the "kingdom of darkness".

The description of the "Leviathan" provides Hobbes' answer to these four questions.

I. THE NATURE OF MAN.

Hobbes attempts to answer the first question concerning the nature of man, by means of an introspective technique. He assumes a fundamental similarity in men and from this assumption he concludes that an examination of his own person will provide a model of humanity in general. This knowledge of man is essential to anyone who would rule and Hobbes undertakes his exposition of human psychology with the practical hope that his explanation will lead to sounder and more just government.

Hobbes observes that Aristotle regarded the phenomenon of sensation as the result of "species" of the thing perceived entering the mind. This view he replaced by an account of sensation in terms of mass in motion. Sensation, or sense to use Hobbes' term, is caused by objects outside of us pressing on the appropriate organ of the body. This pressure which may be either mediate or immediate, sets up a counter pressure in the brain and heart. The counter pressure is directed outwards and seems to refer to some matter outside.
This "seeming" is called "sense." It is the original of all thoughts. Thought may further be defined as "representations" or "appearances" produced in the mind by objects outside the body.

Imagination is decaying sense. Just as a body in motion tends to stay in motion, so the motions causing sense to linger on are called imagination. The decay occurs in the same way as the light of the stars fades before the brighter light of the sun. Decay increases in direct proportion to the time elapsing after the first impression. Imagination or memory furthermore, may be simple or compound, the former when it involves a single idea, and the latter when it concerns a number of ideas. When it occurs in sleep imagination takes the form of dreams. Dreams are to be explained in terms of physiological causes.

Mental discourse Hobbes goes on, consists of a train of imaginations. This train is not a chance impression but proceeds according to the order of the original impressions. Hobbes seems to abandon his strict determinism when he claims that imaginations, which he has declared follow one another in the mind in the order of their first impression, may be ordered by design. This ordering of past impressions according to design is the essence of prudence, for prudence is the process of looking back at past experience and then seeing the future in the light of that experience. Because each imagination is finite, and because these finite imaginations
are the basis of all conceptions, there can be no conception of the infinite.

The most noble and useful of all man's inventions, Hobbes asserts is speech. The art of speech provides signs by which man can signify the relations of cause and effect. It enables me to counsel and teach each other and to make others know their wills and desires. It provides, further, Hobbes points out, the most interesting form of play. But in contrast to these legitimate uses of speech, he says, there are many common abuses. Speech is abused when the same word is used to signify different things, when metaphors are used to deceive, when words are used to conceal the desires of the will, or to grieve others. Much confusion arises in thought, Hobbes goes on to say, when things are regarded as universal. Actually, only names are universal. It is because words, whether universal names or particular terms, are so powerful, that they must be used with extreme care. A chain of reasoning that does not start with clear definitions may be worse than useless, it may be dangerous.

Reason, the exposition proceeds, is the addition and subtraction of thoughts. Right reason is addition and subtraction done correctly without any unjustified assumptions. Errors arise with mistakes in conjecture, and absurdity comes from false inferences in reasoning. Hobbes lists seven sources of absurdity. We need not remark upon them in detail, but may take notice of
his major contention that the dominant cause of all absurdity in the use of words is the misapplication of names. If men would use their words carefully and pay attention to the rules of correct speech, he says, they would be able to reason as logically on all subjects as they do in geometry.

Prudence, Hobbes has already indicated, is gained from experience. He further observes that it differs from reason or science in its failure to organize its materials systematically. Reason is prudence with the addition of the industry required to organize experience in such a way that the dependence of one fact upon another can be seen. When experience is organized in this way it is science. The effectiveness of the scientific approach to the world, as opposed to the authoritarian approach involving the acceptance of the opinions of ancient authors, can be easily demonstrated by the fact that men use the scientific procedure in handling their personal affairs, while they use the authoritarian or literary approach in advising others.

The passions or emotions, Hobbes proceeds, continuing to elaborate on the nature of man, are the interior beginnings of voluntary motions. Strictly speaking these

(1) The democratic tradition, of which Hobbes is an important forerunner, has often been accused of assuming that men are more rational than is actually the case. Hobbes was well aware of the weaknesses in men's reasoning. While
interior beginnings or motions might be further explained in motions outside the body, for imagination is the first beginning of voluntary motion, and, as we have observed, it is also the lingering effect of external motions. Voluntary external motions such as "to go" or "to speak" start from imaginations, and while still unexpressed overtly, are known as "endeavours". Endeavours are of two kinds, endeavour towards something, and endeavour away from something. The first type is called love, desire or appetite; and the object of our love or desire is termed "good". The second type, endeavour away from something is hate or aversion; and the object of hate is termed evil. The terms "love" and "hate" are names for the basic fact in many phases of experience, such as pleasure, fear, pain and so on.

The sum total of all desires, hopes, aversions and fears associated with a given question, it is further established, is called "deliberation". Deliberation ends when the act takes place. The last act of appetite or aversion adhering to the action is called the will. The conception of the will, Hobbes says, has often been confused with mere inclination. On the other hand, the Schools defined will as a "rational appetite." This definition would allow no act of will to be in conflict with reason. According to Hobbes definitions of will and reason observed above, the

he held that men are all equally endowed with intelligence, he explained their apparent differences on the basis of the different direction given to men's interests by their passions.
schoolmen's definition is self contradictory.

Proceeding to another question, that of the ends or resolutions of discourse, Hobbes declares that four important concepts are to be defined. These are "opinion", "judgment", "doubt" and "belief". The end or resolution of a chain of discourse, it is first to be explained, is the point where the discourse is broken off. The anticipation of the future course of the discourse is an "opinion", while the last opinion in a chain or argument is a "judgment". The chain itself with its assertions and contradictions may be called "doubt". All knowledge of fact except the original sense experience is open to doubt and there is no absolute knowledge except at the time of the original event. Science is simply the correct arrangement of a chain of conditional propositions, whereas "belief", which does not begin with facts and definitions, is the assumption that opinions are true. Hobbes is careful to point out that our beliefs are always directed to the opinions of someone, and thus, he says, if we question Livy's saying that God made a cow speak, we are doubting Livy not

(2) From the assertion that there is no absolute knowledge except at the time of the event, it follows that all scientific knowledge is inferential. It might be observed that, from the modern point of view, the isolated sense experience could not properly be called knowledge.
The concept of power, to a discussion of which Hobbes now turns, is central in the psychology of the "Leviathan". It is a concept which explains not only the petty desires of individuals, but also the great movements of history, including wars and the rise and fall of kings. Power in men may be native or acquired, but the greatest power is that which is acquired by the unity of men in the commonwealth. So far as the individual is concerned riches, reputation, popularity, success, affability, nobility, eloquence, beauty and science are to be desired because they minister to man's desire for power. The worth or value of a man is not to be decided on metaphysical or sentimental grounds, but on the basis of his "sale price", the amount that would be given for his power. Dignity is the public worth of a man and consists in the respect a man is shown by others. True worthiness, on the other hand, is fitness for that for which he is said to be worthy.

It is the overmastering desire for power in men that makes a problem of manners. Manners are not, Hobbes insists, petty morals, but the qualities required by men living with one another in peace and concord. The happy life is one in which the individual progressively obtains the objects of his desire. Although the dominant desire for power leads to contention and strife, other
human passions have a more social result. Love of ease, fear of death and wounds, love of the arts of peace and fear of oppression, all constrain men to civil obedience. It is further to be observed that hate rises from the feeling of inferiority produced by receiving gifts one cannot repay. From this observation it might be expected, Hobbes says, that a subject would hate his sovereign. We shall see later that he has much more to say with regard to this last possibility.

Hobbes was careful to note the bearing of ignorance on morality. Ignorance causes men to rely on the advice of others, rather than on their own good judgment and prevents them from seeing the causal sequence in events. Again it renders them incapable of determining who are the true initiators of action in human affairs and so makes them susceptible to the sway of demagogues. Ignorance of causes and of the original constitution of right and wrong, makes men rely on custom - a childish form of behaviour which is well evidenced in the recourse of lawyers to "legal precedents". But custom is challenged by the authority of reason and when this occurs a clash arises in the commonwealth, between thoughtful men and conventionalists. Hobbes' final observation with regard to the effects of ignorance is that ignorance is apt to make men emphasize immediate as opposed to secondary causes - as when an individual
blames a tax-collector for the taxes made necessary by the very existence of the social community. All in all, Hobbes holds, ignorance presents one of the greatest problems with which the commonwealth has to cope.

Hobbes has often been accused of timidity, but his reflections on the subject of religion, to which he next turns, were daring for his day. The four roots of religion, he says, are grounded in ignorance and fear. Religion may arise from the notion that there are ghosts, from men's ignorance of secondary causes, from devotion to the things that other men fear, and from mistaking casual events as a basis of prediction for the future. Hobbes does concede to the idea of God a somewhat loftier origin, for this idea he admits arises from the search for a first cause. The polytheism of the heathen, he explains, is the result of a failure to follow the causal series to its source.

There are two sorts of religion, says Hobbes, the religion of revelation, and the religion of men. The religion of Abraham, Moses and Christ belongs to the first class; the religion of gentiles, to the second. The religion of men, he explains, is an instrument of government used to make men obedient. Hobbes is unwilling to deviate from the traditional view in his analysis of the religion of revelation and the way in which he harmonizes this concept with the naturalistic psychology and his
theory of government, is an interesting question which will receive due consideration at the end of this chapter.

3. THE ORIGIN OF THE COMMONWEALTH.

The Natural Condition of Mankind.

The natural condition of mankind is savagery, a state in which every man is at war with every other. Hobbes does not think that any such condition ever existed universally although he suggests that the American savages are one example of the state of nature and the kings and princess of Europe another. The condition of war of every man against every other man arises, he explains, as a result of nature having endowed all men with equal mental capacity. In support of this theory

(3) Modern anthropology would not justify his statement concerning the existence of the state among American Indians, but one is inclined to feel that his reflection upon European international affairs would be as true in the twentieth century as it was in the seventeenth. Although we must reject the notion of the state of nature as an unfounded speculation of the seventeenth century this does not seriously disturb Hobbes' argument. His point is that without an order giving authority there would be just such a state of war. This conception is a logical development of his psychology, and it is the logical antecedent of any conception of society which demands a strong central power as the condition of order.
of equality of mental endowments, Hobbes puts forward the specious argument that intellectual argument must be equal since each individual is satisfied with his own share of it. We might criticize this reasoning but as far as Hobbes' subsequent considerations are concerned the important point is not that men actually are equal, but that they invariably think they are equal in mental capacity.

Because men think they are equal they are unrestrained in their competition for objects of common desire. In such a competitive society no man feels secure until he has mastered all his possible opponents. Added to this prevalent insecurity is the ever present desire for power and glory. The result is actual strife or constant anticipation of strife, that is, the condition of war where every man is enemy to every man. When such a condition prevails, there can be no industry, no cultivation, no navigation, no building, no knowledge, no arts, no letters, no society. In such circumstances, again, there is constant fear of danger and death, and the life of man, Hobbes affirms, is "solitary, poor, nasty, brutish, and short." From such a condition, of course, (4) Hobbes' own conception of the fundamental egocentricity of man would be a better explanation of this apparent satisfaction of each with his own endowment than the theory of equality.

(5) Hobbes, Thomas, "The English Works of Thomas
men naturally turn away, for they fear death and desire to live comfortably. Reason suggests to them convenient articles of peace, a truce is signed and finally the commonwealth is established. The fundamental right of nature is the liberty of self preservation, or the liberty each man has to everything. In contrast to this, the perception of a law of nature is the discovery by reason that one ought not to perform any act contrary to his "natural right".

**The Laws of Nature.**

On this basis it is the general rule of reason that "Every man ought to endeavour peace as far as he has hope of obtaining it; and when he cannot obtain it, that he may seek, and use, all helps, and advantages of war." This rule contains the first law of nature, which is, "To seek peace and follow it," and the sum of the right of


6. Hobbes' conception of a law of nature which he introduces here, differs, both from the legal and from the scientific concept of law. The legal view regards the law as the fiat of the sovereign. The scientific view, on the other hand regards a law as an observed uniformity of nature. In contrast to both of these, the laws of nature in Hobbes' philosophy, have a rational basis which gives them much the same status as the dictates of the hypothetical imperative in the Kantian ethical system.

8. Ibid. p. 117
nature, which is, "by all means we can to defend ourselves." From the first law of nature is derived the second law, "That a man be willing when others are too, as far-forth, as for peace, and defence of himself he shall think it necessary, to lay down this right to all things, and be contented with so much liberty against other men as he will allow other men against himself." This law is the basis of the social contract. For to lay down a right is to divest oneself of a liberty either by renouncing it or transferring it to another. No one ever lays down anything except with the hope of attaining some good for himself, and in a contract one party promises something to the other party with the hope of gaining something in return. Even in the case of a free gift the giver hopes to gain friendship or goodwill in return. A contract may be defined, then, as the mutual transferring of a right. Now men may contract to perform the terms of their contract at some time after the contract was made. Such a contract is known as a covenant. In a covenant the right passes at the time the contract is made, regardless of the fact that the actual performance of the terms may not be required until some time in the future.

The signs of a contract may be words or inferences. Words are the express signs of a contract and


(10) Ibid, P. 118.
may call for the fulfillment of the contract at any time. An inference may be an unexpressed or indirect sign of a contract if it adequately represents the will of the contractor. Covenants, Hobbes goes on, are only binding when there is a power present that is able to overawe all the contracting parties. Covenants might be made in a state of nature, but they would be covenants of mutual trust and would be void upon suspicion of a breach of trust. Covenants that violate the law of nature, further, are void. The term of agreement of a covenant must be within the power of the covenanter, for it is not permissible in a covenant to promise the impossible, but if such a covenant is made the covenant endures at the original value of the terms. Covenants in which one agrees not to defend himself, or to confess without assurance of pardon, are void because they violate the right of nature which justifies self preservation. Hobbes also observes that the right to any end also includes the right to the appropriate means. For example, the sale of a water mill transfers also the water rights of the adjacent stream and the right to govern includes the right to levy taxes to support the administration.

There are two characteristics of man's nature that help to bind the parties of a covenant. One of these, which Hobbes feels is not to be counted on, is that men take pride in appearing not to break their word.
The other bond conducive to the keeping of covenants is a much stronger one, springing as it does from the fear of the consequences of covenant breaking. This fear of consequences may be reinforced by an oath sworn before God, although such an oath actually adds nothing to the obligation. The sure support for all covenants is the existence of a power strong enough to overawe both parties and to compel them to keep their word.

From the second law of nature, urging willingness to sacrifice for peace, Hobbes derives his third law, which we need only take notice of here. It demands "that men perform their covenants made".

It is only after the covenant has been agreed upon that justice means anything in society. Where there is no covenant there is no justice for, as has already been indicated, in the absence of a covenant a state of war exists and everyone has a right to everything. In such a condition, likewise, there is no such thing as injustice, for the term "justice" is meaningful only when covenants are drawn up and made secure, and covenants are made secure only by the institution of sovereign power, that is by the institution of the commonwealth. Justice, in the medieval sense as "the constant will of giving to every man his own," does not exist until the commonwealth

(14) Ibid P. 131.
is established for there is no "own" in a state of war.

In every age, Hobbes says, there have been men who have argued that justice is contrary to reason. This is obviously false for reason is the instrument of self preservation and justice is the reasonable method of self preservation. Even in a condition of war allies are necessary, and to hold them it is necessary to keep covenant with them. Rebellion is a large-scale breaking of the covenant; consequently, it is, against reason. The fact that rebellions are seldom successful and that each rebellion sows the seeds for further rebellion emphasizes their unreasonableness. Some would disregard this fact and appeal to the hope of happiness after death in support of rebellion. Hobbes points out that such people are acting on mere hearsay, and are not being truly rational.

A further examination of the conditions in which men live at peace with one another leads to the establishment of further laws of nature. Those which follow the three previously noted, are briefly:

4. Gratitude. See that your benefactor has no reason to repent of his goodwill.

5. Complaisance. Everyone must strive to accommodate himself to the rest, that is, be sociable.

6. Pardon. Pardon or peace should be granted to those who ask it in order that peace may be maintained in the future.
7. Revenge. Revenge is to be taken in the light of the future good and not of the past evil. Punishments are for the correction of the offender and the direction of others.

8. Do not declare hate of another by deed, word, countenance or gesture.

9. Acknowledge every other man as your equal by nature. The equality of men in nature has already been demonstrated and to disregard that equality is offensive pride.

10. Do not demand any rights for yourself that you would not allow to others.

11. Deal equally with others, otherwise controversies arise that lead to war.

12. What cannot be divided must be enjoyed in common.

13. The first possession of what cannot be divided or enjoyed in common must be decided by lot.

14. There are two kinds of lot, arbitrary and natural. Arbitrary lot is effected through the agreement of the competitors, whereas natural lot is decided according to primogeniture or first seizure. From this it follows that what cannot be divided or enjoyed in common should fall to the first possessor as if by lot.

15. A mediator in any dispute should have safe conduct.

16. Parties to a controversy must submit to
arbitration in order that the possibility of peace may be furthered.

17. No man is a fit arbiter of his own cause.

18. No man is to be a judge who has in him a natural cause of partiality.

19. If there is no evidence to the contrary the witness of one man is equivalent to the witness of another and other witnesses should therefore be used.

These laws may be summarized in the negative statement of the golden rule, "Do not that to another which thou wouldst not have done to thyself." Without the assurance that others will put these laws into action no one is obliged to act upon them, although everyone is obliged to desire that they should be put into action. The laws of nature are eternal because war will never preserve life and peace will never destroy it.

Representation in the Commonwealth.

Turning more specifically to the subject of the political commonwealth, Hobbes takes up the question of the various roles of persons in society. He observes that a person may be one whose words and actions are his own, or one whose words and actions represent another man.

or thing. A person whose words and actions are his own is a "natural person" or "author". One whose words and actions are representative of the words and actions of another is an "artificial person" or "actor".

Authority is the right a man has to perform any particular act. An author is one who has the right of acting, or authority to act on his own behalf. He has the right of making covenants but he must accept the obligation imposed by the covenant. When he delegates his authority to an "actor" the author must accept responsibility for the actor's deeds. The actor must keep his covenant with the author by obedience to the author's instructions, and must show that he derives his authority from his master or author.

Some things may be given the status of persons and yet not have the right of being authors. Inanimate things and idols are in this class, though they may be actors in so far as they are instruments of government. Persons who are irrational, a class that includes children and madmen, cannot be authors except during periods when they have the use of their reason. Their "authorship" may be placed in the hands of a guardian but this transfer of power or authority necessitates a

(16) The latin word "persona" has always had a double meaning. It has never been clear whether the "persona" of the drama was the actor himself or the role he played.
civil power or commonwealth to protect the ward. Even the true God may be represented or "presented" as he has been by Moses, Christ and the Holy Ghost.

A multitude, Hobbes declares, is ordinarily not to be considered as one, but as many authors. With the consent of every individual in it, however, a multitude may be personated or represented by one man. This representative has authority by virtue of the fact and to the extent that each individual of the multitude as an author invests authority in him. The actor who represents the individuals of a multitude may be one man or a number of men. When the actor is a number of men, the voice of the majority of them rules. Because a representative assembly such as this would be, might be divided equally and its voice therefore become mute, it should be composed of an unequal number of individuals. If the power of veto is placed in the hands of one member of the assembly, the assembly's representative is made useless and the assembly is rendered ineffective.

The Social Contract.

The political commonwealth, Hobbes proceeds, is established by individuals for purposes of self preservation. Its creation is suggested by the natural laws already outlined. These laws are contrary to the natural passions of mankind and are mere words until they
have the support of the sword. The laws of nature might be supported in part by a few men banding together, but a small power serves only to call up a similar power in opposition. The only solution of the problem is the union of the whole multitude under one judgement and power.

Hobbes points out that the comparison of the commonwealth to the corporate life of the social insects is not sound, for men compete for dignity and honour in a way that bees and ants do not. Insects are so highly socialized that their private good corresponds to the common good; they are not critical, nor are they led away by the deceptions of words. The social insect agrees naturally with the others in the insect society, and is never offended as long as it is comfortable. Men on the other hand are most rebellious when life is easy for them. Under such circumstances they are able to agree only through mutual participation in a covenant. The only possible way to end the state of war that exists naturally among men, Hobbes declares, is to confer all power and strength on one man or assembly of men. All the conflicting wills of the multitude must be reduced to one will by giving authority to the plurality of voices. One individual, or possibly a small group of individuals, must be appointed as "person"; the rest must regard themselves as "authors" of what he does.
It is as if each man should say to every other man: "I authorize and give up my right of governing myself, to this man, or to this assembly of men, on this condition that thou give up thy right to him and authorize all his actions in like manner." When this is accomplished we have the commonwealth, "civitas", "state" or "Leviathan", and the "person" thus endowed with authority is "the essence of the commonwealth". Hobbes further states that he is, "one person, of whose acts a great multitude, by mutual covenants one with another, have made themselves every one the author to that end that he may use the strength and means of them all, as he shall think expedient for their peace and common defence." The individual, or assembly, appointed in this manner is the sovereign and has sovereign power over its subjects. Such sovereign power may be attained either by force or by mutual agreement. A commonwealth established by force is a commonwealth "by acquisition", while a commonwealth set up by agreement is a commonwealth "by institution".


(18) Ibid, P. 158.
3. THE NATURE OF THE COMMONWEALTH.

A. The Rights of the Sovereign.

The commonwealth, then is instituted when all agree and covenant that one individual or an assembly shall have the right to represent the person of them all. Hobbes goes on to say that the covenant involved in this agreement includes all who voted for it. Further, the rights which it places in the hands of the sovereign power are indivisible, for to renounce any one of them is to renounce the sovereign power.

Hobbes now lists thirteen "rights of the sovereign" which he considered to be the basis of the possibility of a commonwealth. We may summarize them briefly in the following manner.

(1) While the Covenant sets aside all the former obligations, the authors of the covenant have not the right to set up a new covenant. Whoever attempts to depose the sovereign and is banished is author of his own punishment because he is author of the sovereign's actions.

(2) There can be no breach of covenant on the part of the sovereign because he alone of all the members of the state was not a participant in it. No one can be exempted from his authority on the ground that the
sovereign has broken covenant, for it is impossible for
the sovereign, who is not a party to the covenant, to
transgress its terms.

(3) No one can with justice protest against the
surrender of authority to the sovereign, for such surrender
was made on a decision of the majority. Whoever does so
protest may be justly destroyed because he is attacking
the common preserver of the life of his fellow men.

(4) The sovereign can do no injustice because each
participant of the covenant is author of all that the
sovereign does. He who complains of injury is in effect
accusing himself.

(5) It follows (from observation 4) that no sovereign
can justly be put to death.

(6) The sovereign is judge of what is necessary to
the peace and defence of his subjects.

(7) The sovereign has the right and duty of censorship
in the commonwealth.

(8) It is the sovereign's right to make and publicize
rules of propriety.

(9) The sovereign has the right and duty of judicature.

(10) It is the sovereign's responsibility to make
war and peace.

(11) The sovereign alone is authorized to choose all
counsellors, ministers, magistrates and officers.

(12) It is the sovereign's right to reward and
punish according to the laws he has made. If no law
fitting the case exists, he must judge the case arbitrarily.

(13) The sovereign alone can create and make appoint-
ments to titles of honour.

The sovereign, then, is in all things supreme.
Before him both dignitaries and humble men are both equally
servants. To some, Hobbes says, it may seem that such
power is hurtful. But whoever thinks that, he points out,
needs only to consider the evils that result from the
absence of such power. Manifestly, the existence of a
sovereign lord is much the lesser evil.

The Kinds of Commonwealth.

Commonwealths may be classified, Hobbes
explains, according to the nature of the representative,
as monarchies, aristocracies and democracies. If, on the
other hand, commonwealths are classified according to
the nature of the dominion and power exercised in them,
they may be either paternal or despotical commonwealths.
Hobbes proceeds to evaluate the three kinds of common-
wealths from the standpoint of the nature of the represent-
ative. In a monarchy, of course, the representative is
a single individual. In an aristocracy, a number of
individuals are entrusted with the sovereign power, and
they jointly constitute the representative. Hobbes declares
that, since in a democracy the representative includes
everyone, the improvement over the state of nature is so significant that this form of government does not warrant discussion. He confines his subsequent investigations, therefore to monarchies and sovereign assemblies.

Both these forms of government, Hobbes says, involve some inconveniences. With regard to monarchies, it is to be observed that a monarch is also a man, and the passions of men are commonly more potent than his reason. Consequently, a man in power is often inclined to disregard the public good in pursuit of his private interest. Furthermore, a monarch receives power privately and this is a great advantage to the smooth direction of the affairs of the state. A sovereign assembly, on the other hand must hear advice as a body and its open discussion leads to disorder. Disadvantages common to both forms of government are the conflicts and inconsistencies that arise out of human nature, but the assembly has the further complication of numbers added to its troubles. Again, though the power to dispose an enemy and enrich a friend at will is only found in a monarchy, assemblies can more easily be seduced by orators. One of the chief disadvantages of a monarchy is the fact that the crown may pass to an infant or upon one who cannot distinguish good from evil. But even in this case the trouble that arises is to be blamed upon the contention of the subjects and not upon the form of government. Contention is not
avoided by establishing a limited monarchy, for even when a king is elected or his power limited by an assembly, disputes are liable to arise.

The right of succession gives an artificial eternity to the commonwealth, but it presents a great responsibility to the monarch whose duty it is to see that the commonwealth does not revert to a condition of war through lack of provision for the succession. The succession may pass on according to custom, or according to the direct word of the monarch, or even on the basis of his probable wish if he has not provided for his heir.

Commonwealths, Hobbes has observed, may also be classified as paternal or despotical. These differ mainly with regard to the way in which the existing form of the sovereignty is set up. The government of the commonwealth is paternal if its sovereign has acquired dominion by "generation", that is through hereditary right. It is despotical on the other hand, when sovereignty has been achieved through conquest. Hobbes contends that even in the despotical commonwealth, the conqueror may hold sway by the consent of the vanquished who covenant to obey him. In all commonwealths regardless of whether they are paternal or despotical the sovereign power ought to be absolute. Where it is not absolute, division and strife arise and men are confronted again by a condition
of war. Now the avoidance of war is the first duty of
the state, but, as has previously been established, war
can be avoided only when there exists a power strong enough
to control the warring factions and hence it follows that
absolute authority is indispensable.

The Liberty of Subjects.

Hobbes advances from this point, to a
consideration of the important subject of liberty. He
carries out his investigation of this question in strictly
material terms. His basis statement in this regard is
simply that liberty is the absence of external impediments
to motion. He does not take the discussion of liberty
beyond the assertion that it is to be defined in terms
of the lack of external opposition to a man's will. By
treating the question in this way he avoids the more
difficult question of liberty of the will. He himself
regards every act, including acts of will, as part of
a causal series. He points out somewhat tautologically,
in this connection, that the causal necessity would
always be apparent if we could but see the sequence of
causes and effect. But to proceed, we may observe that
Hobbes uses the term "liberty" to describe only actions
of desire that are unhindered by external opposition.
On this basis, liberty can coexist with fear, for fear
places no external opposition in the way of a man's
actions. Consequently actions done from fear of the law are actions the doer was at liberty to omit. In the discussion of this point Hobbes appears to contradict himself for he speaks of civil laws as artificial chains and the liberty of subjects as consisting in freedom from covenants. Covenants, however, do not bind men by external means but simply by the fear of the consequences of breaking trust.

In his discussion of the relation of sovereign and subject which he next takes up, Hobbes emphasizes the absolute power of the state. He has already pointed out that the sovereign can do no injustice to anyone because every subject is author of the sovereign's actions. From this observation it may be concluded that the liberty of the subject consists in the unlimited power, or liberty, of the sovereign. The individual, then, finds real liberty by surrendering up his natural freedom to the state or commonwealth. Even in Hobbes' commonwealth, however,

(19) Hobbes' interpretation of the absolute power of the sovereign may have been as welcome to the kings of the sixteenth century as it would be to the dictators of the twentieth. It seems to me that Hobbes has already undermined the strength of this theory by the previous distinction between author and actor. The author acts in his native right, but the actor has only a derived right granted by the author. The power of a representative in Hobbes' earlier discussion was a derived power. Now, however, he seems to attribute an absolute and underived power to the representative. He justifies this absolute power, of course, on the grounds that it is the means of
the subject has certain liberties which he cannot alienate. The most important of such liberties is that having to do with the defence of the body, for no one is bound to hurt himself or to make a confession without the assurance of a pardon. A subject in a commonwealth is not required to do any dangerous or dishonorable act, such as going to war, unless his refusal frustrates the will of the sovereign. Hobbes would allow an individual to refuse to serve in war provided that the individual substituted someone in his place. In peace time a subject has no right to resist the sword of his sovereign because such resistance robs the sovereign of his means of keeping order. The subject is obliged to do the will of the sovereign as long as the sovereign's power lasts, that is as long as the existing sovereignty endures.

The Purpose, Machinery and Preservation of the Commonwealth.

Hobbes has emphasized over and over again that the purpose of a commonwealth is to maintain order, he.
proceeds now to establish the more positive conception that the commonwealth is to make provision for nutrition. That is to say, it is the task of the commonwealth to arrange for the production and distribution of materials. The task of production in Hobbes' day was regarded largely as the work of nature, hence Hobbes gives more thought to the question of distribution. From the observation that, for the sovereign, the public good is identical with his own private interest it follows that all the sovereign's actions will be guided by his desire for the common peace and security of his subjects. The sovereign's first duty is the distribution of land, a task which, in keeping with his power, he ought to perform according to his own and not his subjects idea of equity. Hobbes takes care that there will be no chance for any lesser power to grow up within the state and overthrow it, by attributing to the sovereign the rights of regulating foreign trade, making trade laws and controlling currency. Through the proper execution of these duties and the encouragement of industry the sovereign nourishes the life of the commonwealth.

The machinery of the commonwealth includes

(20) In this connection it would be unfair to Hobbes to suggest that he did not realize how human weaknesses might misguide the sovereign just as they do other men. Hobbes was not planning a utopia, and he always justifies his system on the basis of the evils it avoids rather than the good it produces.
the state's "systems", the ministers of the state, and
the state's legal apparatus. Hobbes' conception of "system"
is similar to the modern notion of an association. A
"system" is a social unit composed of any number of men
joined together in the pursuit of any interest or business.
Systems may be classified as regular or as irregular. A
regular system is one in which one man or an assembly
of men represents the members of the system. Regular
systems may be absolute and independent, as in the case
of a commonwealth; or they may be dependent, as in the
case when a representative is himself a subject of the
commonwealth. Dependent regular systems may be political
or private. A political system of this kind would be
one that is made by the authority of the sovereign, for
example, a department of the state. Private dependent
regular systems are either lawful or unlawful. In both
cases they are organized either by the subjects of a
commonwealth or by strangers. It is enough to say with
regard to the irregular system that it corresponds to
the notion of the crowd or mob.

The representative or executive of a system
is always limited in power by the absolute sovereign or
absolute representative. The visible signs of this
limitation are the common law and the special letters
establishing the system in question. Thus the members
of the system are protected, for in any case where the
representative goes beyond the authority signified in the law and the "letters patent", the responsibility falls on the representative, and not on the members. Hobbes is careful to emphasize the importance of maintaining a strong central power against the inroads of all powers that might divide it. For this reason all private bodies are considered unlawful when they have not been granted public authority. Leagues of subjects within a commonwealth and factions of government within a sovereign assembly are illegal because they present a threat to the existence of the commonwealth.

Hobbes describes a public minister as one who is employed to act as a representative of the commonwealth. His power is derived from the commission of the sovereign. Some ministers may be general advisers of the sovereign, while others may have specific assignments, such as the treasury or judicature, in their care.

At this point, Hobbes returns to the discussion of laws, but he considers them now as they are found in civil society. Civil laws, unlike the laws of nature, are commands, and the subject is bound to obey them. The laws of nature, as has been suggested before, are not "commands" but "qualities" that dispose a man to peace. They are, however, the basis of civil law and provide that portion of common law that is dictated by nature as well as by the sovereign's command. The sovereign's
peculiar position outside the covenant and his authoritative office place him beyond the reach of the civil law. Hobbes points out that to give a sovereign a position subordinate to his own laws or to the dictates of custom would be to limit his freedom and to deny his sovereignty. Nevertheless a true sovereign will obey the laws of nature, not because of any compulsion, but out of deference to reason. The sovereign is above the law and no other body, no assembly or parliament, has the authority to limit his power. If an assembly does limit the sovereign's will the assembly will become the true sovereign.

It is an ancient legal principle that ignorance is no excuse for breaking the law. Hobbes disagrees with this principle when it is applied to civil law, but he does agree that ignorance is no excuse for breaking the laws of nature because these laws are evident to everyone. Ignorance of the laws, he says constitutes a serious threat to the safety of the commonwealth and it is requisite, therefore, that the sovereign shall publish the laws and make their authority clear.

The conception of sin must often have been confused with the conception of crime in Hobbes' puritanical age. In his discussion of crime, Hobbes distinguishes between crime and sin on the ground that the term "sin" can properly be applied to intentions,
but crimes are only concerned with overt acts. Crimes are overt actions directed to the destruction of the commonwealth. In a state of nature, therefore, there was no such thing as crime; but with the institution of the commonwealth and the laying down of laws, crimes can be detected and punishments inflicted.

Hobbes does not base the right to punish on any covenant, for a covenant that gives another the right to inflict pain on one's own person is against a law of nature and consequently void. The right to punish, rather, is based on the fact that the sovereign did not enter into the covenant, and as a result retains the right of nature to all things. The sovereign alone retains complete freedom and power, and upon him rests the responsibility of maintaining order by inflicting punishments upon criminals.

Hobbes has been proceeding in his discussion of the various characteristics of the commonwealth with the thought of those things that weaken the sovereign power always in his mind. As he considers the topic of the preservation of the commonwealth specifically he deals with those ideals and practices that drain away the strength of the Leviathan from within. A commonwealth, he says, may begin its life with feeble strength. The sovereign in his anxiety to gain some power may be satisfied with less than absolute power. The situation
where the sovereign has less than absolute power is the most serious threat to the state, and any doctrine or action that seems to point in that direction ought to be suppressed at once. Among such doctrines are first, the notion that the sovereign power may be divided; second, the belief that the sovereign is subject to the civil law, and finally, the notion that every man has an absolute right to his own goods. The stability of the commonwealth, Hobbes goes on to say, is weakened by imported doctrines that fill men's minds with the desire to imitate either their neighbours, the Greeks, or the Romans in their form of government. Among the practices that undermine a state from within are the collections of power in the hands of any person other than the sovereign. When popular leaders organize large followings, or monopolies collect large sums of money, or large towns or corporations band themselves strongly together, the sovereign power is threatened from within the commonwealth itself. This threat from within can lead to the destruction of the state as quickly as external defeat in war.

Although Hobbes has consistently placed his emphasis on the order-giving function of the commonwealth, and the need for maintaining the "status quo", he suggests a more important role for the sovereign than that of being merely the policemen of the state.
As he proceeds to outline the duty of the sovereign's office, he points out that the sovereign's duty includes not only the maintenance of the security of his subjects, but in addition to this all other legitimate activities that promote the general welfare of the commonwealth. He has already indicated the various legal and administrative duties of the sovereign, and here he reiterates these duties and extends them to include responsibility for what might well be called social service. The sovereign's educational function is mainly confined to the propagation of views that consolidate the commonwealth. Hobbes stresses particularly that the sovereign should make provision for teaching the basic rights of subject and sovereign, giving information concerning the danger of popular leaders and reformers who undermine the power of the sovereign. A body of destitute or idle men constitutes a serious threat to the state, and Hobbes declares that it is the sovereign's duty to see that destitute men should be publicly cared for, and idle men encouraged and even forced to work. He may sum up his conception of the function of the sovereign by noting that, as the affairs of all his subjects are his own personal concern he ought to exercise the same watchful care over all the life of the commonwealth as a wise and industrious citizen would over his own personal interests.
43.

44. THE RELATION OF THE COMMONWEALTH TO RELIGIOUS CONCEPTIONS

In his discussion of a "Christian Commonwealth" and the "Kingdom of Darkness", Hobbes attempts to correct and reinterpret the dominant religious conceptions of his day in such a way as to win the support of religion for his own political philosophy. Both on the continent and in England he had seen how bitterly men will fight for their religious convictions. He saw that no commonwealth could endure if it was divided by uncompromising religious parties. In the concluding portion of the "Leviathan" he devotes himself to the impressive task of culling from the Christian tradition the teachings and practices that could not be harmonized with his conception of the absolute power of the sovereign. We need not here be concerned in great detail with his views on these matters. It is sufficient for our present purposes to indicate how he treated one or two of the major controversial questions of religious thought which have a direct bearing on his political philosophy.

Hobbes agrees with the preponderance of religious writers in their view that man's duty to God is to worship Him. Worship, or showing honour to God, he says, is of two kinds, internal and external. Internal worship is the inward thought of the worshipper, but
external worship consists of outward acts that symbolise the inward attitude. This subjective interpretation made it possible for Hobbes to rationalize the absolute authority of the sovereign over all worshippers. He claims that there is no inconsistency in a subject fulfilling the demands of a sovereign in his outward acts when these acts contradict his religious convictions. Thus there would have been no inconsistency in Christians sacrificing to the Roman emperor as long as they maintained within themselves true allegiance to God.

Man's knowledge of God's will, Hobbes says, is from two sources, reason and revelation. Hobbes is quite sure that the conclusions of reason dictate to men the will of God, and that a Christian can feel confident when led by his reason that he is following the divine will. On the other hand, he asks, while the assurance of revelation is not to be doubted, how is a man to know that he is not being deceived when a prophet tells him of a revelation of God. In the days of the Old Testament the authenticity of a prophet was tested either by his conformance to the Law of Moses or by his exhibition of miracles. Hobbes is willing to accept the testimony of scripture as the word of God but points out that the argument based on miracles is no longer valid because miracles have apparently ceased. In cases where Scripture and reason seem to us to conflict we are not to doubt
scripture, nor to try and make it seem reasonable, but we are simply to accept the words at the command of the lawfully constituted authority.

Hobbes points out that the Kingdom of God has been misinterpreted by some divines who have said it referred to the future life. This, he claims, is not a Scriptural interpretation for Scripture refers to the Kingdom of God as a civil kingdom. If the Kingdom of God had referred to eternal felicity in another world, why has there been so much dispute about who the representative of the kingdom is? Hobbes traces the notion of the Kingdom of God through the Scripture in order to show that it is the equivalent to God's sovereignty over a people. Now the most reasonable form of civil government has been outlined in Hobbes' discussion of the commonwealth or Leviathan, and in this government there is but one sovereign power whom we ought to regard as God's representative. For any group of individuals to band themselves together in the commonwealth and to declare themselves the sole representatives of God is prohibited in Hobbes' view of things. There is in his system no place for any except the authorized church, and that church is regarded as a subordinate department under the rule of the sovereign. Hobbes expresses this well when he says:

'Temporal and spiritual' government are but two words brought into the world, to make men see double, and mistake their
'lawful sovereign'. It is true that the bodies of the faithful, after the resurrection, shall be not only spiritual, but eternal; but in this life they are gross and corruptible. There is therefore no other government in this life, neither of state, nor religion, but temporal; no teaching of any doctrine, lawful to any subject, which the governor both of the state, and of the religion forbiddeth to be taught. And that governor must be one; or else there must needs follow faction and civil war in the commonwealth, between the 'church' and 'State'; between 'spiritualists' and 'temporalists'; between 'the sword of justice' and the 'shield of faith'; and, which is more, in every Christian man's own breast, between the 'Christian' and the 'man'.

In discussing the Kingdom of Darkness Hobbes is chiefly attacking the Roman Catholic Church. He points out that we can safely assume that the authors of darkness and ignorance will be those persons who receive the benefit from that darkness. The causes of darkness are four in number, the most important of which is misinterpretation of Scripture. Perhaps the most serious Scriptural misinterpretation, Hobbes says, has been that the Church is the Kingdom of God on earth. He points to the belief in demons and ghosts as another force that has corrupted the light of religion. Empty and erroneous philosophy has entered the Christian religion from the Greeks,

(21) Hobbes, op. cit. P.

(22) Hobbes' opposition to the Roman Catholic Church as he expressed in the Leviathan roused the anger of French Catholics, and he was compelled to return to England from his exile in France.
and shrouded believer's minds in darkness. Finally, he says, men have misinterpreted history and darkened our knowledge of the past.
CHAPTER II.

AN EXPOSITION OF JOHN LOCKE'S "TWO TREATISES OF GOVERNMENT".
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"TWO TREATISES OF GOVERNMENT."

I. A CRITICISM OF SIR ROBERT FILMER'S PRINCIPLES
OF GOVERNMENT.

Locke introduces his theory of civil
government by focussing his own mind upon the obscure
and confused theory of absolute monarchy as it was
presented by Sir Robert Filmer in his "Patriarcha".
Locke's criticism of Filmer's exposition is as cutting
as the philosopher's keen mind could make it. Filmer,
it appears had not only advocated in his "Patriarcha"
a theory that runs counter to Locke's own political view,
but he has also committed the unbearable offence of
presenting a treatise that was in many respects vague and
irrational. Locke reduces Filmer's argument to its
simplest form, which may be expressed in the following
manner;

(1) No man is born free and therefore a man never
has the liberty to choose either his governor or
form of government.

(2) Princes: hold absolute power by divine right,
because slaves could never have the right to
set up a government by compact or common consent.
(3) Because Adam was an absolute monarch, all princes—since the time of Adam are also absolute. It is apparent that neither scripture nor reason support these arguments, and Locke proceeds in the chapters of his first treatise to refute this spurious argument for slavery.

Filmer, Locke says, has one great contention, namely, that men are not born free. Filmer based his proposition on the assertion that men are born in subjection to their parents. Filmer identified this paternal power with regal authority, claiming that both are absolute, and give their possessor, whether father or king, complete control over child or subject even to the point of death. Filmer claims to derive the absolute authority of kings and princes from the proposition that Adam's authority was absolute. Locke denounces his opponent for failing to give a more solid proof either of the parental authority of Adam or the connection between the parental and regal authority. Filmer's only argument for the sovereign authority of fatherhood, that was based on anything sounder than dogmatic repetition, was his quotation of the scriptural injunction, "Honour thy Father." Even here Filmer was only half reasonable for he omitted the other part of the quotation, which enjoins with equal weight that one should honour one's mother. Locke declares that he has examined the "Patriarcha" thoroughly in search of
a weightier argument but has found none. In his attempt to be thorough and just he has turned to Filmer's "Observations" upon Hobbes' "Leviathan". In this book Locke discovered that Filmer had urged his claim for Adam's sovereignty on the ground of God's creation of Adam and the dominion God gave Adam over Eve and his children. These claims are to be the subjects of Locke's succeeding chapters.

Sir Robert Filmer attempted to derive Adam's title to the sovereignty of all the world from the fact of Adam's creation, but Locke is unwilling to accept this argument. Filmer held that it is impossible to accept the doctrine of the natural freedom of man without denying the creation of Adam. In opposition to this Locke points out that there is no apparent connection between Adam's creation and his sovereignty over anything, for his creation was only the granting of bare existence to him, whereas sovereignty involves dominion. Locke continues the discussion as he examines the meanings of the sentences Filmer has used so carelessly.

In its simplest form Filmer's argument was that as soon as Adam was created he was appointed monarch of the world. He recognized that at the time of Adam's creation the father of the race had no children or subjects, but he maintained that while Adam was not a monarch in act he was a monarch "in habit". Locke reveals the ambiguity
of Filmer's argument by showing that "appointment" may mean either what Providence orders, or what a law of nature directs, or a positive revelation of God. Locke rules that "appointment" may not have the meaning of "what Providence orders" in this argument because that would be the same as saying that on creation Adam was monarch in act and Filmer had already agreed that he was not monarch "in act" but only "in habit". Filmer used the term "Monarch" ambiguously for, as he applied it, it might refer to Adam either as proprietor of all the world or as sovereign ruler of mankind. Ruling out the possibility of "appointment" meaning "what Providence orders", Locke proceeds to examine the possible meanings of the sentence; "By appointment of God as soon as Adam was created, he was monarch of the world."

Locke advances his examination by considering Filmer's meaning when "monarch" is taken to mean proprietor of the world and "appointment" as God's revealed grant expressed in Genesis 1:28. Taking these meanings of "monarch" and "appointment", the sentence would read: -

By God's revealed grant, as soon as Adam was created, he was proprietor of the world. But according to the text

..........................................................................................................................

Locke exhausts only two of the four possible combinations of "appointment" and "monarch".
53.

of Genesis a grant could not have been made immediately on the creation of Adam but only after the creation of Eve. Furthermore it should be pointed out that God's revealed grant was not necessary if God has already given the proprietorship of the world as a right of nature. On the other hand if "monarch" is taken to mean sovereign ruler of mankind and God's "appointment" to mean a law of nature, then the sentence would read: "By the law of nature as soon as Adam was created he was governor of mankind, for by right of nature it was due to Adam to be governor of his posterity". But this means nothing more than that Adam was governor by right of nature because he was governor by right of nature. Even if it be granted that a man is governor of his posterity by a right of nature Adam was still not a governor until he had children. Sir Robert Filmer had foreseen this later objection and replied to it in advance by means of his concept of a "monarch in habit". Locke's reply is to say that in Filmer's sense "monarch in habit" means nothing more than

(2) Genesis 1:27 and 1:28(a) reads as follows: "So God created man in his own image, in the image of God created he him; male and female created he them. And God blessed them and God said unto them......" The "them" seems to include Eve though Locke says she was created later, no doubt referring to the story in the second chapter of Genesis. The documentary theory which separates the first two chapters of Genesis into two separate stories had not been put forward in Locke's day.

that Adam had a possibility of being a monarch and that this does not support Filmer's contention that Adam was monarch of all the world on his creation. Locke apologizes (quite rightly, we feel) for his long and involved argument, but points out that it was necessitated by Filmer's deceptive use of words.

Turning to Filmer's claim that God made Adam lord of all things "by donation" Locke proceeds to undermine further the position taken by his monarchical opponent. Filmer concluded from Genesis 1:28—"And God blessed them, and God said unto them, be fruitful and multiply, and replenish the earth and subdue it, and have dominion over the fish of the sea; and over the fowl of the air, and over every living thing that moveth upon the earth"—that Adam had dominion over all creatures and was therefore monarch of all the world. Locke says that Filmer's saying may be interpreted in two ways. It may be regarded as meaning either that God's grant gave property, that is, private dominion, and as a result the monarchy; or that God's grant gave Adam power over all earthly creatures, including his children, and thereby the sovereign authority of a monarch. Locke proceeds in his thorough-going fashion to examine the meaning of these two possibilities.

By the grant suggested in Genesis 1:28 Locke says God did not give Adam power over those of his own
species and, accordingly, could not have made him monarch. To support this contention Locke points out that Adam was given dominion over cattle, or tame creatures, beasts or wild creatures, and creeping things; but not over other men. God's grant both to Adam and later to Noah refers to the works of the fifth day of creation. It is further to be seen that the grant expressed in Genesis 1:28 is either to men in general or to Adam and Eve. It is certainly not given to Adam singly and nothing but an actual change of the words of scripture could give that impression. Sir Robert disregards Eve, assuming that she is subject to Adam as the phrase "he shall rule over thee" in Genesis 3:16 might suggest—but there is no reason to believe that Eve's dominion was limited. If Eve is not referred to in Genesis 1:28, Locke's argument is strengthened, for then the verse obviously refers to mankind in general.

Filmer apparently sought to derive support for his monarchical theory from God's grant to Noah in Genesis 9:1 "God blessed Noah and his sons....etc". In order to support his theory of a single authority it was necessary to disregard Noah's sons. Locke is quick to point out the lack of support for making a distinction between father and sons as beneficiaries of God's blessing. The grant, in both the cases that Filmer used to support his theory was to a number of men and not to any single
Returning to the question of Adam as proprietor and monarch of the world and the impossibility of deriving monarchical power from ownership, Locke raises a point that he uses again in his later discussion of power. He says that property may not be used to force another to be vassal any more justly than a dagger. In a case where a rich man has authority over a poor man the authority depends on the consent of the poor man who prefers subjection to starvation, rather than on the riches of his overlord. Consequently it would be impossible to derive Adam's authority from his possession of the whole world. But it is not necessary to rely on that argument, for Locke has already shown that private proprietorship was never given to Adam.

Locke next turns to a consideration of the scriptural authority for monarchy that Filmer found in the saying of Genesis 3:16 "and thy desire shall be to thy husband and he shall rule over thee". From this phrase Sir Robert Filmer succeeded in deriving the subjection of wife to husband, the power of fatherhood, and the absolute power of the monarch. Locke makes a number of observations on his opponent's view. He points out, in the first place, that it is strange that God should present Adam with such a great prize as the lordship of mankind at the same time as he chastised
him for his disobedience and condemned him to a life of exile and hard labour. Exile and hard labour are certainly a strange contrast to the position Sir Robert hoped to win for his royal friends. This verse, Locke thinks, is a condemnation of Eve rather than a gift to Adam. Locke points out, furthermore, that the condemnation is of Eve specifically, and not of women in general. The quotation from Genesis is not a grant of political power or government, and, if it could in any way be the basis of monarchy, there would be as many monarchs as there are husbands.

Before going on to examine Locke's criticism of the derivation of sovereign political power from fatherhood it is necessary to collect some of the reasons Sir Robert Filmer and his friends gave for basing regal authority on the power of parents over their children. Sir Robert pointed out that, as everyone is born subject to his father, there is no such thing as "a natural freedom of mankind". No one since Adam has ever been born free. Sir Robert asserted that the power of parents over their children is absolute and even involves power over life and death. Locke says that his opponent gives no support for his assertion except the unreasonable argument that men in some societies have had the power of killing their children. Other writers of the monarchical school support Sir Robert's argument by claiming that fathers
derive absolute authority over their children from the fact that they gave their children life. Locke recalls in opposition to this that a giver has no right to recall a gift he has given away. Locke further points out that these men who argue that the father gives life to the child completely disregard both God and the mother. He reminds them that all life comes from God and that even if the parents alone were responsible for "making" a child the mother plays a more important role than the father.

As has been mentioned before, Sir Robert supported his argument by appealing to the fifth commandment, "Honor thy father and thy mother". To suit his purpose he confined this injunction to "Honor thy father", but Locke points out his verbal treachery and appeals to scripture to show that the power of the two parents is always combined, here as well as in other scriptural commands. Half humorously he quotes the words of Jesus, forbidding anyone to separate man and wife, in condemnation of Sir Robert's common practise of disregarding the mother in his scriptural quotations. Not only is a child's loyalty to its parents divided between father and mother, but also between parents and grandparents. Sir Robert would have it that parental authority is absolute, but Locke points out that it is impossible for a parent, who is himself subject to his own father, to have complete authority over his child. The difficulty might have been avoided had the scriptures or Sir Robert suggested the device
of delegated power. Neither suggested such a device, and in fact it is impossible to have one sovereign power ruling over a number of other sovereign powers. In other words, either Adam was sovereign and his adult children subjects, or else Adam had no sovereign power. We may well quote Locke's own statement on the subject:

For it cannot be but that paternal power does, or does not, give royal authority to them that have it: if it does not, then Adam could not be sovereign by this title, nor anybody else; and then there is an end of all our author's politics at once: if it does give royal authority, then everyone that has paternal power has royal authority; and then, by our author's patriarchal government, there will be as many kings as there are fathers.

Locke's destruction of Sir Robert's system proceeds as he considers the contradictions involved in deriving sovereignty from both fatherhood and property. Sir Robert might have made one sound case if he had stayed with a single source in his derivation of sovereignty, but his inclusion of two or three contradictory cases weakened his position. It is not permissible to say that Adam's power was originally based on property, and then add that it was originally based on Adam's fatherhood, and finally say that it was also originally based on God's subjecting Eve to Adam. Sir Robert, by presenting too many original sources for sovereign power, cast a doubt upon all of them.

Locke shows the impossibility of inheriting paternal power by pointing out that paternal power has its source only in the begetting of children. Consequently it is fallacious to suggest a situation where the paternal power passed to one of a number of brothers and gave that one brother power over all the rest. Adam's paternal power could not be inherited by any of his sons. Locke points out yet another difficulty in the transmission of monarchical power from Adam through the patriarchs when he notes the division of power among the three sons of Noah. In which of these, he asks, would one find the "establishment of regal power"? If regal power is found in all three sons, then it must be assumed that their power was based on their property, but if regal power was in the possession of only the eldest the division of the world by lot was only a waste of time.

Turning to the manner in which Sir Robert handled the transmission of Adam's sovereign power Locke lists a number of difficulties in Filmer's discussion. Filmer claimed that the right of Adam's posterity to possess anything was either by grant or by succession from their father. He asserted that all kings are, or else are to be regarded as, next heirs to those first progenitors. He contended that there never could be a multitude of men without one of them having the right derived from Adam,
to be king of all the rest. Filmer held that all power on earth was derived or usurped from fatherly power. Locke returns to a discussion of these generalizations in later paragraphs but pauses here to marvel at the inconsistency of Filmer's latest statement which is to the effect that it does not matter how kings got their power because it is the manner and not the origin of their rule that makes them kings. A discussion of inheritance, Locke implies, is useless with a man who reasons like this, for what Filmer is arguing here is that regal power belongs to the man who can seize it.

Disregarding this last question, Locke continues the discussion of monarchical power from Adam. The question he asks is, how shall we know the person who has a right to govern. If Filmer's arguments are to be of any use in answering this question, he must show that Adam's power did not end at his death, and that the present princes of the world have derived their present power from him. If he should fail to make the demonstration in either case, says Locke, we must search for another bases of government.

The plain case is, Locke states, that God created man with a desire for self preservation. Man's right to the rest of creation is manifestly based on the right to self preservation. Furthermore, Locke continues, God gave this same title to all men, not just to one
individual. A second deep rooted, divinely given, desire, is the desire to propagate the species. From this latter "right" it can clearly be seen that men are bound to care for their children and consequently children have the right to inherit property from their parents. But this right of inheritance does not include the father's political power. The inheritance of kingly power and the right of primogeniture may be common practice but they cannot be established on the same authority as the inheritance of property.

Locke continues his discussion by declaring that the same power that set up the first ruler and gave him power must determine and establish the second ruler. That is, if God gave the first grant of sovereignty in instituting a government, He is the only authority able to establish the second ruler. If on the other hand the consent of men established the first ruler, nothing but the consent of men can establish the ruler's successor. Finally, it may be noted again that, if the right of fatherhood established the first ruler, that same right could not establish the second ruler for the paternal right inherent in procreation - applied to the first ruler only and can never be inherited.

Referring to the previously mentioned statement of Sir Robert, that there is a king and heir of Adam in every multitude, Locke makes several penetrating remarks before he advances to the discussion of who is heir.
Locke suggests that Sir Robert's suggestion be taken seriously and that we consider a "multitude" composed of all the kings of the earth. Now, according to Sir Robert, one, and only one, of that number, is the legitimate heir of Adam and king of all the rest. From this observation he readily concludes either that it is unnecessary to regard the king as the heir of Adam, or that all the kings of the earth are unlawful. Both these possibilities would be distasteful to the monarchists, and Locke proceeds to a lengthy discussion of the whole question of inheritance in the closing chapters of his first treatise.

Locke's final attack on Filmer's Monarchical theory consists in an examination of the important question: Who is the heir to power? There has never been, he says, any question about either the origin or the existence of power; the question that has produced endless strife is, who shall have it. Filmer, who attempted to derive all political power from Adam, ought to have treated this question seriously, and given conclusive proof of the manner in which Adam's sovereign power has been conveyed from one possessor of it to the next. He did not make this clear, and Locke undertakes to expose his conclusions to the clear light of reason.

Filmer sets forth his view of inheritance in the characteristically vague statement that civil
power was assigned by the divine will to the "eldest parents". Who are the "eldest parents" asks Locke. Are they the eldest offspring of the family who have children of their own, or are they offspring who have had children longest? Whichever group Filmer regards as heir, it is certain that neither interpretation of "eldest parents" would include an unmarried person as heir. Another equally interesting suggestion of Filmer's limited the field of possible heirs to Adam's line and posterity. Locke points out that this is equivalent to saying merely that the heir is to be found somewhere within the human race and not in the animal world.

From Locke's comment we gather that it must have been a common practice of Filmer to assume as true the thing he was attempting to prove even before he had established his proof. As an example of this, approaching the question of primogeniture Filmer referred to heirs as lords both of their own children and of their brothers. In this statement, Locke points out, Filmer insinuated, but did not prove that the elder brother was heir. Filmer attempted to support the right of one brother to rule over the other by again appealing to scripture. He gave two authorities in declaring that God promised Cain that Abel should be subject to him, and that Isaac blessed Jacob and told him to be lord of his brethren. Locke claims that in the case of God's promise to Cain, it is to
be noted that the promise was conditional, depending on Cain living righteously, that it was personal and referred to Cain alone, and that the promise of subjection did not mention any other brothers but Abel. In regard to Jacob's purchase of Esau's birthright and the subsequent blessing of Jacob by Isaac Locke claims that no support is given to Filmer's contention that one brother has the right to be lord over the other. In reality, says Locke, this case runs counter to Filmer's general theory, for it is an example of the attainment of power by compact. Furthermore, Isaac's blessing which gave Jacob the lordship over his brethren, was quite distinct from Jacob's purchase of the birthright. Locke contends that it would be wrong to assume that, among the patriarchs, the inheritance of the birthright included any right of power and dominion. He points out that after Isaac's death Jacob was not lord over Esau but both lived as independent lords. Even if Filmer's assumption that the eldest son is heir is accepted he has still made no provision for inheritance when there is no son in the immediate line of succession.

Filmer had attempted to show that the patriarchs had Adam's absolute power by claiming that they had the right both of sentencing to death and making war. The cases he gives in proof of this are Judah sentencing his daughter Thomar to death, and Abraham commanding
soldiers of his own family. In connection with the first instance, Locke observes that many judges have the right to pronounce the death sentence and still are not kings, and, as regards, the second, he points out that many planters in the Americas have waged war similar to this "war" of Abraham. Locke asserts in this regard that the death sentence and power to make war may be the rights of kings but that still does not prove that everyone who has these rights is a king. Finally, he says, even if we grant that Abraham had these marks of sovereignty, Filmer has not shown how they descended from Adam.

In discussing the light that is thrown on the question of the inheritance of monarchy by Noah's division of the world among his three sons, Locke states that such a division would be the end of a divinely instituted lordship. Locke expresses this well when he says:

For if the right of the heir be the ordinance of God, a divine right; no man, father or not father, can alter it: if it be not a divine right, it is only human depending on the will of man: and so where human institution gives it not, the first-born has no right at all above his brethren; and men may put government into what hands, and under what form they please. 5.

Filmer had hoped to find scriptural support for the monarchical form of government by turning to

the dispersion of Babel and finding there the institution of royal power. At Babel, he said, the nations were divided into distinct families with fathers ruling over each family. Locke, in replying to this says that he finds no such support for any form of government in the account of the Babel incident. The scripture discusses only how the division occurred, and if it makes any reference to government it does not point toward the monarchical form because the command to build the tower was referred to a plural authority, "they" not to a singular, "he".

In examining Filmer's assertion that he could trace the paternal government to the time of the Egyptian bondage where it was interrupted, Locke contends that his opponent did not trace the descent of paternal power. Filmer consistently equated paternal and regal power, and Locke asks how the transfer of power into the hands of an Egyptian monarch was an interruption of royal power as such. What, Locke asks, does "returning out of bondage" mean? Does it not mean that, contrary to Filmer's usual contention, there is some distinction in the levels of subjection of a son, a subject and a slave? Considering the status of Moses and Joshua, Locke claims that the rule of these men marks a distinct break in any imaginable hereditary line, for neither had the title either of father or of prince.
Locke proceeds to review the evidence for anything like the hereditary transmission of power among the Jews, and observes that it was interrupted so frequently that, during the whole history of 1750 years, they had hereditary kingly government over them for not more than one third of the time. In this period of kingly rule, Locke concludes, there was neither paternal government nor lineal succession to it.

2. DEFINITIONS.

Locke observes that, Sir Robert Filmer's false principles of government now being overthrown, there are two attitudes we can take toward political power. We can, he says, regard the government of political societies as nothing more than the rule of the stronger, or we can attempt to discover a firmer foundation of government. In embarking upon this investigation with Locke we may advisedly quote his own definition of political power. It is as follows:

Political power, then, I take to be a right of making laws with penalties of death, and consequently all less penalties, for the regulating and preserving of property, and of employing the force of the community, in executing such laws, and in the defence of the commonwealth from foreign injury; and all this only for the public good. 6.

The State of Nature

Before we can understand political power, Locke goes on, we must understand the "natural state" of mankind. This natural state is a state of freedom of action and natural power. In it men are free, he says, to order their actions and dispose of their possessions with no other limitation than the limitation imposed by the "law of nature". A man in the natural state is subject to no other earthly will. Only Divine Will may constrain him. Lest anyone should think that this natural state is a state of license, Locke points out there is a law of nature which rules in the natural state of mankind. The basis of the obligation which this law imposes is to be found in the fact that all men are the workmanship, subject and property of God. This law of nature, Locke says, "Obliges everyone: and reason, which is the law, teaches all mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty, or possession." From this law, Locke concludes, it is the positive duty of everyone to preserve the life of mankind.

He asserts that an offender against the law of nature declares by his offence that he is beyond the rule of reason and common equity, and makes himself a danger to mankind. As a result of his own act, Locke goes on, the offender gives all mankind, in the person of any of its members the right to punish this transgressor of the law of nature. Everyone, he says, has the right to punish the criminal according to calm reason and conscience. The punishment inflicted has a double purpose, to serve both as a reparation and as a restraint. Conscious that this doctrine would surprise some, Locke asks what other power than the one he has outlined has a prince or state which punishes an alien criminal. The prince or officers of the state were never given, and could never be given, any authority over an alien by their own legislature. The powers these administrators assume in such a case, Locke concludes, is none other than that possessed by every man in a state of nature.

Locke points out that, while everyone in a state of nature has the right to punish a criminal, only the person against whom a crime is committed has the right of taking or remitting reparations. The general right of mankind to punish offenders against law of nature includes the right to kill a murderer and to punish lesser offences. In the case of a murderer, Locke goes on, the criminal in his war upon mankind has
placed himself in the same class as a wild beast, and mankind has the right to defend itself by exacting the murderer's life. The general rule as to the severity of all punishments in all offences, he says, is to punish with the degree of severity which is necessary to make the crime an "ill" bargain for the offender. Locke observes that it may be quite properly pointed out that the type of punishment he has outlined is unreasonable in making a man a judge in his own case, and is, therefore no substitute for civil government. But, he continues, the rule and execution of justice in absolute monarchies is not much better, for, here again, the monarch is judge in his own case.

Locke foresees the question as to whether there ever was a state of nature. Replying in advance, he asserts on the one hand that all the princes and rulers are now in a state of nature until by their own consent they have made themselves members of a political society.

The State of War.

Locke points out that, whereas some men have confused the "state of nature" and the "state of war"; the two are markedly different. He has already pointed out that the state of nature is a state where men live as equals together according to reason. The state of
war, on the other hand, is a state of enmity and destruction where one has declared a settled design upon another's life. This state lasts only as long as the actual force endures. In that time one has the right to defend oneself against attack, for the law of nature dictates that all life is to be preserved as far as possible. In cases where all life cannot be preserved, Locke claims that those who are innocent are to be saved first.

Locke declares that one who attempts to get another in his absolute power should be regarded as placing himself in a state of war. Anyone, he says, who attempts to gain power over another is attacking the natural freedom and security of the other man. Such a state of war exists, Locke says, when a judge perverts war and interprets the laws in a manner that favors one party to a controversy. The sufferer of such injustice has no appeal to any power on earth and can only appeal to Heaven. By "appealing to Heaven" Locke means that a man, having found appeals to earthly courts of justice useless, appeals to God. This means, in effect, that a man appeals to his own conscience, believing that some day he will have to answer for his action to the "supreme Judge of all men".
Locke introduces what seems to him the only reasonable conception of slavery by considering the meaning of freedom. He has already pointed out that the natural freedom of mankind consists of freedom from all earthly powers and from all rules except the law of nature. Freedom in society is not, he says, the unrestrained license to do whatever one wishes, as Sir Robert Filmer said it was; it is the liberty found in obeying one constituted authority. Locke declares further that liberty is found in living under one common standing rule established by the legislature. Liberty consists in following one's own will where no rule forbids, and in being free from "the inconstant, uncertain, unknown, arbitrary rule of another man".

Freedom from absolute arbitrary power, Locke goes on, is so closely connected with self preservation that a man has no more right to part with it than he has to part with his own life. He has no right to place himself under the arbitrary power of another man by compact, for this is equivalent to destroying his own life. The only way a man may lose his freedom is by committing some act deserving death. Then,

if it should happen that this power to which a man has forfeited his life spares his life, and exacts work instead, the man is a slave. In other words the perfect condition of slavery is a state of war between a lawful conqueror and captive.

Property.

It is apparent, Locke says, both from the working of natural reason and divine revelation, that God has given the earth to mankind in general. The question he now considers is how private property arose. He shows in his discussion of mankind that private property arose without a specific compact of mankind in general, and that the invention of money made the accumulation of property possible.

God gave to man not only the world's natural resources but also the reason by which man might make the best possible use of this world. Locke continues the discussion by pointing out that while it is evident that the fruits of the earth brought forth of its own accord are to be enjoyed by all mankind there must be some way in which individuals may lawfully appropriate these resources for their own particular use. At what point, he asks, does the common produce of the world become the private possession of an individual? He answers that the individual gains
rightful possession of the common fruit of the earth when he expends his own labor upon it. Thus, he says, the North American Indian owns the acorns he gathers when he expends labor on picking them up. Similarly the deer is the property of the man who kills it. This same principle may be applied, Locke argues, to all other forms of property, land included. The limit to a man's possession, he asserts, is that quantity of the fruit of the earth he can use with none of it spoiling. In a like manner the amount of ground a man may rightfully possess is that amount he can cultivate without producing an unusable surplus. Locke considers that this conception works no hardship on anyone, because, the amount of goods or land that a man may accumulate will depend only on his own reason and industry, and, as each man is able to accumulate only as much as he can use, there will be plenty of land for everyone.

Locke observes that this acquisitive manner of life might have been the happy condition of mankind had not man invented money. The invention of money complicated the picture, for as Locke affirms, money, unlike foodstuffs, does not spoil and can be hoarded. Locke remarks that money has no real value but only derives its value from the consent of men that so much gold shall have the same value as so much of some usable product, such as grain. From this consent
Locke concludes: "It is plain, that men have agreed to a disproportionate and unequal possession of the earth; they having by a tacit and voluntary consent, found out a way how a man may fairly possess more land than he himself can use the product of". In spite of this fact, says Locke, it is easy to see how the first title of property developed from no other origin than human labour.

**Paternal Power.**

It may possibly have been with recollections of his encounter with the political principles of Sir Robert Filmer that Locke returns to the consideration of paternal power. The term "paternal" Locke says, is itself responsible for a great deal of the misunderstanding that surrounds the discussion of "paternal power". If men had seen that "paternal power" includes the mother and might better be called "parental power", they would have recognized that the basis of this power lies in the unprotected condition of childhood and the parental

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**Locke**


The type of consent that Locke here refers to is liable to be little different from the "consent" a man gives to being a slave when the alternative is death. The propriety of the term "consent" with such a specification is open to question.
duty to direct and support children. Adam, Locke points out, entered the world as a mature and rational man, but all his posterity have come into life as unreasoning infants. It is only as the child matures and attains the use of reason, Locke says, that he is able to order his life by reason's law. In this prerational period of a child's minority it is the duty of the parent to assume the directing function that reason later performs. Locke adds that in the case of idiots or others who do not achieve the use of reason it is necessary for the parents or guardians to continue their directive function beyond the usual period of twenty-one years. Locke contends that "paternal power" is a temporary measure necessary in that period of a man's life when he is unable to assume the use of reason or the freedom of action that are his by nature.

Locke observes that the children's duty of honoring their parents has often been confused with the parent's obligation to direct the immature lives of their children. It will not, he thinks, require much reflection to see that the children's duty of honoring their parents rises from gratitude which they ought to feel towards those who have lavished so much care upon them. To give the parents a political jurisdiction over their children is, Locke suggests, an invalid deduction from the child's duty of honoring his parents. Any ordinary
father, he observes, enjoys as much power over his children as a prince enjoys over his.

There is, Locke notes, another source of "parental power" and this is derived from property. This power based on property arises from the father's right to bestow his estate upon his children. The fact that a child hopes to receive such a gift from his father will dispose the child to follow his father's wishes. This type of parental influence Locke distinguishes from absolute dominion on the ground that it is conditional. The child, he points out, always has the right to disobey his parent even though the disobedience may cost him the parental estate.

In concluding his discussion of paternal power Locke observes how easy it was for the paternal power of early fathers to pass over into political power. He points out that the habit of obedience in a mature offspring led to the political supremacy of the father of a family. Some rule, he suggests, was necessary; the father of a family had assumed that role in the period of his children's infancy; and it was an easy step to carry that rule beyond the family into the political field. From this early type of government, Locke points out, there was an easy transition from hereditary and elective kings. He comments that early fathers were also priests, and he observes that there is no more
more necessary connection between father and king than than there is between father and priest. Parental power he concludes is no argument for monarchy.

2. POLITICAL OR CIVIL SOCIETY.

Society, Locke says, is a divine creation. Obligations of necessity, convenience and inclination compel men to live in society. Locke reviews the various types of society that centre in the family. He begins with the simple conjugal relation of man and wife, refers to the relationship of children and parents, and finally examines the relationships existing in a household of the patriarchal type that includes both family and servants. In none of these societies, Locke asserts, is the prototype of political or civil society found. The distinction, between kinship and political organizations he regards as important if his conception of political society is to be seen in its contrast to monarchical theories. It becomes more apparent later when he considers political society.

Continuing the development of his theory, Locke states that in political society the perfect freedom and right of self defence which men enjoy in the state of nature are surrendered to the community itself. The community, he says, becomes the "umpire" and men in their controversies have the right to appeal
to the community's established law and judicature. In political societies, he claims, men give up their natural right to punish offences against the law of nature, and the community receives the power of making laws and of making war and peace. Locke declares that it is evident that monarchical power is inconsistent with the power of this civil society. Civil society, he declares, includes everyone, and brings every member under the jurisdiction of a common judge. Absolute monarchy, he says, is inconsistent with civil society, because the monarch's power is placed above the power of the society itself. Locke grants that the monarch may protect his subjects and introduces a measure of order among them, but he claims the cost of the bargain is too high, for the subject has no appeal against the power of the monarch. What difference is there, Locke queries, between a state of nature and a monarchy where the subject has no appeal against the monarch's will? If there is no difference, he asks, how shall an absolute monarchy be called a civil society?

The beginning of political society, Locke argues, is to be found in the common agreement of a number of individuals who decide to divest themselves of their natural liberties and unite into a community. This action may be taken, he says, by any number of individuals when they agree to quit the state of nature.
The creation of this political body does not injure those who do not join in the community, because the latter are at liberty to remain in a state of nature. The individuals who consent to form one body, Locke tells us, are bound to obey the will of the majority. This agreement is contained in their original consent to unite, for, if they do not agree to be governed by the majority voice, the union would soon be unable to act as one body and its members would have returned to the state of nature. Locke adds, furthermore, that the original agreement to unite implies the agreement to give up all power necessary to the attainment of the ends for which the union took place. Thus, he concludes, is the only method by which a lawful government would come into being.

There are, Locke observes, two possible objections that some may be inclined to raise against this view. The first of these is that there is no historical support to indicate that any such compact ever took place. The second possible objection, he considers, is the assertion that as all men are born under some government, they can never have the freedom to unite in forming another political society.

In considering the question of historical support for the social compact, Locke suggests that one reason there is little mention of such a compact in history is the antiquity of the union. The state of
nature, he says, is so inconvenient that men soon learned
the simple device of uniting into societies by consent.
There are some things, he points out humorously, that
are so easily taken for granted that no mention need
be made of them. Consider, for example, he suggests,
the childhood of the men of the Xerces army; no one
mentions it, but who doubts that they were once children?
Then, of course, he asserts, indignantly, there are
many historical examples. Who would forget, he asks,
the origin of Venice, or the societies of Peru,
of Florida, of Cheriquenas and of Brazil, or the men
justin mentioned who left Sparta to found a new society
with Palatanus? It is true, he admits, that the most
common form of government is the monarchy, but this may
be accounted for when we observe the easy transition of
the rule of a father to the rule of a king, when we
consider the simplicity of that form of government,
and when we recognize the appropriateness of monarchy
in a society that is constantly at war. These observations
do not, he asserts, in any way weaken the argument that
the peaceful beginnings of government are to be found
in the consent of the people.

To the objection that men are always subjects
of some government and never free to unite in a new
government, Locke replies that on the basis of this
argument there could never be any more than a single
83.

legitimate monarchy in the world. While he regards this answer as conclusive, he goes on to reply in more detail. It is not true, he declares, that men are subjects when they never had any opportunity to recognize or own their subjection. Thus, he claims, while a child may be under the care of his father, the child is not a subject of any country or government until he has agreed to be a member of that country. Agreement, Hocke adds, may be of two kinds, express or tacit. There is no question about express agreement, but in defining tacit agreement he claims that a man may be regarded as giving tacit consent to a government when he accepts property in its territory. In this connection he notes that the submission of a person includes the submission of his property, but that the government's control of a man's property involves control over the man only as long as he is the owner. In the case of a man who has given his express consent to a government, Locke contends that nothing but a public act or the collapse of a government can restore to him his natural freedom. In conclusion, contrary to the opinion of the monarchists, Locke asserts that nothing but a man's positive consent can ever make him a subject of a political society.
4. PURPOSES AND FORMS OF GOVERNMENT.

Locke remarks that some may ask, why, if men enjoyed so much freedom and equality in the state of nature, they ever formed political societies. He asserts that in spite of the benefits of freedom and equality in the state of nature, there are some obvious inconveniences about it which drive men into political society. In it, he says, men are constantly exposed to invasion by others, and, as a result, their condition is one of constant fear and danger. In order to escape the insecurity of the state of nature, Locke goes on, men join with others for the preservation of their property, that is, their lives, liberties, and estates.

The chief purpose of political society, Locke says, is the preservation of property. Property is always insecure in a state of nature because, in that state, there is no "established, settled and known law"; there is no "known and indifferent judge"; and no power to back the sentence of justice. The natural right to

(10) The concept of property is so important in Locke's political philosophy that it is well to note the terms generality. Property includes life, liberty and possessions.
The natural right to punish crimes against the law, furthermore, is given up to the executive power and is then only used with the consent and at the command of the executive. These powers, he goes on, which men once exercised of their own free will, become the right of the executive power, with the one great limitation that they must never be used except for the public good.

Proceeding to the discussion of the forms of commonwealths, Locke observes that "commonwealth" refers to any independent community, and not alone to democracy. There are three major forms of commonwealth, he contends, democracy, oligarchy and monarchy. A democracy is a commonwealth within which the people have united into one society for the making and executing of laws. An oligarchy places the power in the hands of a few select men and their heirs. A monarchy, differing from both of the other forms, places the power in the hands of a single authority which may be either hereditary or elective.

The purpose of society, Locke contends, is the enjoyment of property in peace. The means to that end are the laws, and the body which makes the laws is the legislature. Of course, Locke declares, behind the law-making function of the legislative body there is the consent of the society which is necessary for the
sanction of any law. The community Locke claims, places supreme power in the legislative authority, and all the obedience of the community is owed to that authority.

The great limiting principle that restrains the exercise of legislative power is the general demand that the legislative authority must strive for the preservation of society. Locke claims that it can have no absolute and arbitrary authority over the lives and fortunes of the people because it can have no greater power than any of the covenaniting parties had in the state of nature. No power, he reminds us, has the right to destroy life or property. The legislature, he contends, can never assume power to rule by extemporaneous or arbitrary decrees. It was to avoid that sort of power, Locke declares, that men united in the commonwealth. For the legislative power to assume an arbitrary authority is as much worse than the offensive power of a single individual in a state of nature as the legislative power is greater than the individual's power. The legislative power, he goes on, cannot take any man's property without his consent. Locke recognizes however, that there are necessary expenses connected with government, and interprets this consent of the individual as the consent of the majority of the people to enactments establishing taxation. Finally, he concludes, the legislative body has no authority to
transfer its law-making function to any other power, because the people gave it authority to make laws not to make legislators.

Because of this legislative body's supreme directing power, Locke continues, all other powers are subordinate to it. The executive power should be appointed by the legislative body. The function of the legislative power does not demand the continuous activity of that body, and it is not necessary that the legislature should be permanently convened. On the other hand, the legislative function is so continuous that the power must always be active. One other major power of the commonwealth, the federative power, Locke claims, is also of such a nature that its authority should be exercised continuously. He observes that, because the commonwealth is in a state of nature with respect to other commonwealths, it must have the strength of united action gained from ordering this aspect of its existence through a centralized power. This power, which he calls federative, has an executive responsibility in war and over the external affairs of the commonwealth. Because of their similarity of function, Locke contends, the executive and federative powers should not be separated.

Locke asserts that there can be only one supreme power in the commonwealth. The legislative body holds its power by virtue of its subject's trust that
it will act for certain ends. The authority to move or alter the legislative power remains with the people themselves, for they retain virtually the power of "saving themselves." While the government exists, however, the legislative body is supreme and it only loses its supremacy when the government is dissolved.

When the executive is a single individual and also part of the legislature, Locke declares that he is supreme in a special sense and that his supremacy is derived not from his function as a lawmaker but from his function as an executor. When oaths of allegiance to such an executive are taken, the allegiance expressed is owed to him as supreme executive and not as legislator. In Locke's words he is an "image, phantom or representative of the commonwealth", and has "no will no power, but that of the law".

Locke suggests that the legislature may be convened or adjourned either according to the constitution or its own wish. The duty of convocation is often placed in the hands of the executive body. Sometimes a definite time may be established by the constitution and in such a case the executive's function in calling the legislature together is purely ministerial.

"Locke is preparing the way for the symbolic conception of kingship."
When the constitution does not set a specific time for the convocation of the legislature, this power of convocation may be left to the discretion of the executive. Such executive power of convocation, however, does not establish the supremacy of the executive over the legislature.

Should the executive seize unlawful power, Locke proceeds, a state of war is created, and the people may govern their actions by the principles that hold sway in a state of war. The executive that seizes power by unlawful force is to be opposed with force, for force is the only method applicable in a state of war. In such a situation, Locke declares, the people are to reinstate the legislative power.

In considering the situation that arises when a changing population has left a deserted town with a number of representatives and a flourishing city with none, Locke contends that there is no conflict of power between the executive and the people. In order to insure the safety of the people, the executive's duty is to arrange a just distribution of representatives. In changing the allotment of representatives to the legislature the executive power is not setting up a new legislature, but restoring a true one.

Locke observes that, as it is impossible for the legislative authority to foresee all the
situations that might confront the executive, some provision must be made for such emergencies. He suggests the prerogative of the executive which gives it the right to act without the guidance of the positive law and even in opposition to the law. The legitimacy of any particular use of this prerogative will be indicated by the effect it has on the well being of the people. The rule of early government was nearly all by prerogative and very little by law. The extension of the law and the limitation of the prince's prerogative does not harm the prince because it does not remove from him anything rightfully his. The prerogative of the executive, Locke contends, is nothing but the power of doing the public good without the sanction of the law. Should this privilege be misused the people are the only judge. If, as a result, a controversy arises between the executive and the people, the people can only appeal to heaven, and lay upon their conscience the judgment they make and the action they are compelled to take.

5. CLASSES OF GOVERNMENT.

In his discussion of the three types of power, paternal, political and despotic, Locke reviews a number of propositions he has previously advanced. He observes that the purposes of paternal power is the
nourishing of the child during that period of life when the child is incapable of managing his own property. Political power has no other end than the preservation of the property of the subject. Despotical power, on the other hand, is the absolute, arbitrary power a conqueror has over his captives in a lawful war. This absolute arbitrary power can never be obtained by nature or by compact. It is obtained only when a warring aggressor is defeated and taken captive.

Proceeding to the subject of conquest, Locke asserts that, contrary to one body of opinion, conquest is as far removed from setting up a government as demolishing a house is from its construction. When a man plunges society into a state of war, and conquers, his title to obedience is as unjust and illegal as the title a robber might gain to a citizen’s estate at the point of a sword. In such a case, Locke declares, the conquered have no court of appeal on earth and can only appeal to heaven and seek freedom by revolt. Even when the conqueror is in the right, Locke asserts, his power is definitely limited. In the first place, conquest can give no power over those who assisted in gaining the victory. Secondly, the power gained in the conquest is only held over those who actually assisted or concurred in making the unjust war. Thirdly, he contends that the power of the conqueror is only over the lives of those
who concurred, and this does not include their possessions. The reason Locke gives for this assertion is that a father has no right to involve the possession of his innocent children. Nature has destined the father's goods for the children, and as a result conquest cannot legally include the estates of the conquered.

"Usurpation" is the name Locke gives to domestic conquest. While a man may seize power in the commonwealth, he can never attain the right to be obeyed until his power is sanctioned by the free consent of the people. Usurpation he defines as an unlawful change of the persons in power. When this change is accompanied by changes in the form of government, the result is tyranny.

Tyranny, Locke goes on, is the governor's exercise of power beyond his right. When the end of the government is not the public good and the governor makes his own will and not the law the rule, then the government is a tyranny. Locke supports his contention that the law must rule by quotations from the speeches of no less a figure than King James I. When the government has fallen into the hands of a tyrant what ought the people to do? Locke's reply to this assertion is that force may legitimately be used by the people in their own defence. It may be used, of course, only in opposition to unjust and unlawful force. When the
people are forced to rise against tyranny, Locke contends that the responsibility for the outbreak of civil war clearly lies with the tyrant. To those who oppose Locke's argument through fear that it makes the government the prey of constant unrest and revolt, he makes three replies. First, in some countries the prince's person is sacred and in such countries no one will destroy this important person. Second, where an injured party is relieved by law there is no cause for revolt. Third, he claims that where there are only a few in opposition little more harm will be done than can be done by a single madman in a whole society. Only when the force of the tyranny falls on the majority of the people will there be a general uprising. Finally, Locke points out, all this trouble may easily be avoided by the government if it will but rule within the law.

Locke introduces his discussion of the dissolution of government by distinguishing between political society and government. The commonwealth or political society has its origin in the union men form when they emerge from a state of nature. This union is most commonly dissolved by foreign attack and when it is the government is also dissolved. Government on the other hand, may be overthrown by a number of causes less drastic than invasion. The government is dissolved when the legislature is altered by other than popular power.
The legislative power unites the commonwealth into a single body giving it form, life and unity. When a prince opposes his will to the laws that express the will of society by making new laws or subverting old ones, the government is overthrown. When he hinders the assembling or the functioning of the legislature, or, in opposition to the common good, makes a change in the electorate or methods of election, the government is destroyed. If, finally, the legislature or the prince denies its trust either by delivering the commonwealth into foreign subjection or by invading the subjects, the government is overthrown.

This places the responsibility for the maintenance of government in the hands of the prince or other executive. When the authority abandons its duty or subverts the good of society, the responsible power and not society itself is responsible for the dissolution. It is clear, Locke continues, that, when the government dissolves, the people have the right to provide for themselves. But to say this, he observes, is like telling people to take care of their liberty when their chains are on. They are not alone able to care for themselves when the dissolution occurs; they can also take steps to prevent the government from falling. To those who say that the people are always discontented and will readily rise in revolt with the excuse that
the insurrection is the prince's fault, Locke answers that people do not readily revolt, and are unwilling to change their old habits and forms for new ones. Then, he goes on, the theory is not the most important factor for when, people are miserable, it is not their misery that is provocative of revolt. Furthermore, revolutions do not occur on every little mismanagement of public affairs but only after a long train of abuses. His theory, Locke claims, is a hindrance rather than an aid to revolution, because it indicates who the real rebel is and should stop the trouble at its source. It is the prince or governor who determines the nature of the government and, to avoid revolutions, all that is necessary is just government within the framework of the law. Locke observes that even Barclay, the great advocate of monarchy, allows for resistance when the king endeavours to overturn the commonwealth or when he makes himself subject to another.

As long as the legislature continues to function justly, Locke concludes, it is the supreme power and the people have no right to resume the power they have delegated until that power reverts to them again through an illegal act of the legislature or through the conclusion of the legislature's constitutional term. When a controversy arises between the people and the prince the prince ought to refer the
debated question to the will of the people. If he refuses to consult their wish or to follow the manifest will of the people, they have a Judge who is always just and they may appeal to heaven and follow the dictates of their own consciences.
CHAPTER III.

AN ANALYSIS OF SPINOZA'S "TRACTATUS POLITICUS".
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"TRACTATUS POLITICUS".

1. HUMAN NATURE AND NATURAL RIGHTS.

Spinoza's political philosophy is a striking illustration of the deductive method applied in the political field. Having once established the characteristics of human nature he proceeds to deduce, by "an undoubted course of argument", his theory of politics. It should not be assumed that Spinoza turns his back on experience and practice for his introduction to "A political Treatise" denounces the theoretical approach to politics that is so often taken by philosophers. Philosophers writing in the field of politics have tended to praise a type of human nature that does not actually exist and to condemn what actually does exist. This has been the result of thinking of human passions as vices rather than as human facts of which the political philosophers should take account. Statesmen, he asserts, have written more intelligent-ly than philosophers upon this subject for they have been guided by experience. When the mental acuteness of those who have guided the life of nations is considered it become clear that a philosopher is wasting his time in hoping to discover something new in the field of politics.
that has not already been tried out in the practice of some state. Statesmen are frequently regarded as more crafty than learned and are distrusted on that account.

If one would understand the working of the passions and minds of men, he infers, he should study under these men who have come in contact with human life as it actually is. His method, then, is to consider first, what experience teaches concerning human nature and then to determine the most appropriate constitutions for the three historical forms of government; monarchy, aristocracy and democracy.

It has been a weakness of political theory, Spinoza declares, to regard human passions as vices that must be condemned rather than as facts that a sound philosophy must accept and take into account. The proposition that all men are susceptible to passions has been adequately supported, he says, in his "Ethics", he nature of men is such that they tend, on one hand to feel pity for those who are in trouble and, on the other, to feel envy for those who are happily situated. On the whole men are more susceptible to taking revenge than they are to showing mercy. Another

(1) Death prevented Spinoza from completing his discussion of democracy.
characteristic of human disposition is to want everyone to live according to one's own mind. The desire to have first place leads to rivalry and strife, and, while men are generally agreed that religion teaches every man to love his nature as himself, most men show the impotence of religion in their jealous strife. His "Ethics", Spinoza says, also established the facts that reason could do much to moderate the passions, and that the way which led to this moderation was so steep that it was beyond the reach of men distracted by the practical exigencies of politics.

Men's good faith and honesty, Spinoza declares, is not to be trusted in establishing a dominion. A permanent and stable government can be ensured only by establishing a dominion of such a nature that important affairs are not left to men's honesty. The system must be such that acts which are beneficial to the state will be executed regardless of whether men are led by reason or by passion. The spirit from which an act is done is of no interest to the state so long as men administer affairs in the interest of the dominion's security. "For liberality of spirit, or courage, a private virtue; but the virtue of the state is its security".

(2) "Tractatus Politicus"-Benedict De Spinoza. "The chief works of Benedict De Spinoza".
101.

Spinoza's conception of natural right is derived from his conception of power. He observes that the definition of any object does not give us any grounds for believing that it exists now or will continue to exist. Of things that do exist, he says, that only the power that caused them to exist is able to maintain their existence. From this he concludes that the power by which things exist and operate is the external power of God. If things were maintained by any other created power, that power would need the same power by which it was


Spinoza seems to assume here that the spirit from which an act is done is of no importance. This seems strange in the light of all that he has said about the paramount importance of the human passions and the possibility of reason modifying those passions. If it were possible to establish a system of government which gave no place to the attitudes and character of men it would prove to be an unchanging system of mechanically operating laws. Such an ideal is inconsistent with his definition of the best type of dominion as one where human blood is not merely a matter of circulation of the blood but direction by reason. (Cf. P.314)

(3) Spinoza's conception of power is similar in some respects to the primitive notion of "mana". Spinoza uses "God" in the special sense defined elsewhere in his philosophy as that which is, and is of its own causation. His doctrine that God's power was constantly required to sustain the universe was later replaced by the notion of the deists that God's power was only necessary to set the universe in motion.
created for its own preservation.

From the proposition that the power which sustains all natural power is the eternal power of God, Spinoza derives his definition of natural right. As God has a right to everything, and as his right is none other than his power, it may be concluded that every natural thing has as much right as it has power. Natural right then, he continues, is the power of nature itself. "And so the natural right of universal nature and consequently of every individual thing, extends as far as its power." This proposition applies to man as well as to inanimate objects for man too is a part of nature. Man's right or power is not determined by reason alone but also by the blind desires which direct his activity. His total power is the sum of reason and appetite, both of which are part of nature and operate according to nature's laws.

In contradistinction to the popular view that ignorant work against nature, Spinoza maintains that whatever man does, whether he is led by reason or blind desire, he does in accord with the laws and rules of nature. In support of this, he contends that


Spinoza's assertion that power equals right is merely a multiplication of terms. He complicates his theory by using the word "right" which has a moral connotation.
if men were so constituted that they live according to reason only their natural right would be solely determined by the power of reason. But in reality men are also led by blind desire and as a result their natural right is not limited to reason but includes appetite as well. The popular view of man's relation to the natural world considers the world of men existing within and yet separated from nature as one dominion existing within another. This view, Spinoza says, considers the human mind as a direct and independent creation of God, and Spinoza regards the dichotomy implied between the mind and nature as false. There is no division, he says, the human mind is as much a part of nature as the human body is. It is no more in our power to have a sound mind than it is to have a sound body.

It is not to be denied, Spinoza asserts, that a man strives as far as he is able to preserve his own existence. Any disagreement that might arise over this point would arise over the question of free will. The freer a man is, however, the more he necessarily seeks his own preservation. Nothing that convicts a man of weakness can be ascribed to his liberty. It is only as a man lives according to the laws of nature that he is truly free. This implies, Spinoza claims, that man in so far as he is free lives in accordance with the dictates of his reason and chooses good in preference
It is not always in the power of man to use his reason, or in other words, a man cannot always be free. In spite of that, Spinoza says, everyone tried to preserve himself and as everything done is done by natural law it follows that natural law forbids nothing but what is impossible. Natural law, he continues, is not opposed to strife or hatred, for the bounds of nature are not the bounds of human reason but the infinite laws which regard the eternal order of the universe. "What our reason pronounces bad, is not bad as regards the order and laws of universal nature, but only as regards the laws of our own nature taken separately."

Continuing his discussion, Spinoza considers the question as to the dependence of one man on another. The authority of one man over another is psychological as well as physical, for example, a person is bound to his benefactor as long as his gratitude for the benefactor’s kindness and hope of further kindness last. One’s judgements, too, are dependent on other’s in so far as others deceive one’s mind. That is he claims, a person is independent and free in so far as he uses his reason correctly. Even when one’s actions he uses his reason correctly.

are determined by necessity, they are free if the nature of the necessity is understood, for, says Spinoza, liberty presupposes necessity.

Just as the right of any individual is in proportion to his power, Spinoza contends that the more there are who group themselves into an alliance, the greater is their right. But as men are naturally enemies and are only independent in a state of nature as long as they guard themselves against others, the total right and power of mankind as a whole is nonexistent. Moreover, Spinoza goes on, without the help of others men are not able to support life or cultivate the mind. Men emerge from this condition of fear and insecurity when they bind themselves into a group and develop specifically human rights. Thus Spinoza says:

And so our conclusion is, that natural right, which is special to the human race, can hardly be conceived, except where men have general rights, and combine to defend the possession of the land they inhabit and cultivate, to protect themselves, to repel all violence and to live according to the general judgment of all. For the more they combine together, the more right they collectively possess.

When men, in this manner, have general rights and are guided as if by a single mind they lose all their individual rights except those that the common law allows them. Spinoza calls this right which is determined by the power of

a multitude, dominion. The one who has been entrusted with affairs of state is said to hold dominion. According to this authority is the whole multitude, a chosen group, or a single individual; the dominion is called a democracy, an aristocracy, or a monarchy.

As Spinoza observes earlier in his discussion, there is no such thing as wrong doing in a state of nature. It is only under dominion, he now continues, that there can be any distinction between good and evil for the distinction must be made by the dominion and its laws. His conception of evil is contrary to the popular conception which regards those actions as wrong which are done contrary to sound reason. It is not a sound inference, Spinoza contends, which suggests that the rational life is synonymous with obedience. It would be more correct to equate the guidance of reason with the freedom a man has to preserve himself. However, he continues, there is a sense in which it is not improper to speak of wrongdoing as contrary to reason, for the laws of the best dominion are in harmony with reason and in such a dominion actions contrary to reason are properly considered as wrong.
2. THE RIGHTS AND FUNCTIONS OF SUPREME AUTHORITIES.

Spinoza opens his discussion of the rights of supreme authorities by establishing a number of definitions. In a dominion, he says, the entire body of subjects is called a commonwealth. When men live under dominion their state is said to be civil. The general business of a dominion is designated by the name affairs of state. A citizen, he continues, is one who enjoys by law all the advantages of a commonwealth, but subject is bound to obey the laws without receiving the benefits they accrue to a citizen. With this introduction he proceeds to deduce all the properties of a civil state in general.

The right of supreme authority is equivalent to the simple natural power of the multitude in so far as the natural power of the multitude is guided as if by one mind. The supreme authority of a commonwealth, Spinoza continues, maintains the authority of the commonwealth in so far as it preserves its unity. If one man is given the right to disregard the law and live after his own mind the commonwealth loses that much right. If this power is given to two men the power is divided, and if to everyone the commonwealth is completely
destroyed. As a result, asserts Spinoza, the individual in a commonwealth loses certain privileges. He can no longer act as his own judge, and has not the right to interpret the laws. As every citizen is dependent on the commonwealth he is bound to execute its laws. In order to preserve the necessary unity the will of the commonwealth "must be taken" to be the will of all, and, what the state decides is just, must be taken as the decision of each individual.

To the objection that the state is repugnant to reason because it is against reason to subject oneself to another, Spinoza replies that in reality sound reason pronounces against the independence of passionate men and teaches all to seek peace. Because the civil state ensures peace and security against those who are led by their passions, it is true to assert that the more a man is guided by reason the more he will keep the laws of the commonwealth. Furthermore, Spinoza claims, the civil state is ordained for the very purpose of removing fear and suffering, and, as these are the ends every individual strives, it is rational to follow particular orders of the commonwealth which seem contrary to reason for by so doing the greater good found in the state itself is maintained. Just as in the case of an individual, when he follows reason he is most powerful; so in the case of a commonwealth, when it follows reason
It is most powerful. The necessary result, Spinoza points out, of a commonwealth following the dictates of reason is to have a greater measure of popular support, that is greater unity and power. Only the impossible is beyond the power of the commonwealth, and, of course, this would include what no one can be induced to do by reward or by threat. This limitation on the power of the commonwealth, Spinoza asserts, does not mean that it should not coerce those who declare themselves beyond the civil law, but it does mean that actions which cause indignation to the majority of the citizens are beyond the right of the commonwealth.

Spinoza claims that his conception of the subject's obedience to the state does not rule out obedience to God, for both the rule of the state and the rule of God are expressions of the rule of reason. The mind, in so far as it makes use of reason, is dependent only on itself and, as a result the knowledge and love of God or of one's neighbour cannot properly be called subjection to anyone. Furthermore, the highest expression of charity for others is obedience to the commonwealth's law. External rites and ceremonies are of no consequence as they do not touch the knowledge and love of God. From this, Spinoza assumes that everyone is free to worship as he chooses but, he adds, the propagation of a religion
ought to be left only in the hands of God himself or of the supreme authorities of the state.

Spinoza develops his theory of the rights supreme authorities have against other commonwealths by comparing international relationships to the relationships of one man to another man, in a state of nature. The only flaw he finds in the parallel is the commonwealth's superior power of defence. Like the condition of men in a state of nature any two commonwealths are naturally enemies, and one may at any time decide by its own will to make war upon the other. In order to establish peace it is necessary for the two powers to make a pact, but a pact, Spinoza concludes, endures only as long as the motives for entering into it endure. Once the fear or hope that produced it is removed either of the contracting powers may break the pact at will. The more commonwealths that join in contracting a treaty, the greater is the fear any of them will have in breaking it, and the greater is the dependence of one commonwealth on the others. Further discussion of this topic is unnecessary, Spinoza claims, because every particular proposition may be deduced from the general statement that all men seek to preserve their own existence.

The most important of the rights of supreme authorities is the right of acting as the mind of a dominion. From this right, Spinoza contends that
the more important functions of supreme authorities are evident. They alone have the right of deciding what is good and evil in the commonwealth and it is their duty to lay down and interpret the laws, and to wage war and make peace. A number of other duties are included in these functions. Spinoza lists the rights of the supreme authority; they are to judge, to punish, to appoint jurists, to order war and peace and to levy taxes for war. In order to preserve the unity of the commonwealth these functions must be performed by the supreme authority alone. Anyone else who interferes in a public matter is to be regarded as a pretender.

Spinoza proceeds to a discussion of the way in which the law binds the commonwealth. Most important of all such laws, he reasons, is the law of self-preservation and the commonwealth does wrong when it acts against this dictates of reason and allows itself to be destroyed either from within the state or from without. As wrong is only that which is forbidden by the civil law, it cannot be said that the commonwealth, which made the laws, is bound by them or is able to do wrong. Rather the reverse is true for contracts and laws should be broken when it is expedient for the general welfare. In such a case, Spinoza argues, the question as to what is expedient for the general welfare rests with him who holds dominion and not with any private
person. As no private person has the right to vindicate the laws, the laws do not bind him who holds dominion. If the law cannot be broken, however, without weakening the strength of the commonwealth, the commonwealth is liable to be dissolved and all contracts brought to an end. What will vindicate contracts then will be the law of war. From this, Spinoza concludes, supreme authorities are bound to preserve the commonwealth by the same compulsion as that which keeps any individual from destroying himself.

Just as in the case of a single individual, Spinoza continues, the best condition is that which preserves his life; so in the commonwealth, the best condition is that which maintains the commonwealth's independence. It is one thing, he declared, to till a field by right and quite another to till it in the best possible way. In a similar way the thing to be aimed at in any commonwealth is its best state. Now the end of all dominion is the peace and security of life, the best state of civil society is consequently that state where these ends are attained. Men are not born fit for citizenship, Spinoza claims, they must be made so. They can only become good citizens in a stable and well ordered commonwealth. Sedition and civil war, he says, are not to be attributed to the wickedness of individuals, for the passions of all men are the
same; but rather they are to be recognized as the responsibility of the commonwealth and its laws.

The citizens in the best condition of a commonwealth live lives of unity and peace. It is not a condition of peace, Spinoza contends, where subjects are only hindered from taking up arms against their rulers by fear. That condition might better be called the absence of war. This difference is well illustrated by the differences in a dominion held by consent and one held by conquest. Life, Spinoza goes on, is more than the circulation of the blood: it involves the use of man's most valuable possession, his reason. The best condition of a dominion is not one where peace is maintained at the point of a sword for that is slavery; the best condition is that which is established by common consent and maintained by popular approval.

3. MONARCHY.

Spinoza introduces his exposition of the best constitution for the monarchical form of government by reviewing some of the points he has already noted. The problem would be simple, he observes, if human nature were so constituted that men desired what is most useful, for them no art would be needed to produce unity and confidence among men. As it is, however, men's passions lead them to disunion and strife and the form of a
commonwealth to be permanent must be so arranged that men's passions will compel them to live according to reason. The antithesis of this form of government is that form which entrusts the general welfare to the good faith of a single man. Spinoza objects to the notion that peace and concord are attained by placing the supreme power of the commonwealth in the hands of one man, for one man's watchfulness is inadequate in supervising his own affairs and is proportionately worse in supervising the affairs of others. Furthermore, Spinoza continues, while the absolute dominion of one man may prevent internal war the result is as far removed from peace as slavery is from the concord of family life.

The power of a single man is insufficient of itself to hold the supreme right and, Spinoza continues, the king must have his own personal power augmented by the power of others. In harmony with this inevitable weakness of the monarch Spinoza presents a theory of monarchical government which gives the king a position of comparatively monor importance. As he has pointed out, the will and power of one man is negligible in comparison with the power of the multitude unless that individual will and power act in accordance with the popular will. The exercise of the king's power is accordingly to be so limited that he can do nothing that will destroy
the unity and security of the dominion. The king, Spinoza asserts, must have no direct contact with his subjects but must live in solitude. He may have courtiers but all who attend his court and have personal contact with him are to be excluded from holding office. The only direct connection that the king is to have with the guidance of the affairs of the dominion is to choose from the various dominions that the ministers of the supreme council set before him. This would make it impossible for him to initiate action on his own behalf and in that way gather power into his own hands. His family life, Spinoza declares, should be carefully regulated. The king may not have a foreign wife, for, as history has shown, the intermarriage of kings with foreigners leads to disputes and war. He must choose his wife from among the citizens, and, lest the king should increase his private power, his near relations should be debarred from holding office.

Kings fear the popularity and ability of their sons and for this reason the education of the king's children should be taken out of the king's hands and placed in the hands of the supreme council.

(7) Spinoza was apparently cognizant of the abuses connected with the court life of his day.
The nobility of the monarchy, Spinoza argues must be limited to the direct descendants of the king. Provision must be made in order to prevent the growth of a large group of descendants of the king, for such a powerful group presents a threat to the tranquillity of the state. This group should not be confused with the supreme council which is the governmental body. Marriages of the king's male relatives of the third and fourth degrees of consanguinity should be made illegal. That is, the king's uncles and cousins are forbidden to marry and if they should be married their children are not to be legally recognized. By these regulations Spinoza proposes to prevent the internal strife that frequently results from a quarrelsome nobility.

Spinoza had, no doubt, observed the frequent disturbances that arise within the commonwealth from the presence of a disorderly soldiery. In his discussion of monarchy he urges that only citizens are to be included in the militia. In this way the threat of factions can be avoided. All citizens are to be compelled to spend some part of every year in training. They are to receive no pay in war or in peace because they ought to value their liberty and be willing to fight for it. Although the minor officers of the militia may hold their positions for life, those in supreme command are to be appointed in war time for only one year, and reappointments
are forbidden. These commanders are to be chosen from the councillors so that they will be old experienced and conservative. In this manner Spinoza hoped to remove from the commonwealth the danger of unbridled military power.

The population of the monarchy, Spinoza contends, should be divided into clans which not only act as the basis of representation but also maintain the equality of the citizens. Each clan is to be distinguished by some badge or sign in order that citizens may recognize and take pride in their own group.

In a state of nature, Spinoza points out, nothing is held so much in common as the soil. In the monarchy also he urges all the non-moveable property should be held in common by the public and rented out to the citizens at a yearly rate. In peace time this annual rent is to be the only tax, but in time of war it may be increased by a war tax to meet the expenses of defence. One of the most important results

(8) Spinoza may possibly have hoped that a dominion as soundly constructed as the one he proposed would be too powerful to be attacked and too benevolent to enter a foreign war. The imposition of a limitation of one year upon the tenure of office of the supreme command would certainly lead to confusion and inefficiency in the event of a war.
of this method of holding property, Spinoza stresses, is the fact that in time of war it gives an equal risk to all citizens and in peace time increases their interdependence.

The most important governing group in Spinoza's outline of monarchy is the king's council. The functions he outlines for this group include defending the constitution, advising the king and publishing and executing the king's orders. The members of this body must have reached their fiftieth year and must understand the commonwealth's system of government. As Spinoza's chief device for avoiding corruption in any governing body is to keep it as large as possible, the councillors for six hundred clans would number around two thousand men. The supreme council would include three or four members from each clan, and, of these, one would be a jurist. Each councillor holds office for three or four years without the possibility of reappointment before the expiration of the five year period out of office. The terms of office of the councillors from each clan are arranged in such a way that they do not all retire in the same year. It is one of the duties of the king, Spinoza continues, to choose the councillors from a list of all citizens over fifty.
In his consideration of the rules of order for this supreme council Spinoza requires that in a discussion of the affairs of the dominion as a whole all the council must be present. Councillors who are sick must send a deputy ex-councillor to sit in their place or else submit to a fine. In the discussion of internal affairs the majority constitute a quorum. The council, he asserts, should sit at least four times a year at regular intervals. Every clan is to hold the presidency in turn, and at the time of holding the presidency, it is known as the leading clan. The privilege of being president in the case of each clan falls to its senior councillor. Before the sitting of the council five or six jurists wait upon the clan to hear his wishes in order that they may submit these for discussion by the council. The regular business of the council includes hearing the reports of the ministers and ascertaining and discussing the state of affairs. Opinions expressed in the council that are supported by over one hundred councillors are submitted to the king for his decision. Between the sessions of the council its decisions are put into effect by fifty or more ministers who, however, have no authority to initiate new business.

Spinoza stresses that this type of
council affords many advantages both to the king and to the people. It has already been pointed out that some additional power is needed to reinforce the power of the king and it can be seen that the supreme council performs that function. The large number of citizens included in the council insures that all will be well represented, for, says Spinoza, it is inconceivable that in so large a number there should be any popular opinion unknown. Another advantage of the size of the council is that it would be impossible for anyone to bribe so large a number. Because no one is admitted under the age of fifty, every old man has a reasonable hope that he will some day sit on the council. There could be no greater inducement to virtue, Spinoza points out, than this hope of public honour. Then again this type of organization will prevent many unnecessary wars because it is highly improbable that a self interested party could persuade so large a number to embark upon a war that was contrary to the general welfare. This supreme council, Spinoza further contends, will be a great advantage to the king because it will enable him to know the most

(9) Spinoza, like other writers of his day, tended to regard wars as a result of direct planning. Although some wars have been deliberately planned and executed this explanation errs in disregarding other highly complex causal factors.
most popular opinion and also protect him from the concentration of power that occurs when his councillors are few.

One councillor from every clan is chosen as a jurist. A jurist, like the other councillors, must know the constitution and foundation of his own particular government but in addition he must know the constitution of other governments.

From the whole body of jurists a council of judges, numbering approximately forty-one or sixty-one should be formed, whose duty is to judge all suits and punish criminals. Only jurists over forty years of age are to be selected to act on this council. Contrary to the popular practice, Spinoza continues, judges are not to be appointed for life but only for a few years, so that every year a certain portion of the council will retire and be replaced by other clans. No judgement is to be made without the presence of all the judges. Any substitutes who replace sick members, he proposes, should be paid from fines and confiscated goods. A proportion of the benefit from every civil suit is to be paid to the members of both councils. This, Spinoza argues, will stimulate the administration of justice by giving both councils a personal interest in its execution. On the other hand, the judges will be re-
strained by the fear of their successors and the right of all subjects have of appealing to the supreme council.

Organized religion, Spinoza contends, should be separated from the state in monarchy. No temples are to be built at the public expense. No laws are to be passed forbidding religious opinion unless these opinions are seditious and aim at the overthrow of the commonwealth. All groups which are permitted the public exercise of their religion, he concludes, are to be allowed to build temples at their own expense.

Spinoza is willing to admit that there never has been a kingdom that exactly paralleled the monarchy he has outlined, but he asserts that the illustrations that may be drawn from history on any particular feature of it gives practical evidence that a system such as he proposes would be the happiest and most secure form of monarchy. In partial support of this he refers to the monarchy in Aragon as it existed in one period of the Middle Ages. By putting forward a constitution that provides for internal security and

(9) The use of religion as a support for the state was highly developed in the Roman Empire. There was tolerance of every religious opinion except the intolerant opinion of monotheistic Christians who attacked the religious sanctions of the empire by refusing to worship pagan gods.
freedom from internecine strife. Spinoza feels confident that he has armed his monarchy against its two worst enemies, those who prey upon it from within and those who attack it from without.

4. ARISTOCRACY.

Spinoza continues the exposition of his political philosophy by setting forth his plan for a lasting aristocracy. An aristocracy, he asserts, is a type of commonwealth in which the supreme power is held by certain persons chosen from the general population. Aristocracy differs from democracy, Spinoza says, in that an aristocratic government depends on election and not on birth or fortune. In a democracy, on the other hand, government depends for the most part, "on some right either congenital or required by fortune". The number of men who are to be included in this ruling group, may be determined Spinoza declares, if we reflect that in any society there are approximately two or three first

(10) Spinoza's definition of right as equivalent to power would confuse this statement. A congenital power would certainly seem to be a power such as the excellence of an aristocrat possesses. Spinoza must have believed there was some connection between adult character and birth or he would not have distinguished democracy in this way. His distinction seems more applicable to aristocracy than to democracy.
class men in a hundred. If the safety of the state demands one hundred first class men to rule, then on the above basis, the patrician class should contain five thousand.

Several features of its constitution distinguish this form of government from the monarchical. In a monarchy, Spinoza continues, the power of one man was inadequate and had to be supplemented by the power of the supreme council, but in the government which rests with a large council no such difficulty arises. While kings are mortal and their power passes away when they die, councils are everlasting and their power never reverts to the multitude. The will of one man fluctuates but the will and power of a large council approaches absolute perfection. While there are some similarities between the two types of government the form suited to monarchy must be changed in order to provide for a sure foundation for internal peace in an aristocracy.

In an aristocracy, Spinoza goes on, equality only exists among the patricians themselves and, as a result, the militia may include both subjects and non-

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(11) One wonders how Spinoza determined that three in a hundred was the incidence of superior individuals in the population, or why he decided that the government required a hundred first class men.
subjects. While it would weaken the ranks to exclude subjects, the supreme command is only open to patricians. As subjects have the same status as foreigners, they should be rewarded for army service on the same basis as mercenaries. A similar inequality in the population, he declares, prevents holding property in common. Subjects should own their own property in order that they may have an interest in the maintenance of the commonwealth.

In a moderate sized dominion the supreme council should number about five thousand men; but a governing body that size, Spinoza affirmed, presents a number of problems. How may it be kept large? How may the patricians be kept equal? How may it be assured that it will act with speed or that it will act for the general good? Jealousy and the fact that men are naturally enemies tends to reduce the number in the council. In the light of these considerations it appears that there should be a primary law to establish the relation of the number of patricians to the population. The equality of power of the various members on this council will tend to be destroyed if the patricians choose members of their own families for the council. The tendency to place members of their own family on the council may be counteracted by a law requiring that no man shall be granted admission to the council until he has attained his thirtieth year. Spinoza assumes that this council
will be guided by reason rather than passion in order to maintain its own existence, and, being guided by reason, it will work for the general good of the whole population.

The function of the supreme council, Spinoza continues, is mainly the legislative roll of passing and repealing laws, and of choosing their colleagues and the ministers. It is to be noted that the supreme authority rests in the authority of the council as a whole and not in every individual member.

The laws insure that the action of a whole body will be directed by a common purpose as if by a common mind. These laws themselves stand in great danger of being broken unless some other support than the council itself is found for them.

Another council of patricians, Spinoza contends, should be formed for the express purpose of maintaining the constitution. This council, called the council of syndics, is composed of men over sixty who are chosen for life. The number of syndics should be in the same proportion to the number of patricians as the number of patricians is to the whole population. The authority of this council is to be supported by a portion of the soldiery assigned to it. The syndics and other ministers of state are to receive no fixed salary but are to receive emoluments drawn from a small tax.
small tax levied on every citizen, and the fines levied against patricians absent from the council. The syndics have not only the right to supervise the regularity of the proceedings of the supreme council but they also have the power to convok e that council when necessary.

Spinoza proposes a second sub council called the senate with duties mainly of an administrative nature. He claims for it the right to transact government business, publish the laws and impose and apply taxes. It must also control fortifications, confer with military commissions, and receive and send out embassies. It is important, Spinoza argues, that no patrician shall be called to any office in the dominion except by the supreme council. All matters, furthermore, that alter the existing state of things are to be referred to the supreme council. This would, of course, include decrees regarding both new taxes and peace and war.

The determining factor in deciding the number of senators is the value of giving all patricians the hope of some day obtaining senatorial rank. This may be done by setting the size of the senate at approximately one twelfth the total number of patricians, admitting none under fifty years of age, and setting the length of the senatorial office at two years. Emoluments accruing to this body may be greater in peace than in war, and Spinoza suggests that one hundredth or a
fiftieth part of all export and import trade be set aside for the senate. Some syndics should be given a place in the senatewithout the power of voting in order that they may safeguard the laws. The entire senate should meet at certain fixed intervals but it may be called together by any senator who thinks it necessary for it to assemble. In the interval between sessions some senators are to be entrusted with the right to carry out the wishes of the senate.

The administration of justice in this aristocracy, Spinoza continues, is to be placed in the hands of a number of judges. As was the case in his discussion of monarchy he does not determine the exact number of judges required but stresses the fact that the group must be large enough to make its corruption impossible. The judges are to be chosen by the supreme council by the patricians. The function of this body is only to decide private disputes, for supervision of the fundamental laws of the commonwealth is to be in the hands of the syndics. This latter body must also supervise the way in which the judges administer justice.

When a city holds other cities in subjection, governors of senatorial rank are to be sent out from the ruling city. But this, Spinoza observes, will not be sufficient to assure peace. He suggests that these outlying cities be granted the right of citizenship
and that each city choose from twenty to forty patricians. Of these five are to be sent to the senate yearly and one appointed to the council of syndics for life. The administration of these outlying cities is then to be entrusted to these local senators and syndics. In this way a degree of local autonomy for subject cities is advocated.

For the detailed work of administration secretaries and treasurers are to be chosen from the commons. This body of "experts" might possibly constitute a serious challenge to the power of the legally established councils. Spinoza guards against this danger by allowing each secretary a term of only four or five years; and by having not one, but several, secretaries with their work so departmentalized that no single secretary has the opportunity of making himself dangerously strong. The form of aristocracy that Spinoza has just set forth is only designed for the government of a single city. He now proceeds to elaborate the changes necessary to adopt the constitution to a dominion composed of a number of cities. It is of vital importance in the union of a number of cities that each city should be so dependent on the rest that no city will be able to secede from the union without doing itself great harm. Spinoza places this supreme council on a different footing in this kind of dominion, for to have to meet it as a whole in any city
would not only give that city undue power but would also be highly inconvenient. Spinoza suggests that a senate be formed for the whole dominion on the same lines as a senate for an autonomous city. This body is to have authority to settle disputes that arise between cities.

In this type of aristocracy, Spinoza point out, the supreme council will only be assembled on the rare occasions when it is necessary to alter the form of the whole dominion. In the event of such a proposed change the question is first to be discussed by the senate. The solution offered by the senate is to be offered to the local supreme councils and, if it is accepted by all, it automatically becomes law. If the senate's decision is not accepted, however the whole supreme council is to be assembled.

In the same manner as the senators are selected by the patricians of each city, Spinoza continues, supreme judges are also to be chosen. To this supreme central court all except openly convicted criminals and confessed debtors have the right of appeal. A village, or city whose citizens have not the right to vote, is to be set apart for meetings of the senate and the supreme court.

A dominion composed of a number of cities, Spinoza declares, has a number of advantages over a dominion composed of a single city. The patricians of
every city will seek power in their own city and in the senate of the commonwealth and in doing this they will be inclined to add to their total strength by increasing the number of patricians. This addition of new members will broaden the foundation of the supreme council's power. Due to the fact that the supreme council has no place to assemble there is no danger of an attack on that body as a whole. Even powerful citizens in such a dominion need not be feared because their power, in proportion to the power of the dominion as a whole, is not dangerous. Most important of all, he concludes, liberty in this dominion is granted to more cities and as a result to more people.

The great threat to the life of any commonwealth, Spinoza observes, is the tendency to change its form. The primary cause of dissolution is the increase of practices that gradually undermine the constitution. A dominion that is going to offer full security to its citizens must incorporate some method of bringing itself back to the first principles of its constitution. Spinoza argues the at the council of syndics will secure the form of government against any such dissolution.

But, he admits there is another more insidious force that works towards the overthrow of the dominion. This enemy of the state is the power of
vices that cannot be forbidden by law; for, he says, 
laws against such things as excessive leisire are ineffec-
tive. He proposes to counteract these "vices of peace" 
indirectly. For instance, if insolvency is regarded 
as a public disgrace, the rich tend to avoid it, and thus 
become more avaricious. Patricians are to be distinguished 
by a special form of dress. This he claims not only 
gives them a position of honor and strength but also 
prevents the importation of foreign innovations. Finally 
men are not to be driven by fear but are to be led by the 
foresight of governors in such a way that all feel that 
their political virtues are their own spontaneous actions.

5. DEMOCRACY.

Unfortunately for the completeness of 
his exposition Spinoza died before he concluded his 
discussion of democracy. Many of the presuppositions 
of his political philosophy have appeared in the 
previous discussion and if we supplement these with a 
review of his fragmentary notes on democracy we shall 
have some conception of his thought upon that important 
governmental system.

Democracy, he asserts, is the perfect 
absolute form of dominion. In a democracy all the citizens 
have a right to vote in the supreme council and fill
the public offices. In an aristocracy, on the other hand, a man can become a member of the supreme council only through the choice of the other patricians. That is, no one could fill an office on the basis of inheritance as he might in a democracy. The significant feature of a democracy is not the rule of a single man or of "the best", but of the law. Even if the law limits those who have a vote on the supreme council to members of a certain age group, to the first born of a family, or to those who have contributed a certain sum of money, it is still a democracy. Some may object that those who are appointed by law to the supreme council will be inferior men but Spinoza shrewdly observes that in practice the result will be much the same, for it is the common practice in aristocracies for patricians to choose their inferiors to rule with them.

Spinoza pointed out that there were many possible types of democracy but that he planned to limit himself to a single type, namely that:

wherein all, without exception, who owe allegiance to the laws of the country only, and are further of independent and respectable life, have the right of voting in the supreme council and of filling the offices of the dominion. 12.

Spinoza proposed to exclude only foreigners, criminals,  

slaves and women from the right of citizenship in democracy. His discussion is cut short at the place where he examines the place of women in government. He excludes them on the ground that they are biologically inferior to men, and present a serious threat to the peace of the state.

In justifying his stand against women having an equal place with men in ruling Spinoza appeals to experience. If women were actually equal with men surely in all the nations of the earth some nation would be found where men and women ruled together.
CHAPTER IV.

AN EXAMINATION OF ROUSSEAU'S "THE SOCIAL CONTRACT".
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"THE SOCIAL CONTRACT".

1. FOUNDATIONS OF THE STATE.

In his political enquiry "The Social Contract" Rousseau faces the problem of whether "Taking men as they are and men as they can be made, it is possible to establish some just and certain rule of administration in civil affairs". He attempts, he says, to reconcile what is permitted by right and what is prescribed by interest. The question as to how man passed from his natural state of freedom to his present state of bondage is unanswerable, Rousseau declares; but we can determine how the bondage implicit in social life can be made legitimate. If only force and the results of force are considered, people are under no compulsion to obey, and they can legitimately shake off oppression as soon as they are able. But over against the force of oppression is the social order which, while based on conventions, is nevertheless the foundation of all other rights.

Turning to consider the origins of the social order, Rousseau declares that the family is the earliest society. He distinguishes between natural and voluntary societies, and claims that the family, which is...
the only natural society, ceases to be natural and becomes voluntary as soon as the children are able to care for themselves. If it endures beyond that time it rests on a voluntary basis, and the members are free to break away if they so desire. Liberty is rooted in man's nature, for, as the first law of life is self preservation, a man is free to decide what are the best means to his preservation as soon as he reaches the age of discretion. He will alienate this natural liberty only for some advantage he hopes to gain. The family, he explains, if the political model of primitive societies. The chief corresponds to the father, and people to the children. The only difference is that the father redeives his reward in his love for the child while the ruler's reward is the pleasure he finds in ruling.

Rousseau's examination of the right of the strongest" demonstrates the inadequacy of force as

H.J. Tozer. Swan Sonnenschein & Co.-London, 1895, p. 99. This is a very loose use of words, for if men are always to be taken as they are there is no use in changing the laws.

(2) Rousseau consistently attempts to establish society on a voluntary basis. In the case of the family the offspring's voluntary choice of breaking away or remaining rests on "discretion". Hence the social order is dependent upon people who have reached the "age of discretion". It would have been helpful if he had given a definition of this concept.
the basis of political obligation. Even the strongest man, he observes, is not strong enough to represent himself as master unless he can represent the obedience given to his power as obedience to duty. Actually, it is prudence that causes one to yield to force, not a sense of duty. Even if it is assumed that the strongest is right, any force that overcomes another will also succeed to the other's right. That is, in a society based on force, whenever a man can safely disobey he can disobey legitimately. To those who urge that all power is derived from God, Rousseau answers that they are quite right, but he adds, however, that all diseases likewise come from God and we are not morally bound therefore to submit to them. It is clear then that might does not make right, and that men are only bound to obey lawful authorities. The question is, what authorities are lawful?

Continuing his search for the basis of lawful authority, Rousseau discusses the question of slavery. He opens this discussion with the proposition that, since no man naturally has authority over others and since force is not the source of right, conventions are the source of all lawful authority. In reply to the

(3) The truth of this proposition depends on
contention of Grotius that a whole nation may alienate its liberty to a king just as any individual may alienate his liberty to another, Rousseau asserts that it is absurd to imagine that a people would give themselves away for nothing. An individual may sell himself into slavery in order to subsist, true, but what does a nation gain from losing its liberty? Some say that a nation gains civil peace, but tranquillity is found in dungeons and is not a gain in itself. A man who gave himself up for nothing would be out of his mind and his action would be voidable. In any case even if a man could alienate his own liberty he has no reason to alienate the liberty of his children for his children are born free. This point, which Rousseau says is a flaw in Hobbes, would require that an arbitrary government would have to gain the sanction of each new generation in which case it would cease to be arbitrary. The renunciation of liberty is the renunciation of freedom of the will, of morality, of the rights and duties of humanity, in short it is

the assumption that there are only three possible sources of lawful authority, nature, force, contention. The proposition is invalid as it is stated, for no statement is made showing that nature, force, and convention are the only possible sources of lawful authority.

(4) In defence of Hobbes it may be observed in his view the children have a right to move out of the country, Rousseau himself later uses the argument that residence in the state implies an acceptance of the Social Contract.
the denial of human nature. No man is under obligation to a man from whom he can demand nothing. Because slavery entails the surrender of the slaves' rights, the suggestion that a slave would demand anything from his master is meaningless.

Writers, Rousseau proceeds, have often derived the "right" of slavery from war. Grotius, for example, said that the vanquished gave themselves into slavery in return for life. Rousseau, however, denies that the right to slay the vanquished can be derived from war. In primitive conditions there are not relations lasting enough to be called war. Men are not naturally enemies, and even if they were the strife of individuals is not properly named war. War is a relation between states and it is only by accident that the individuals of each state are enemies. Only another state can be the enemy of a state because it is impossible to fix a relation between things of different kinds. A just prince in taking possession of an enemy does not harm the individuals of the state, for after surrender soldiers and

(5) Rousseau's position at this point is in strong contrast to Hobbes who declared that the state of nature was a state of constant strife and enmity. In contrast to his position here, Rousseau later makes the insecurity of life in the state of nature the reason for the institution of the social contract.
and citizens cease to be enemies and are simply men. It follows that, if war does not give the right to slay the vanquished, slavery cannot be established on the basis of that right. Supposing that this right of killing were granted, even then the slave would not be obliged to obey except in so far as he is compelled to do so.

Even if he were to renounce all that he has said so far, Rousseau continues, there would still be a great deal of difference between subduing a multitude and ruling a society. When isolated men are subject to a master they form a mere aggregation and not an association or political body. The interests of the master in such instances are always private, and even if he enslaved half the world he would still be a private individual. Under what conditions, then, does such an aggregation of individuals become a nation? Not simply when it has a king, for Grotius himself speaks of a nation giving itself to a king as if the existence of a nation was anterior to its act of giving itself to a king. This implies that there must be some earlier convention in which a nation becomes a nation, The convention that the majority should rule presupposes some earlier convention where unanimity was achieved at least once. This observation brings us to the discussion of the social compact.
The social pact, Rousseau declares, is essentially a device which men have developed in order to escape the dangers of the unsocial state. Rousseau contends that in the state of nature a point is reached at which the danger to life overcomes man's ability to maintain himself. This condition becomes intolerable, and the human race changes its mode of existence. Due to the fact that men cannot create new forces but only combine the forces which they have, they have no alternative but to combine their individual force in a sum of forces that will protect them. As the individual's strength and freedom are his chief means of preservation the problem is to find a form of combination to which he can give himself without injuring himself. This problem is solved in the social contract, a contract which is everywhere the same and everywhere tacitly admitted though never formally enunciated. Its clauses are reducible to one, namely, "The total alienation of the whole community to each associate with all his rights." Because every individual gives himself up completely, the conditions are equal for all and no one has any interest in making them burdensome. Because the alienation he

speaks of is complete, the union is as perfect as possible and the individual can no longer claim anything for himself. If the alienation of the individual had not been complete someone would claim to be superior and wish to act as judge, in short the state of nature would still subsist. This reversion to the state of nature is prevented by the complete alienation of the individual and his rights. When everyone joins in the compact it is true to say that, "Each giving himself to all, gives himself to nobody." That is, one does not give himself up to any particular person but to the body of people as a whole. Rousseau states the essence of the social contract in the words:

Each of us puts in common his person and his whole power under the supreme direction of the general will; and in return we receive every member as an individual part of the whole.

The result of the social contract is the creation of a moral body with a common self, a common life, and a common will, having as many members as the voice that engaged in the compact. This moral body Rousseau calls the "republic" or the "body politic". He gives it

(8) Ibid. p. 110.
different names in its different relationships. When it is "active" he calls it, "sovereign"; when passive, the "state"; and when compared to similar bodies, "power". He calls the associating members "people" when considered "collectively, "citizens" when considered individually, and "subjects" when considered as subjects of the law of the state.

Every individual who enters in a social pact engages in a dual relationship: he is a member of the sovereign over against individuals, and is a member of the state over against the sovereign. This relationship of the individual with the whole body of which he is a part is essentially different of course, from the relation of an individual with himself, and as a result, the legal maxim, that contracts with one's self are not binding, does not apply to this relationship. The sovereign is to be regarded as an individual. The resolutions binding all subjects to the sovereign do not bind the sovereign to itself and from this it follows the sovereign cannot impose on itself a law which it cannot transgress.

(9) This point of view is made clear by the notion that an individual plays different roles in society. In the above case the individual cannot only take the part of the sovereign over against the part of another individual, but he can also take the part of an individual over against the sovereign. The sovereign of course is the body politic in its active aspect.
Not even the social contract is binding on the people considered as a body politic. It follows that any act of a sovereign which binds it to an individual or another sovereign is a renunciation of its sovereignty and a violation of the contract by which it was produced.

With the union of individuals in the sovereign body a new check is placed on actions that injure the members of the state. Due to the fact that any action that injures one member of a body politic is an attack on the whole body, and any attack on the body itself is an attack on the individual members, both duty and intelligence compel these two contracting parties to defend each other. The sovereign can have no interest contrary to the interest of its members, and it is impossible that the sovereign should injure individuals for they are the members of its own body. "The sovereign for the simple reason that it is so, is always everything that it ought to be." This happy condition, however, is

This astonishing statement is valid if Rousseau's premise as to what "ought to be" is accepted. He points out that the social pact is the foundation of all rights. It follows from his definition of what ought to be that the sovereign is always right. An attack on his position could be made by examining, first, whether or not the pact implicit in social life is the only basis for distinguishing right and wrong, and second by examining the relationship between the completeness of the compact in Rousseau's theory and its incompleteness in practice.
not true of the relationship of the subjects to the sovereign which is insecure without adequate means for assuming that individuals will keep their part of the compact.

It is possible, Rousseau observes, that men might have particular wills that are contrary to the general will, which would bring ruin to the state if they were not controlled. The social contract therefore implies the clause: "That whoever refuses to obey the general will shall be constrained to do so by the whole body; which means nothing else than that he shall be forced to be free." This resort to force ultimately guarantees the individual's freedom, for it is the condition which insures the working of "the political machine."

The development of the civil state, Rousseau goes on, marks a great change in human life. The voices of duty and law succeed the voices of physical impulse and man turns away from acting on his own principles and listens to the voice of reason. His mind


St. Augustine justified the use of force in putting down the Donatist heresy in Africa on the basis of Jesus' parable of the rich man who ordered his servants to compel the poor to come to his banquet. Augustine's phrase "compel them to come in" was used to justify intolerance and persecution in later days. Rousseau's conception of freedom links him with both St. Augustine's argument and the later Idealistic theory of the state.
is expanded, his feelings ennobled, and his soul enlarged. It is true that in his true condition man loses his natural liberty and the unlimited right to everything that tempts him, but he gains a civil liberty limited only to the general will and a legal title to the things he possesses. He also gains a new moral freedom which liberates him from subjection to the impulses of his appetite and makes him master of himself. For, says Rousseau, obedience to self-prescribed law, in this case, the general will, is liberty.

In the social compact, Rousseau continues, every member gives up himself and all his property. In this act the nature of his possessions does not change, although property is afterwards considered to belong to the sovereign. Thus, the state owns the property of its members through the social contract. Its ownership, when considered in relation to other powers, however, rests on the right of first occupancy. The right of the first occupant becomes a true right only after the establishment of the right of property. In order that the right of first occupancy may be legal, only land can be occupied which is uninhabited, only what is required for subsistence may be occupied, and the possession must be confirmed by labour and cultivation. It is nothing more than usurpation, Rousseau argues, for a man or a nation to take possess-
ion of a territory and include the rest of the race. The transfer of property in the establishment of community does not, in effect, rob the individual of it but rather assures him lawful possession. The individual possessor, by this transfer becomes a depository of public property and acquires all that he gave up. While this is the situation in practice Rousseau insists that: "The right which the individual has over his own property is always subordinate to the right which the community has over all". The social contract establishes a conventional equality which replaces the inequality of nature; under bad government, however, this conventional equality is illusory and is useful only to those who possess an unequal share of wealth.

2. CHARACTERISTICS OF THE STATE.

As a consequence of the principles that Rousseau has established in the first book, it follows that the general will alone can direct the forces of the state for the common good. The interests which are common to all private interests substitutes a "social bond" which

unites and directs society. Now, sovereignty, Rousseau contends, cannot be alienated, for sovereignty is simply the expression of the general will. The sovereign power, a collective being, can be represented only by itself. Its power can be transmitted; but its will can never become the will of another, for if it does it ceases to be general and ceases to be the will of the sovereign. Particular wills tend to preference and disagreement, hence the general will, which tends to equality, can never bind itself to any particular will. The general will cannot even bind itself to any future policy, for the moment it is bound, either to policy or to man, it ceases to be sovereign. Sovereignty is inalienable.

For similar reasons, Rousseau proceeds, sovereignty is indivisible. It is either general or non-existent. As soon as sovereignty becomes the possession of a portion of the people it ceases to be general, and ceases to be truly sovereign. An act of a sovereign is a general act or law, but an act of a particular will is an act of magistracy. The custom of dividing sovereignty over into a number of minor rights such as force and will, executive and political power is the result of taking the act expressing sovereign authority as parts of it; for example, the making of war and of peace are not acts of the sovereign but are applications of the laws.
It follows, Rousseau contends, that the general will is always right and always works for the public advantage. This does not mean that public resolutions are always of the same rectitude, for, while the people are never corrupted, they are often deceived. It is when the people are deceived that the general will seems to err. Rousseau distinguishes between the "general will" and the "will for all" in the following paragraph:

There is often a great deal of difference between the will of all and the general will; the latter regards only the common interest, while the former has regard to private interests, and is merely a sum of particular wills; but take away from these same wills the pluses and minuses which cancel one another, and the general will remains as the sum of the differences.14.

(13) This appears to be a serious inconsistency. If wrong actions are actions which tend to the public disadvantage, and if the people can be deceived and prompted to actions which lead to the public disadvantage, does not the general will err when it advocates such actions? On the other hand, if wrong actions are by definition actions which are opposed to the general will, Rousseau's statement is consistent but ethically confusing.

(14) Rousseau. Op. cit. p. 123. The vagueness of this paragraph is a result of the fact that the will "of all" and the "general will" are two aspects of the wills of the people composing a society. There is further confusion between private and common interests. These terms are not specific for every interest is in some sense a common interest, while the common interest is certainly the interest of private persons. The paragraph is somewhat clearer if the body politic is personified, but to regard the body politic as a person obscures the functioning of the parts of the body.
The resolution of the people will always be good provided they have adequate information and that there is no communication between them. When private interests and associations become strong a less general will rules. To guard against this there should be no partial associations in the state and each individual should express only his own opinion. If partial associations are permitted they should be made numerous and kept equal in order that no particular association may dominate.

In introducing his discussion of the limits of sovereign power, Rousseau declares that, as the state is a moral person whose chief end is self-preservation, a universal and compulsive force to regulate every part in accordance with the welfare of the whole body is needed. Now the social pact gives the sovereign absolute power over all its members, what are the respective rights of the citizen and the sovereign? It is admitted, Rousseau states, that each individual alienates from his own power, property, liberty and everything

a modern writer on democratic theory claims that the general will is the will for a society, that is, it is the desire to keep the compact, to have a society at all.

(15) The concept of morality necessarily involves the relationship of one individual to others. How is it possible for the state which has no ties binding it to other states, which has absolute power over its citizens, and which has as its end its own preservation, to be considered as moral?
that is necessary to the community according to the community's judgment. The sovereign, however, cannot impose, or, because of the sovereign's nature, even wish to impose, any useless burdens upon the citizens. The ties binding the individual to the social body are mutual, and are of such a nature that in working for others each citizen works for himself. The reason why the general will is always right and why all desire the prosperity of each member, is a habit everyone has of referring the word "each" to himself. That is, the equality of rights is actually derived from the preference each member has for his own welfare.

In a controversy, Rousseau goes on, where a private person is opposed to the public inclination, and where there is no anterior general convention, it is ridiculous to refer the matter to the general will. It is ridiculous, he asserts, because the judgment would be a decision of the contracting parties. It follows that the general will is incompetent to judge any particular case. What makes the general will general is its common interest, not the number of voices which compose

(16) In other words the rightness of the general depends upon the naivete of the citizens who are so innocent they are not able to distinguish their own welfare from that of others.
It is this common interest which produces equality, for all pledged themselves to observe the same conditions. In other words, the sovereign power, that is the general will regarded as active, "knows only the body of the nation!" and does not bind or favour particular citizens. Acts of the sovereign, he asserts, are agreements of the body with each of its members, not agreements between a superior and an inferior. Acts of the sovereign are lawful, Rousseau declares, because they are based on the social contract; equitable, because common to all; because their only object is the general welfare; stable, because they possess all the force of the public strength. As long as the conventions are followed the sovereign power has no right to burden one subject more than another.

Proceeding to the discussion of the right of life and death, Rousseau claims that the questions which asks how individuals who have no right to dispose of their own lives can transfer that right to the sovereign, is badly stated. Every one has a right to risk his life to preserve it, and this is all that the state requires in order to have the right of life and death. The person who preserves himself through the sacrifice of others in the social contract, ought to be willing to give up his life for the others if it is
necessary. Now the citizen, Rousseau declares, is not the judge of what is necessary to the state; and if the prince, that is, the government, says it is necessary for a man to die, the prince's judgment must be accepted. The purpose of the death penalty is the preservation of life, and if a man consents to the death penalty for others in order to protect himself against assassination he ought to be willing to die if he becomes an assassin himself. Every evil doer, Rousseau contends, declares himself a traitor and an enemy of society. Either the society or the criminal must perish; hence when the criminal perishes he does so as an enemy rather than as a citizen. He is not a moral person but only a man, and in this case the right of war is to slay the vanquished. The condemnation of a criminal, is not, however, the duty of the sovereign, although that condemnation is a right which the sovereign can confer. When the right to kill is invoked it ought to be used only against those whose lives cannot be preserved without danger to the community.

The original act of compact by which a society is established, Rousseau goes on, does not provide for the expression of will by legislation. While Rousseau has no doubt that justice comes from God he is doubtful whether man receives it directly from
such a lofty source. From the human point of view the laws of justice require a natural sanction, and accordingly laws and conventions are necessary. There can be no general will with reference to particular objects for if there were the general will would have to be divided, and this is not possible. Now a law which must be sanctioned by the general will, is a decree of the whole people concerning the whole people; it is a relation of the whole object from one point of view with the whole object from another point of view. It is general because it considers subjects collectively and not men as individuals, for, "no function which has reference to an individual object appertains to the legislative power." Rousseau asserts that when the implications of this truth are seen clearly some old questions are answered. Law-making is seen to be an act for the general will; the prince cannot be above the law but is himself a member of the state; the law cannot be unjust for no one is unjust to himself; and the man can be both subject and free, for the laws are only registers of our wills. In the light of these observations it is clear that what a man prescribes on his

own authority is not a law. What a sovereign prescribes with reference to a particular object, is not a law and is not even an act of sovereignty, but rather an act of magistracy. The laws are not the conditions of civil associations and as the people are subject to these conditions, they ought also to be their authors. The answer to the question as to how the people can be authors of the laws is provided in the concept of the legislator.

If any person is to discover rules of association that are suitable for men, Rousseau continued, he must be possessed of a superior intelligence. Such a person, a "legislator" is greater than the prince for he invents the machine which the prince manipulates. The legislator should feel himself capable of changing human nature himself and of substituting, for man's natural existence, a moral existence, the foundations of which are rooted in society. The perfection of legislation is approached as the citizen so changes his nature that he is nothing except in combination with other individuals. The office of the legislator is above the application of the laws and has nothing to do with majesty or sovereignty, and nothing in common with human government. In order to get rid of private interests, legislation and its application must be separated. This enterprise of separation, Rousseau claims, is almost beyond human power for the legislator is handicapped by his lack of
authority and the difficulty the wise man has in speaking to the "vulgar". He is unable to use force or reasoning, and so he refers his legislation to heaven. Whether or not this device works depends upon the greatness of the legislator's insights.

The people, Rousseau goes on, are the first consideration of the wise legislator. He must ask himself if they are fit for his laws, for there have been a thousand nations which have been unfit for good laws. Nations, like people, are only malleable in their youth, and if the laws are to be effective they must be established at a time when the nation has grown out of its infancy but has not yet reached the period when old age forbids change. Peter the Great's attempt to civilize the Russians is an example of a legislator fruitlessly laboring to give laws to a nation in its infancy.

The legislator must consider the extent of the state for a state may be too large or too small for good government. In general, however, Rousseau says, a small state is stronger proportionally than a large one. If geographical differences within the state are too great the parts of the state are multiplied and administration becomes difficult. Further, the people in the outlying parts lose their affection for their
leaders and changes in local conditions make the laws less applicable. The attention of the government comes to be centred on maintaining its authority either against the parts of the state or against foreigners, and the public welfare is neglected. The statesman must face the question of what is the most advantageous size for the state, remembering always that a "healthy constitution" is the state's first requirement.

The relation between the size of the nation and the population, Rousseau continues, is another question which the statesman must consider. In order that the state may have the maximum power possible there should be land enough to support the inhabitants, and as many inhabitants as the land will maintain. If there is too much land the nation is likely to have to face a defensive war, but if there is not enough the nation will be dependent on its neighbours. In this latter condition it must choose between a life of commerce and a life of war, neither condition lasts, and the nation either conquers or is conquered. At the time of its formation a nation requires abundance and peace for at no other time in its history is it such an easy prey to famine, war and sedition. Rousseau outlines a number of conditions which must be fulfilled within a state if it is to be suited for legislation. It must be
united by some common bond of interest, origin or convention. It should never have borne the yoke of laws and it should be free from firmly rooted customs and from the fear of sudden invasion. The nation should be able to resist invasion by its neighbours and should be able to give its neighbours aid if they are in trouble. The population should not be so numerous that every member cannot be known to all the rest. The nation should be independent and indispensable to other nations. There should be neither rich nor poor, but self-sufficing, and should combine the stability of an old nation with the docility of a new one. If these conditions seem difficult of attainment, that is at least one explanation why there are so few well constituted states.

If it is asked, Rousseau states, to what phrase "greatest good of all" means, the answer is "liberty" and "equality". There is no liberty without equality, and any dependence of one individual on another alienates the dependents loyalty from the state. Equality, he asserts, does not mean absolutely identical degrees of power and wealth; it means that power must be exercised only according to the law and not violently, and that wealth must not be so concentrated in anyone's hands that a man can be bought with it. This ideal, he grants, may appear to be difficult of attainment, but, even if
abuse is inevitable, there is no reason to say that it is unnecessary to regulate it. The fact that circumstances are against equality only emphasizes the need for legislation that will ensure it. Liberty and equality express the character of the best state, but in any country the laws should be adopted to the situation and the character of the people. The only way a secure foundation for the state can be obtained is to build it upon principles compatible with the nature of the people and their country.

In order to obtain the best form and regulation of the commonwealth three relationships must be taken into account; the relation of the sovereign to the state, the relation of members to each other and the relation of the individual to the law. The laws that govern the relations of the sovereign to the state, that is the relation of the whole to itself are the political or fundamental laws. The tie binding members to one another need not be too compelling, while the ties binding individuals to the whole body should be strong. It is only the power of the state which secures the freedom of the members, and accordingly every individual should be independent of other individuals and wholly dependent on the state. The relation of the individual to the law leads to the establishment of criminal laws which are the sanction of all other laws.
The total constitution of the estate, Rousseau says, is made up of its manners, customs, and opinions, but his own subject is restricted to a consideration of the political or fundamental laws.

3. GOVERNMENT AND ITS FORM.

Proceeding to a discussion of government in general, Rousseau observes that, just as every free action has a moral and physical cause, so also the body politic is moved by a moral force, a legislative power; and a physical force, the executive power. The executive power is the agent of the public force. It concentrates and carries into action the general will, affecting the public person in somewhat the same manner that the self acts in the body in a man. It acts as the "government" which is described as "an intermediate body established between subjects and the sovereign for their mutual correspondence, charged with the execution of the laws and with the maintenance of liberty both civil and political." The members of the government bear such names as "magistrates", "kings", or "governors" while the body as a whole is called the "prince". This body and its members are related to the

sovereign as an employee is to an employer and exercises power only in the name of the sovereign.

It is by means of the government, Rousseau affirms, that the sovereign is related to the state. The government may be considered as the middle term in a proportion relating sovereign to people. It receives its commands from the sovereign and passes them on to the people. In order to have stability between the government and the state as a whole, Rousseau declared that the power of the government taken by itself should equal the power of the citizens. He developed this from the proportion, as the sovereign is to the government with respect to authority, so is the government to the people; and claims that it is impossible to alter the power of any of these three terms without destroying the proportion and throwing the government out of balance. Each individual's share of authority as compared with the authority of the sovereign, can be expressed by the faction having one as numerator and the total population as denominator. It follows from this that, liberty diminishes, the more the state is enlarged the more individual and the greater the power of the government should be.

(19) It would seem that the government receives a general command and then makes it particular for the people.
There is therefore, no unique constitution of government, but many governments which vary according to the size of the state.

The government itself, Rousseau argues, is on a small scale what the body politic is on a large scale, but with the difference that the whole state exists by itself while the government only exists by the grace of the sovereign. The dominant will of the prince should be the same as the general will; if it deviates from the general will and follows a particular will of its own, the social union disappears. Somewhat in contrast to this assertion, Rousseau further contends that the body of the government should have a real life and will of its own; nevertheless, he says, the government must always be willing to sacrifice itself for the people. Even though the government is an artificial body, it may still act with vigor. It may even deviate somewhat from the objects of its constitution, for even the best government becomes vicious when it refuses to adjust itself to particular circumstances confronting it.

(20) Rousseau may only be arguing for an "esprit de corps" in the government, but this, however, easily runs counter to the general will, and is a serious threat to the sovereign. The "political machine" is a good example of just such a particular will.
The general causes of the different forms of government, Rousseau goes on, may be seen as we distinguish the governments as a whole from the magistrates composing it. Just as the ratio of the authority of the sovereign to that of the individual subject was greater as the number of subjects increased, so also the ratio of the authority of the government to the individual magistrate increases as the number of magistrates increase. But, in this latter case, the force of the government as a body does not vary, for it is the force of the state. The strength of the government is, however, lost on its own members as the number of the magistrates increases. There are three wills in the magistrate: his will for his personal advantage, his will for the common advantage of the magistracy or prince, and his will for the common advantage of all people. In a perfect system the magistrate's personal will is inoperative, and the corporate will of the prince is subordinate to the general will of the society. Unfortunately for the welfare of the body politic, the activity of the magistrate's will varies directly as it is concentrated in a smaller body of men. It is most active when it corresponds to a man's personal will and least active when it corresponds to the general will. If the government is concentrated in one man,
his will as a magistrate will be at its greatest intensity. On the other hand, if the government is united with the legislative authority, that is the prince with the sovereign; all the citizens are magistrates and the government has the least possible amount of force. The business of the government is retarded when it is placed in the hands of a large body of people who are likely to spend too much time in discussion rather than in action. From the fact that the government is weakened as the number of magistrates is increased, and the fact that a large population requires a more repressive government, it follows that the larger a state is the smaller its government should be. Rousseau admits that the point of view taken in this particular discussion regards only the force that the government is able to muster, and it overlooks the fact that, as the magistracy becomes more numerous, its decisions will more closely approximate the general will. The problem of the legislator, he concludes, is to fix the relation between the state and the government.

The forms of the state, Rousseau proceeds, may be divided into three types, democracy, aristocracy, and monarchy. In a democracy the sovereign commits the government to the hands of the whole people or the majority of the people. The government may vary in size from one-
half to the total population. In an aristocracy the government is in the hands of a small number of citizens, although the number may be increased to half the population. In a monarchy, on the other hand, the Government is entrusted to the hands of one or possibly two men. The appropriateness of these two forms of government Rousseau believes to vary with the society, but in general he considered democracy best in small states and monarchy in large ones.

It might seem, Rousseau comments, that the maker of the law is the one most fitted to apply them. This is not actually the case, however, he asserts, for such an arrangement gives the legislator a private interest which is apt to mar the justice of his laws. Nor is it expedient for the whole body of people to turn their attention from general considerations to particular questions. It is contrary to the natural order of things, Rousseau claims, for the majority to rule the minority. The democratic form of government presupposes a state that is small in size and simple in manners, and in which

(21) This statement does not contradict the assertion that the sovereign should rule. Here Rousseau is speaking of the application of legislation, not the general will of the body politic. He is here using "rule" in the executive sense.
there is considerable equality and little or no luxury. No other form of government is so subject to wars and changes in its constitution. These difficulties and the particular definition Rousseau gives regarding the size of a government in a democracy lead to the assertion that there never was and never will be a true democracy.

Aristocracy, Rousseau explains, is a form of government in which there are two distinct moral persons, the sovereign and the government, and two general wills. The earliest societies, where the heads of families ruled, were of this form. In a later age the basis of authority gave place to wealth, this to election, and this finally to inheritance. There are three kinds of aristocracy he points out natural, elective, and hereditary. Natural aristocracy is the only suitable form for simple nations; the elective form is the best of all; while hereditary aristocracy is the worst possible form. The advantages of the aristocratic form of government are that it permits a choice of members according to intelligence and experience, is easily assembled, and is flexible in its discussion. It is best, Rousseau says, that the wisest should govern provided that they govern for the common advantage of all. It should be recognized, of course, that any aristocratic government is in some measures a departure from the gener
will. Accordingly, aristocracy demands moderation among the rich and content among the poor, and when it satisfies these two demands it has some chance of success.

Monarchy, Rousseau states finally, is a form of government in which the will of the people, the will of the prince, the public force of the state, and the particular force of the government, all combine to obey the same motive power. In this form of government all these forces work to the same end and produce the greatest amount of action with the least amount of effort. In no other form of government has the particular will of an individual more power and a greater tendency to seek some other end than the public welfare. Kings desire to be absolute. They want, not only a power that is based on the love of the people for them, but also the power to be wicked if they so desire. It is only a secondary interest of the king that the people should be strong, his first concern is that his subjects should be weak in relation to himself. It is this desire on the part of the king that all those under him should be weaker than he, that leads him to appoint inferior assistants. As Rousseau observed in an earlier chapter, monarchy is a form of government that is best suited for large states; but then the distance between the prince and the people demands intermediaries, namely nobles and deputies, who present a threat to the security of the state. If
a monarchy is to be well governed, its greatness and extent must be proportioned to the ability of the governor. The state is usually too large for the prince, but, should it be too small, trouble may arise from the prince's ambition to extend his power over a larger territory.

One of the most serious inconveniences connected with monarchy, Rousseau contends, is the interruption of the succession. If the monarchy be elective, there is always the danger of corruption and intrigue at the time of election. The crown may be made hereditary in order to prevent these evils but this leaves the state open to the more serious evil of having children, monsters or imbeciles at its head. The education of a king is exceedingly difficult. Many factors conspire to rob him of justice and reason. The best training for ruling is training in obedience, and this a king seldom has. The difficulty in educating a king is increased when the monarchy is hereditary, for then there is a succession of kings who are all badly educated. If Plato was correct in his estimate of the rarity of a man fit to be king, how seldom will nature and fortune conspire to place such a natural king on the throne.

A simple form of government, Rousseau says further, seldom occurs. There is always a gradation
in the executive power, sometimes the majority of the executive depend on the minority, and sometimes the minority depend on the majority. The parts of the executive may be mutually dependent or they may be independent. The division of the executive into two or more independent bodies is a dangerous device because it makes a deadlock possible. A simple form of government is better in itself because it is simple, but if the executive power is too strong in relation to the legislative power the executive should be divided. The executive can also be weakened by appointing intermediate magistrates to balance its power with the power of the legislative authority. Intermediate magistrates may also be used to concentrate the executive power when the government is too lax.

Proceeding to a discussion of the relative merits of the forms of government, Rousseau observes that liberty is not best for all peoples regardless of their condition. The nature of the condition must be considered before it can be determined what form of government is most suitable. The civil state can subsist only so long as production is greater than consumption. Production varies according to the country, while consumption is often increased by a wasteful government. Now the greater the distance there is between the government and
the people, the more burdensome the government will be. It follows from this that wealthy nations are well suited for monarchy, moderately wealthy nations to aristocracy, and poor nations to democracy. A further examination of the relation of climate and government, Rousseau contends, reveals that warm countries are best suited to monarchy while cold countries are best fitted to democracy. These propositions follow from the fact that warm countries are more productive for each unit of work and that their inhabitants normally require less food per man. Cold countries, however, are less productive for each unit of work and the inhabitants require a greater quantity of food.

It has already been established that the best form of government cannot be determined without considering the conditions under which men live. Rousseau now considers the marks of good government when it is realized in a state. There may be disagreement on this point, he says, but the question as to the suitability of a particular government is answered more simply when we consider the object of political association. The object of political association is the preservation and prosperity of the associates. The criterion by which to judge governments, then, is the number of inhabitants in the state under the particular government's rule, this number is indicative at once of the extent to which the
inhabitants are being preserved and of their prosperity. The task of making the actual government is one that can be left to the statisticians, since it is the simple one of estimating populations.

An ever present vice of the body politic, Rousseau asserts, is the tendency of the government to degenerate. As particular wills tend to oppose the general will, so the government tends to oppose the sovereign. If the opposition increases the government finally reaches a point where it oppresses the sovereign and in that way violates the social treaty. The government degenerates in two ways, by contraction of itself and through the dissolution of the state. The government contracts in size when its power is concentrated in the hands of a smaller body, as, for example, when the government changes from a democracy to an aristocracy. The state dissolves when the prince disregards the laws and usurps the sovereign power. In such a case the governor becomes a tyrant and the social contract is broken. Then the citizens can be forced to obey, but they are no longer morally bound to do so. The same dissolution takes place within the government itself when its individual members usurp powers which ought to be exercised collectively. In the dissolution of the state, democracy becomes ochlocracy, aristocracy
oligarchy and monarchy becomes tyranny. A tyrant, Rousseau defines as, "A king who governs with violence and without regard to justice and the laws." A despot is one who goes even further than a tyrant, for a despot usurps the sovereign power and sets himself completely above the laws.

The dissolution of the government, Rousseau asserts, is an inevitable tendency, and it would be foolish to dream of making a government eternal. The body politic, like the human body, begins to die at birth; but unlike the human body, men can prolong its life. The great principle of political life is the sovereign authority, the heart of the state is the legislative power, its mind is the executive power; As the human body can live without a brain but not without a heart, Rousseau claims that the body politic can get along without a brain but dies if the heart is cut off. The state subsists by the laws. If the laws of yesterday are accepted in silence when the legislative authority has power to abrogate them, we may assume that these laws have the support of the general


(23) Rousseau's anatomy is unsound, and his politics at this point are not much more secure. Governments resting on force have little "heart" but some of them are virtual Methuselaths for longevity.
will. Respect for ancient laws is not, therefore, due to their antiquity but to their excellence and general acceptability.

Advancing to a discussion of the way in which the sovereign authority is maintained, Rousseau contends that, because the sovereign acts only through the laws, it acts only when the people are assembled. This may appear to be a chimerical idea, but such assemblies actually exist in Macedonia and in Rome, and Rousseau holds that they might do so again. It is not invalid, he says, to argue from the actual to the possible.

It is not sufficient, however, he continues that the people should assemble once and fix the constitution of the laws forever. Nor is it sufficient to establish a perpetual government, or to make some lasting arrangements for election. Regular assemblies are convoked by the law. All other assemblies, except those convoked by law or by the magistrates, are to be considered unlawful. Precise rules cannot be prescribed for the meetings of lawful assemblies, but, in general it may be said that the more force the government has the more frequently the sovereign should display itself. The sovereign authority must not be divided among the cities of a large state, nor should it be centred in one city; for, in the first case,
the sovereignty is simple and individual and, in the second, it is no more lawful for one city to be subject to another than for a man or nation to be subject to another man or nation. It is naturally inconvenient, Rousseau claims, to unite a number of towns into a union, but if the state cannot be reduced to proper limits the capital can move from town to town.

As soon as the people meet in the sovereign assembly, Rousseau declares, the government power is suspended and the person of the meanest citizen becomes as individual as that of the first magistrate. This assembly is always dreaded by the government, and everything possible is done to hinder the meeting of the people. A common practice is to promote a general disgust with assemblies as such by emphasizing their apparent inefficiency and inconvenience. With repeated frustration by the government, sovereign assemblies finally disappear.

Deputies or representatives, Rousseau continues, are sometimes introduced between the sovereign and the government. This is the direct result of the indolence of the citizens. The service of the state ceases to be the chief interest of the citizens, who become

(24) E.g. Hitler's description of the British parliament as a "talk shop".
preoccupied with their own interests and their love of gain. Commerce and art predominate, and, in a word money rules. The better the state is constituted the more the public interest outweighs private interests. In a badly constituted state, however, men see that the general will does not prevail and they give their attention to their own private interests. At this point patriotism declines and men are willing to put the public interest in the hands of deputies. The sovereign, however, Rousseau claims, cannot be represented for the same reason that it cannot be alienated. The laws are invalid unless they have the people's personal ratification. The idea of representation comes from feudal days, it was never heard of in ancient times and indicates a decadent period where liberty and right have ceased to be all important to the citizen. The government, however, sometimes represents one aspect of the sovereign:

The law being nothing but the declaration of the general will, it is clear that in their legislative capacity the people cannot be represented; but they can and should be represented to the executive power, which is only force applied to law. 26.

(25) The development of representative government, perhaps more than any other single factor, differentiates modern from ancient democracy. Rousseau's scorn for the feudal system may be compared to the dislike Marx held for the capitalistic system.

Practical considerations lead Rousseau to the conclusion that it is scarcely possible for the sovereign to preserve its rights unless the state is small. He promises, however, in a later work to show how federations make it possible to combine smallness with strength.

The body politic is perverted, Rousseau contends, if the executive power is not clearly distinguished from the legislative authority. Given a well grounded legislative power the question is: how can the executive power be established? From the equality inherent in the social contract, all can prescribe what all ought to do. In order to make politics live and move, the sovereign in establishing the government, gives the prince authority to order specific acts. This is not a contract between the people and their leaders because the sovereign cannot alienate its power by entering into a contract. It is not a contract of the people as a whole with the individual, for that would be a particular act and unlawful. If it were a contract it would be made under the law of nature alone and would lack all security.

There is only one contract in the establishment of the state, and that is the original contract of association.

The act of institution of government, Rousseau continues, is a complex act, composed in the first place of the establishment of law and, in the
second place, of the execution of law. By establishing the law the sovereign determines the form of the governing body. By the second act, which is a function of the law, the people nominate the leaders of the government. The difficulty however is: "How can there be an act of government before the government exists, and how the people, who are only sovereign br subjects, can, in certain circumstances, become the prince or the magistrates". The solution is found by temporarily turning the state into a democracy, in which case the citizens who have become magistrates are able to perform particular as well as general acts.

Rousseau concludes his third book with a discussion of the various means of preventing usurpations. From the fact that the act of instituting a government is not a contract, and the fact that the depositories of executive power are not masters but only officers of the state, Rousseau concludes that hereditary government is simply a provisional form which the people at times give to the government. While it is true that it is dangerous to make changes in the administration, the state is no more bound to leave the civil authority in the hands of its leaders, than it is to leave the

military authority in the hands of its commanders.

In the case of a change of administration, every precaution must be taken against allowing one faction to gain control. On such an occasion, on pretence of suppressing a faction, the prince may use repressive power to silence the voice of the people. Such use of repressive power by the prince can be guarded against by determining certain times of assembly in the law, and by demanding that every assembly be opened with two questions:

The first: "Whether it pleases the government to maintain the present form of government."

The second: "Whether it pleases the people to leave the administration to those at present entrusted with it." 28.

Faced with this lawfully prescribed questioning by the assembly, the prince cannot escape by putting forward some other issue to distract attention from his deeds.

4. METHODS OF GOVERNMENT.

The general will, Rousseau declares, is never destroyed. If reference is made to a healthy state this is not questioned, for there peace, union, and equality are found. The common good is eagerly

pursued and the few new laws that are needed from time to time are accepted as a need that all feel. With regard to cases where the social bond is relaxed, where private interests and small associations predominate, and where the state is on the verge of collapse, the affirmation that the state is indestructible may not be so readily accepted. In such instances, Rousseau contends that the good will is still constant, unalterable, and pure, but that it has been subordinated to other particular wills. The general will is still there, but men are so preoccupied with their own affairs that they do not see it.

In his discussion of voting, Rousseau observes that the more voting approaches unanimity the more the general will predominates. If there be a clear division in the state unanimity of opinion is more difficult to attain. Further, the opinion of the people is more difficult to ascertain the more degenerate the state is. There is one law, the social contract, which requires unanimous consent; all other laws may be established by the will of the majority. Those who oppose the social contract do not make the contract invalid but they do exclude themselves from membership in the body politic. They become foreigners among citizens of the state, and, like foreigners, if they remain
within the territory of the state, they must submit to the laws. "When a state is established, consent lies in residence; to dwell in the territory is to submit to the sovereignty". To the charge that it is impossible for a citizen to be free and yet subject to the laws which he did not vote for, Rousseau replies that the individual in the social body consents to the laws as a whole even though he may not approve of each law specifically. In voting the citizen does not say whether he approves or disapproves of the law in question, he simply expresses his opinion as to whether or not the law is conformable to the general will. When an opinion opposed to the citizen's personal opinion is chosen, he knows he was wrong in his estimation of what the general will was. Complete unanimity of opinion requires that there be no dissenting voices, but

Rousseau does not defend his theory against the possible charge that it is unfair for the members of the state to treat those who did not enter the contract as foreigners. Might not this act of the state be described as usurpation in the sense that Rousseau uses that word?

(30) Rousseau is speaking here of the law making body and his suggestion is quite proper when applied to it. This would be an impossible procedure in Rousseau's "perfect system" in which each citizen expresses his own views without previous communication with other citizens,
without having unanimity there may be degrees of agreement to the point where the votes of the citizens are equally divided. The most serious matter such as the making of laws require a greater degree of unanimity of opinion, while matters that require despatch should be accepted on the vote of the bare majority.

Turning to the question of elections, Rousseau points out that there are two procedures commonly used, namely choice and lot. Rousseau agrees with Montesquieu in the latter's contention that drawing lots is a democratic procedure. In contrast to Montesquieu, who emphasized the honour bestowed on a citizen in having an opportunity to serve his country, Rousseau says election by lot is democratic because it imposes the burden of having to act in the government equally on all citizens. In an aristocracy the government chooses and maintains itself. As there is no true democracy a combination of election by lot and by choice should be used. Choice, Rousseau says, should be the method when special talents are required. Lots should be used when the common virtue of good sense, justice, and integrity are required.

Rousseau's discussion of the Roman "comitia" does not add a great deal to the theory he has been presenting. It is, however, worth while to
consider momentarily some of the outstanding divisions in the Roman constitution. In the earliest time Romulus is said to have divided the state into three tribes, composed of thirty "curiae" to offset the power of the knights or nobility. In a later period under Servius the state was re-divided on a geographical basis and the "curiae" were left with a purely religious function. Servius emphasized the division between knights and the people by dividing six classes according to their wealth. These six classes were subdivided into 195 classes called "centuriae" in such a way that the wealthiest of the six classes composed more than half the "centuriae", while the poorest class, containing over half the population, equalled only one "centuriae". This preponderance of power in the hands of a small wealthy class of nobility was checked to some extent by the power of the tribunes. The tribunes convoked a council of the people which, while it had little power in managing affairs of state, gave expression to popular feeling. Three Roman political devices, the tribuneship, the dictatorship and the censorship are modified and given a place in Rousseau's theory of the state.

The tribuneship in Rousseau's political theory is a device used for regulating the prince and the people, or the prince and the sovereign, when it is
impossible to determine the exact relationship of these powers. The tribuneship is a guardian of the laws and legislative power, and it acts to prevent an abuse of these by any of the bodies of the state. The tribuneship itself, Rousseau asserts, is not part of the state. Its function is a purely negative one of forbidding actions detrimental to the welfare of the state. It is the strongest support of a good constitution when widely used, but if it becomes too strong it degenerates into tyranny and overturns the whole state. The latter danger may be avoided, Rousseau suggests by fixing intervals by law in which the tribuneship is suspended. These intervals should not be so long that they allow abuses on the part of the government time to take root.

The inflexibility of the laws, and the impossibility of providing against every possible danger to the state necessitate some device which can suspend the regular institution of the state and act quickly in emergencies. This device, Rousseau says, is the dictatorship. As its use involves a great threat to the safety of the constitution, it must be resorted to only in the most serious crises. There are two ways in which the dictatorship can be used: the first is simply by increasing the activity of the government,
the second is by nominating temporarily the supreme head for the state. The use of dictatorship in a crisis is quite in keeping with the general will, for the general will desires, above everything else, the preservation of the state. The dictatorship in Roman times, rather than abusing its rights, tended to become ineffective through frequent use on ceremonial occasions. This ceremonial use weakened its power in times of crisis. The appointment of a dictator should be for a fixed time in a critical situation. The duration of the dictatorship should not be long, as the crisis which occasions it usually soon passes. Continuance of the dictatorship when it is not needed leads to tyranny.

Proceeding to consider censorship, Rousseau declares that the censor is not the arbiter but the expositor of public opinion. "Public opinion is a kind of law of which the censor is minister." The censor "declares public opinion in somewhat the same way that the laws declare the general will. The manners of a people, Rousseau contends, are the product of their opinions; the duty of the censor is, therefore to guide their opinions in such a way that their manners may be improved.

(32) This seems to conflict with his view that
Opinions, and hence morality, are derived from the constitution, for it is legislation, Rousseau claims, that gives morality birth. If legislation degenerates morality soon follows it. The most that censorship can do is to support morality by preventing opinions from being corrupted. Public opinion is not subject to constraint, hence there should be no vestige of repression in the exercise of censorship.

Taking up the question of civil religion, Rousseau first considers primitive and pagan religion. In the early period of history men had no kings except the gods, and it was a long time before they were willing to accept a fellow man as their master. They placed gods at the head of their nation with the result that theological and civil intolerance amounted to the same thing. The pagans never had any purely religious wars because everyone agreed that the gods of one nation were without rights over other nations. Conversion at this stage was brought about only by conquest. It was a result of the fact that a declaration of faith

the censor simply declares public opinion. Rousseau might defend his position by arguing that if all opinions were known the people would choose the best, and as a result their manners would be improved. That is, if they knew the good, they would follow it.
amassed to the same thing as a declaration of allegiance that the refusal of the Jews to worship the gods of their conquerors was frequently regarded as rebellion. The Romans extended their empire by including in their pantheon the gods of the nations they conquered. At the time of the Roman empire they had such a multitude of gods that paganism was finally known as a single religion.

Jesus, Rousseau continues, came into the Roman world with a purely spiritual religion, entirely divorced from the political system. The pagans who were unable to grasp the other-worldly nature of Christianity always regarded the Christians as rebels seeking power under pretense of weakness. What the pagans feared actually happened when Christianity became the state religion. Christianity prevailed as a violent despotism and when this happened there was a continuous conflict between rulers and priests. The clergy in some cases became legislators or themselves rulers, but in other instances, as in England and Russia, kings established themselves as heads of the church. This conflict between civil and ecclesiastical rule led to such various contentions as on the one hand, that no religion is useful to the body politic.

Religions, Rousseau contends, may be divided into three classes. There is, first, the
religion of man, which without temples and altars leads to the eternal worship of God and the performance of the binding duties of man. This is the simple religion of the Gospel. There is, secondly, the religion of the citizen which is supported by legalized dogmas and limited to a single country. The early religions were of this type. The third type of religion is a mixture of the other two. It has two laws, two chiefs and two countries. This is the type of religion found among the Lamas, among the Japanese, and in the Roman Catholic Church. This third form is the worst of all, for: "whatever destroys social unity is good for nothing: all institutions which put a man in contradiction with himself are worthless." The second type, the religion of the citizen, is good in so far as it combines divine worship with the love of country, but it is bad because it is false and obscures true worship with ceremonial intolerance. The first type, the Christianity of the Gospel, is holy and sublime and it combines men in a social bond that is unbroken even at death. Unfortunately this type of religion is entirely spiritual and has no ties binding it with the body politic. It is concerned

only with heavenly things, and detaches the citizen from the state. A society of Christians demands that all should be equally good, for, if one be ambitious he easily obtains the advantage because other Christians readily give in to him. As a result, Rousseau concludes the words "Christian" and "republic" are mutually exclusive. Christians are born to be slaves; the republic requires freemen.

Religion, however, Rousseau goes on, bears on the sovereign only in so far as it touches upon social life. The sovereign's right stops at the point where public utility ceases to be a consideration. While the citizen must be dutiful, he can have whatever opinions he wishes so long as they do not relate to the state. The sovereign must, therefore, proclaim a purely civil profession of faith. This faith may be summed up in one word, sociability. The sovereign has not the power to compel anyone to accept this statement of faith, but he can banish those who refuse. The dogmas of civil religion are simple Rousseau declares. They are summed up in three positive statements and one negative:

The existence of the Deity, powerful, wise beneficent, prescient, and bountiful, the life to come, the happiness of the just, and the punishment of the wicked, the sanctity of the social contract and the laws.

The negative statement is the condemnation of intolerance. Intolerance, Rousseau concludes belongs to an earlier day of national religion; if religious intolerance be admitted to the state the rule of the sovereign is soon destroyed and replaced by the rule of priests.
CHAPTER V.

T. H. GREEN'S POLITICAL PHILOSOPHY
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I. T. H. GREEN'S CRITICISM OF SPINOZA, HOBBES, LOCKE, AND
ROUSSEAU.

T. H. Green makes use of an exposition and criticism of Spinoza, Hobbes, Locke, and Rousseau as a device by means of which to set forward the most significant features of his own political philosophy. He was separated from the earliest of these writers by two full centuries, and by a century from the latest, and the interval had seen a considerable change in men's thought. Green's chief point of difference, by and large, lies in the fact that he, unlike any of these four writers, attempts to establish the foundation of a political society on a distinctly moral basis. His discussion of their political theories is concerned in the main with an exposition of their statements of the grounds of political society. In the following discussion the chief criticism which Green brings against the political theory of Spinoza, Hobbes, Locke and Rousseau respectively, will be discussed. An examination of Green's attack on the social contract theory in general will prepare the way for a more detailed investigation of his own philosophy.

Spinoza.

Green attacks Spinoza's philosophy at
three points, namely, Spinoza's identification of "right" and "power", his conception of the origin of the state and its final constitution, and his denial of final causes. Spinoza, Green claims, was aware of the fact that power could never be recognized as a right except among individuals who are conscious of a common interest. Instead of pointing out that, the so-called "right" of individuals in a pre-social state, was not a right at all, Spinoza reversed the process and identified right with mere power. In Spinoza's view the individual or the state always had as much right as it had power. Green criticizes Spinoza for his definition of "right" in terms of "power"; but it may be objected with respect to this criticism that Spinoza was perfectly free to use words in any way he wished provided that he made his meaning clear. His real difficulty arose, as Green points out, when he attempted to give an account of the state solely in terms of power.

Green contends that, at the outset of his discussion, Spinoza failed to recognize any motives in men except motives that would render them enemies to one another. That is, Spinoza considered that men were activated solely by the desire for power and the fear of weakness. Spinoza claimed further, Green says, that men did not bring any motives into the civil state which did not already operate in their natural condition. Green argues that Spinoza did finally admit such generous motives as desire to help others,
and desire to live in harmony, but gave no explanation of how such motives developed out of the primitive conflict of powers. To put the point in Green's own terms:

Some power of conceiving and being interested in a good as common, some identification of the "esse" of other with the "suum esse" which every man, as Spinoza says, seeks to preserve and promote, must be supposed in those who form the most primitive social combinations, if these are to issue in a state directed to such ends and maintained by such a "constans voluntas" as Spinoza describes. (1)

In Spinoza's argument, however, Green complains, there was an impassible gulf between a condition of pure individualism, which lacked even the social motives of family life, and the civil or social state, where men develop what Spinoza called a "social temper". His theory provided no middle term, no account that might have admitted the passage of men from one state to the other.

Spinoza's error of postulating rights apart from society was confirmed, Green asserts, by his rejection of final causes. The true view of right, Green claims, recognizes that rights are not simply powers possessing sensible effects, but powers which belong to individuals in so far as they recognize themselves, and others recognize them, as able to act for the sake of a common good. Spinoza, on the one hand, attempted to regard the individual as if he existed apart from society as the mere vehicle of so much power; and on the other hand, within the bounds of society, he distinguished between a better and a worse condition and

urged that there was a possibility of men seeking a better condition because it was better. Spinoza's own ideal man, Green goes on, was one who both recognized himself as a part of nature, and understood the order of nature itself. In the political field Spinoza recognized an ideal by distinguishing between a state that was managed within its rights, or powers, and a state that was governed in the "best" way. It would seem then, Green urges, that Spinoza actually recognized the function of final causes in life, even though he never accepted them explicitly.

Green's criticism of Spinoza's account of the origin of society is certainly a valid one. Spinoza did not present an adequate theory of how society developed. It should be noted that Spinoza's age was not as interested in giving an account of origins as was the nineteenth century. Green approaches the study of society in a period, when, as a result of Darwin's work, there was much interest in the way things develop. Green himself had the double heritage of the German Idealism and the Darwinian evolutionary theory, and both these movements in thought stressed the concept of development. The decisive criticism of Spinoza, however, is not that he did not give an account of the development of society, but that he presented a theory, the terms of which could not explain that development. What he actually did was to describe two states, the state of nature and the state of society, without giving any convincing account of how they could be related.
Spinoza's denial of final causes, as Green points out, was more verbal than actual. The most striking feature of his account of human behaviour was the kind of motivation which he emphasized. He and Hobbes both seem to have wished to avoid being led astray by thinking too highly of man. Spinoza began his treatise with a warning that he at least was not going to disregard the passion of men. Philosophers, he said, had generally written about men as they wished them to be. Spinoza's account of motivation errs, like almost every account that seeks to list the desires of men, by being too narrow. His error, as Green observes, was his failure to give an adequate place to distinctly social motives. If Spinoza is wrong in this respect, we might note, his error is one of observation rather than method, for he expressly claims that his purpose is to understand human passions and not to "mock, lament, or execrate" them. But so much for Green's criticism of Spinoza; we may now consider what he has to say about the other three writers.

**Hobbes.**

Hobbes' political theory according to Green, was vitiated by Spinoza's fundamental error of identifying power with right. Hobbes, however, added to this error numerous other inconsistencies. It is with these additional inconsistencies that Green is concerned in his criticism of Hobbes. He doubts the value of a very thorough examination of a theory which was obviously based on a fiction, although
even a fiction he says may succeed in describing an essentially sound moral relationship among man. Green is convinced that Hobbes political theory fails even in this respect.

Hobbes argued that the sovereign power could be established either by institution or by acquisition. A sovereign was established by institution when men agreed among themselves to accept, one man or an assembly as their protector. Most of Hobbes' description of a sovereign pictured him as a sovereign by institution, as one whose acts a great multitude have mutually consented to authorize as their own. It is clear, Green observes, that a sovereign by acquisition, that is, a sovereign whose power rests on inheritance or conquest, has no such sanction for his authority. Another inconsistency in Hobbes' account of the establishment of sovereign power is seen in his description of the covenant. Men first agreed to be bound by the voice of the majority in their selection of a sovereign, according to Hobbes, and then they selected the sovereign. The first agreement was a covenant although the second was not. Green claims that it would naturally be inferred that if the majority were authorized by the covenant to choose a sovereign they would also have the right to transfer the sovereignty to other hands when they saw fit. Green's general point against Hobbes' theory is a sound one although his support for his criticism is inadequate. Hobbes' most glaring inconsistency was to base the ultimate authority in the multitude as "authors" and then
to assume that in some mysterious way they transferred forever their authority into the hands of a sovereign. Green's criticism is to the effect that the covenant itself does not bind the covenanting parties to the choice of the majority. We might say in reply, contrary to Green's interpretation, that the agreement to accept the sovereign does seem to be inseparably bound up with the agreement to accept the choice of the majority. In Hobbes' words the multitude covenant that, "to whatsoever man or assembly of men shall be given by the major part the right to represent the person of them all", they will authorise that man's or that assembly's acts and judgments. (2) Clearly the multitude are agreeing among themselves that they will accept the decision of the majority.

Hobbes' notion, Green continues, that there was an obligation which did not rest on power, but which required men to keep the covenant, is inconsistent with the doctrine that there is no right other than power before the establishment of the sovereign power. Green's criticism here seems to rest on the theory that rights and obligations are correlative. While Hobbes certainly based the rights of the state of nature on power he seemed to suggest in his doctrine of the laws of nature that obligations could exist in their natural state. The laws of nature as was observed in Chapter 1 of this thesis, are best understood as rules of expediency. Hobbes might have given them a title such as "How to increase your power and get along in the world".

He certainly suggests that men ought to obey them although one cannot help agreeing with Green's view that any obligation would have a difficult struggle for existence in Hobbes' non-social state of nature. Green criticizes Hobbes' contention that men have no right to resist the sovereign. As the sovereign's right rests on his power, Green argues that as soon as his power is overthrown his right is too. Hobbes himself seemed willing enough to concede this point when one sovereign's power passed into the hands of another sovereign by conquest. He justified such a transfer of right on the basis that both sovereigns were in a state of nature. Hobbes refused to allow this same right, that is, the right to transfer the sovereignty, to the body of citizens on the ground that they were bound by their contract. Their contract, however, was a contract among the individuals themselves, and not between individuals and the sovereign. The sovereign was left out of the contract and his power over his subjects was justified on the grounds that he was in a state of nature with respect to them. The sovereign retained his right to everything from the state of nature, but the subjects gave up this natural right when they accepted the sovereign in making the contract. Hobbes, of course, sought to justify the surrender of rights on the part of the multitude on the grounds that it was the only means of establishing a peaceful society. Green quite rightly points out that Hobbes provided no basis for any binding contract in the absence of a
sovereign power. How then could their first covenant be valid? Green might also have used the argument that contracts which were made under duress or made when one of the contracting parties was out of his mind are not binding. Surely one or another of these arguments would provide justification for breaking the contract which Hobbes proposed.

The chief source of Hobbes' inconsistencies, Green asserts, was his desire to prove that all resistance to established sovereignties was wrong. In his attempt to justify established sovereignties he pictured the antecedent state of nature as a condition of war, a condition in which men were naturally enemies and right was equal to mere power. His notion, Green points out, did not condemn a rebellion which was strong enough to succeed, for a successful rebellion established its right by showing its power. If there were rights which have some other basis than mere power there must at least have been the possibility of a conflict between such rights and the sovereign power. Hobbes, however, refuses to consider any such possibility. From Green's point of view the most serious result of the doctrine that bases the state on a contract is the false notion conveyed in the idea that men have certain rights independently of society. The popular effect of this view, Green claims, is the assumption that men have rights against society, independently of any duties which they might owe to society.
Any criticism that can be levelled at the social contract theory in general can be directed to Locke's political philosophy. Green's criticism of Locke's particular social theory turns about the relationship of government and people. Locke's theory, unlike that of Hobbes, considered a situation arising in which the government assumed unlawful power and governed according to its own will. When this "usurpation" of power occurred, Locke argues, the people were entitled to rebel against the government and establish another government of their own choice. Locke's theory, as Green points out, made such a rebellion possible because it separated the act of establishing a political society from the act of setting up a government. Green criticizes Locke's theory on the ground that it did not make it clear when resistance to a "de facto" government was legitimate. Locke, Green says, justified resistance to an established government when that resistance was an act of what Green takes to be the "sovereign people." While Green feels that such an act was as comprehensible as the original act of establishing a government, he points out that, because an act of resistance is a present possibility, it should be examined more closely.

Green affirms that, on Locke's theory, the condition necessary to establish resistance to an established government is an act of the whole people. Locke derived the
authority of a government from an act of society and concluded that an act of a society could recall the authority the society had delegated to the government. "How", asks Green, "can we ever be entitled to say that such an act has been exercised?" (3) There are no doubt mechanical difficulties, such as voting, in the way of determining what is an act of a whole society but it is difficult to see what logical grounds Green has for his criticism. In small assemblies and associations the formation and dissolution of government goes on continuously. In such a simple situation it is not difficult to ascertain when the society desires a change of government, nor is it difficult, when the government has been changed, to ascertain whether or not the transfer of authority was an act of the whole society. If such a transaction is possible in a small society why is it not also possible in a large society?

Green further criticizes the justification Locke gave for a society's resistance to a government which it did not approve, by comparing Locke's view with the Greek theory. "Here again the Greek theory deriving the authority of government not from consent but from the end which it serves, is sounder than the modern." (1) The words "not from consent but from the end which it serves," we might observe, make a distinction which is practically meaningless. A government which rests on consent is a government which rests on the approval and sanction of individual members of

(3) Green, Op. cit. P. 77
society. Individuals have no basis for consenting to a government except in so far as that government serves some end. The very notion of consent involves the notion of some purpose served. Green's own theory of government is like the Greek theory in positing an end served as the basis of government. It should be pointed out, however, that Green does not disagree with Locke's general principle that people have a right to resist an unjust government. He simply argues that Locke did not establish an adequate theoretical foundation for resistance.

Rousseau

A theory which bases sovereignty on consent and holds that an individual's right is violated unless he himself was one of the originators of the law he is called on to obey, gives little support to the doctrine which demands the obedience of the minority to the majority's ruling. This difficulty, Green claims, is one of the major defects of Rousseau's political system. In the case of the formation of the original compact Rousseau demanded that there should be complete unanimity. Those who did not enter the compact were to be treated as "strangers" among the citizens. Green points out that Rousseau gave no justification which would allow the political society to control these dissenting individuals. Another criticism arises over the question of voting. Rousseau argued that each individual in voting should vote in accordance with what he thought the general
will was at that particular time. Green regards this regulation as consistent with the rest of Rousseau's argument but declares that Rousseau provided no answer to a member of the minority party who pleaded that the vote of the assembly had been so biased by particular wills that it was not an expression of the general will. Another criticism turns about the question of assent to the compact on the part of generations coming after the original covenants. Rousseau contended, in contradiction to his statement with regard to those who stayed out of the original contract, that consent lay in residence. Green observes that "consent" in this proposition is meaningless unless there is a real possibility of the individual moving into the realm of another sovereign.

Green claims that the permanently valuable thing in Rousseau is his doctrine that sovereignty represents the general will. He develops this phase of Rousseau's theory in a later chapter, and makes it an integral part of his own political teaching. It is the theory of natural rights and the idea of a compact, he holds, that vitiates Rousseau's theory. Rousseau, he asserts, made a consistent attempt to develop a theory of the state based on consent, but the only type of state he was able to portray on this basis was one in which the whole body of citizens assembled and acted as a legislator. His theory denied rights to practically all the European states that existed in his own time, and would deny rights to most modern European states. The readers of
Rousseau, according to Green, must choose between the theory that in many states there is no operation of the sovereign power, and the belief that many so-called states are not really states at all. Green points out that an attempt might be made to justify Rousseau's theory on the ground that he was distinguishing between "de facto" and "de jure" sovereignty and that he would have regarded European states of his own time as having a "de facto" title to sovereignty. In other words, Rousseau might be regarded as outlining a government which had a moral title to obedience. There is good reason to believe that this was his aim, for, in his introduction, Rousseau suggested that his purpose was to outline the conditions which would render legitimate the bondage involved in the social state.

The Social Contract Theory.

In the political philosophies of Hobbes, Locke, Rousseau, and to some extent Spinoza, there were certain common principles. These included the concepts of a state of nature, natural laws, natural rights, and a covenant establishing political society. Spinoza's theory differed from the others in that he regarded the origin of society as resting upon a combination of the individual powers of men and not upon a covenant sanctioned by laws of nature. In indicating some of the ambiguities involved in these theories, Green first points out that the idea common to their conception of a state of nature is the negative notion
that the state of nature is not a state of political society. The state of nature is a state where there is no civil government and no supreme power. The question that arises is: is it a state of society at all? The theories differed on this point; some regarded it as a state in which men had no dealings with one another, while others admitted both ties of affection and interest and commonly accepted obligations. Green observes that if society did originate by a pact it must be supposed that the difference between the preceding state of nature and the established society was not much more than the difference between a society regulated by custom and one regulated by written law. He declares that the notion of men being "free and equal" in the natural state is also open to criticism. If freedom is understood as a power of giving effect to one's will, the amount of freedom in a state of nature would be very small. Only those who had a disproportionate share of power would have any freedom in such a society. But, Green insists, in a constitution of such unequal power there would be no possibility of founding a society by compact, and if a state of nature is assumed to be a state of sufficient degree of equality to make a compact feasible, the state of nature is already in effect a political society.

The concept of a law of nature is another notion which Green feels should be criticised. A law of nature, he points out, is not a law according to which a
man must act; but rather a law in accordance with which a man ought to act. Green asks how it is possible to be conscious of an obligation without at the same time recognizing individual claims on the part of others. The society preceding the contract must have been a political society in principle at least. The theorists of the seventeenth and eighteenth century were prevented from seeing this fact by the ambiguity involved in their conception of a law of nature. They referred to a law of nature as if it were a "law of God," and this, Green argues, disguised the fact that there was no one to enforce it. If there was no "imponent" of the law of nature and the law was not a statement of the uniformity of natural events, it must refer to an obligation arising out of the social consciousness of the individual. A condition of society governed by a law of nature is a condition which, rather than being antecedent to political society, is the outcome of such a society. There could be no motive in such a state of nature for the establishment of political society, for a political society, Green declares, would be a retrogression from this first state of mankind.

The foregoing criticisms of the social contract theory in general, as Green indicates, arise for the most part from the fact that the idea of a state of nature, and hence of a social contract was a fiction. Hobbes himself recognized that it was questionable if there ever was a state of nature. He said:
It may peradventure be thought, there was never such a time, nor condition of war as this; and I believe it was never generally so, over all the world; but there are many places where they live so now. (4)

To the question asking if men ever were in a state of nature Locke answered:

That since all princes and rulers of independent governments, all through the world, are in a state of nature, it is plain the world never was, nor ever will be, without numbers of men in that state. (5)

In addition he says:

But I moreover affirm, that all men are naturally in that state, and remain so, till by their own consents they make themselves members of some political society. (6)

These quotations bring out the fact that both Hobbes and Locke were not primarily interested in locating the state of nature and the social contract as historical events in the development of mankind. They emphasize the fact that these writers thought of the state of nature as a condition of life which might exist among savages, among independent nation states, or even in unsocial individuals in a political society. The social contract writers stress the fact that this non-political condition of human life is superseded when men consent to live as members of a political society. Green is quite right in ridiculing the formality of the statement of how the contract came about. He is quite right in pointing out that men must have lived in an essentially social state before a transaction such as the

(6) Ibid., P 347
social contract could take place. He does not seem to appreciate, however, the fundamental similarity between founding a political society upon consent and founding it upon the will of the governed. While the social contract writers did not stress the purposive nature of political society, their social theory is not a denial of the truth that the foundation of the state is service to some end; they took the end for granted, no doubt assuming that they had included it in their concept of "consent."
2. PSYCHOLOGICAL: FREEDOM OF THE WILL AND MORALITY (7)

The term "freedom", Green begins, may be applied to the will in two different senses. In one sense, when the state of the soul is the subject under consideration, the will may be said to be free, since the term "willing" itself involves the idea of freedom. In this sense the term "free will" is a pleonism which means nothing more than "free freedom". In other sense the nature of freedom differs according to the nature of the object which a man seeks or with which he identifies himself. In some cases the nature of the object sought is such that in seeking it the seeker automatically precludes his own self-satisfaction, that is the pursuit of the object interferes with the seekers possibilities of moral progress. In such cases the man is free in the sense that he identifies himself with an object whose nature prevents his attainment of genuine self-satisfaction. "His will to arrive at self-satisfaction not being adjusted to the law which determines where this self-satisfaction is to be found, he may be considered in the condition of a bondsman who is carrying out the will of another not his own." (8) A man achieves genuine freedom by making the

(7) While Green's discussion of "The sense of Freedom in Morality" was not properly one of his lectures on political obligation, it is so closely connected with his political thought that I have included it here.
"law of his being", the law "which determines where genuine self-satisfaction is to be found, the object of his will. When a man seeks his satisfaction in objects where he believes it ought to be found, he achieves true satisfaction, peace, or blessedness. Further discussion of these observations turns about the term "freedom" and the notion that a man is "subject to the law of his being."

Continuing his investigation, Green examines the use of the term "freedom" in the moral philosophies of Plato, the Stoics, St. Paul, Kant, and Hegel. He asserts that "freedom" is used metaphorically when it is transferred from the field of the social and political relations of one to another and applied to the field of motive and will. In Plato "freedom" was used to express a relation of mastery of man over impulses that do not tend to his own good, while "bondage" expresses the relation of a man's subjection to evil impulses. This usage of the term, which is also found in the writings of the Stoics and of St. Paul, is quite arbitrary, for a man may set any impulse over against himself as if it represented an alien power. St. Paul used freedom in the double sense of emancipation from the Jewish law, and the "peace and reconciliation" which comes when the spirit of the law becomes a man's principle of action. Kant's conception of freedom, Green continues, was somewhat similar to the second usage of St. Paul, in that Kant defined a man as free when he was conscious of himself as the author of the
law which he obeyed. Kant, however, did not examine a state of bondage to law, for moral bondage was to him bondage to the flesh. He seemed to say that the will is truly free only in rare acts of the best men in which they seek what should be because it ought to be. Most individuals miss this genuine freedom and their consciousness of the possibility of freedom only emphasizes the bondage of their will to motives of which reason is not the author.

Kant's statement, Green says, seemed to make true freedom forever unrealizable and Hegel responded with his doctrine that freedom is realized in the state. Hegel considered that the state included laws, institutions, and those customs which secure the common good of the citizens. It is by means of a state of this nature that men are enabled to develop their individual possibilities and, as it were, "make the best of themselves." Green agrees that there is truth in Hegel's view, for the self-seeking consciousness of men gives rise to a system of social relationships which, working through generations of men, make possible the individual's conception of that which is absolutely desirable. (9)

In so far as the state does present the individual with objects which help to satisfy the demand of reason for self-perfection, the state contributes to that autonomy of the will which is freedom. The freedom that is attained in the state, Green

(9) The concept of a "self-seeking" consciousness in men will be developed more fully on page 216 and criticized in Section 7 of this discussion.
insists is always a freedom of individual persons. Under the best conditions of any society that has ever existed in history the realization of freedom in the state has been imperfect. Hegel's account is correct in giving a place to the state in the work of moral liberation, his fault is in giving it too large a place and in presenting a theory of the state which does not seem to correspond to society as it actually exists. Hegel's theory of freedom, in common with the theories of Plato, the Stoics, St. Paul, and Kant, posits not only the proposition that the will is determined but also that the self-determination which characterises the operation of a free will is of a particular moral kind.

Locke's discussion of freedom, Green declares, followed a somewhat different line. Locke defined freedom as the power to act, or to forbear acting, on preference. He pointed out that as the will is simply the power of preference, the question as to whether or not the will is free means simply, has a power of preference a power of preference. Locke saw that the question was without meaning but when he considered the question of whether or not a man is free to will as well as to act he faced a similarly meaningless question. The metaphor involved in speaking of the will in terms drawn from the external relations of men complicated his problem.

In the first question he quite rightly ruled that it was meaningless to ask if the will was free but allowed the equally meaningless question of whether a man was free to
will. The latter question, Green asserts, is equivalent to asking if a man possessing a power called freedom has also the same power over that power, that is, is a certain power a power also over itself. The form of this question is responsible for two wrong ways of thinking in the free will question. It is responsible, Green says, for the mistake of thinking of the determining motive, that is, the object willed, as something apart from the will, and also for the mistake of thinking of the will as something apart from the motives. These distinctions are illusory for a man's will is the man. Locke's question as to whether a man is free to will really asks if it is still uncertain whether a man, being what he is at any time, will make a choice between possible courses of action and what the choice will be. This uncertainty which is actually unreal is the result of our ignorance of the man and the objects influencing him. The whole difficulty involved in the question is the result of using terms which only properly apply to the external relationships between men.

There is no answer to Locke's question because the question itself implies the existence of some agency external to the will which determines the will. There is no such agency Green contends, "for the will is the self-conscious man" and cannot be thought of in terms of only appropriate to the relationship of bodies in space.
The self-conscious man is determined by objects, which in order to be objects must already be in consciousness, and in order to be his objects, the objects which determine him, must already have been made his own. (10)

It must be insisted, Green declares, that this affirmation does not say that the will is not free in the sense that it is determined by objects external to itself. The objects which determine the self-conscious man are his own in the sense that they form the content of his consciousness.

In contrast to Locke's view of freedom, Green goes on, the Stoics, St. Paul, Kant and Hegel took the view that the good will is free but not the bad. This conception was systematized by Kant and Hegel who confined the term "will" to the will when it has attained freedom. Green asserts that this limitation of the term "will" to actions which are determined by the conception of an absolute good is of secondary importance. The conception does imply an identity between "good" and "bad" will for both are expressions of some underlying tendency. In Green's terms the ideal expression of will is an expression of the same self-seeking principle which appears in a man's assertion of himself against other men. He is inclined to agree that "freedom" may be used most appropriately of the state of will where a man realizes his ideal of himself. Until he does realize that ideal state he must always be conscious of a

sense of frustration or of a limitation on his freedom.

Returning to the question of the existence in man of a higher self, Green repeats his own contention, namely,

That a man is subject to a law of his being, in virtue of which he at once seeks self-satisfaction, and is prevented from finding it in the objects which he actually desires, and in which he ordinarily seeks it. (11)

This proposition seems to ascribe man's search for self-satisfaction to the same law which prevents him finding it in the objects which he seeks. Green explains this apparent contradiction on the grounds that, while a man's will is a form of this self-realizing principle, the self-realizing principle is only partially realized in any man's will. This limitation on the expression of the self-realizing principle is made clearer by an examination of the relation of will and reason to the principle. The term "practical reason" means the consciousness of the possibility of perfection, while "will" implies the effort of a self-conscious subject to satisfy himself. Practical reason and "will" which are both forms of the self-realizing principle, only tend to be reconciled in men. That is, the object of will only tends to coincide with the object of reason, but this "raprochment" may be observed in the lives of all good men. In so far as it is realized, a man is reconciled to the "law of his being", to that same law which prevents him

finding true satisfaction in the objects where he habitually seeks it. Such a man is free in the sense that he is author of the law which he obeys. He is free in the sense that he uses his impulses which formerly assured his bondage to "the flesh" in the interest of obedience to this higher law.

The union of reason and will, which in one sense is already complete in that reason and will are both expressions of a single self-realizing principle, is furthered by the social experience of mankind. The social experience of generations of mankind modify both the idea of a possible perfection of man and the impulse of the individual will toward self-satisfaction. This modification consists in an increasing concreteness of the idea of human perfection and a discipline of impulses through inheritance and education. Discipline itself does not bring about the reconciliation of reason and will simply because discipline directly affects only natural impulses. Such a discipline, however, through the institutions and arts of society, is necessary to direct the individual's impulses in such a way that these impulses themselves come to be governed by the idea of perfection.

Green further describes the process of the reconciliation of will and reason in terms of the individual's adjustment to conventional morality, of his conception of "something that universally should be", and finally
of his taking a personal interest in the realization of what should be. At the first stage the individual is governed by the sense of what is expected of him. At the second stage he forms a conception of what is expected of him and sees it in terms of a universal duty. The requirements of established morality at the first stage are understood as something alien to a man, but at the second stage an individual conceives them as relative to an absolute end which he shares along with all other men. This second process, Green says, may be called a reconciliation of reason with itself; the individual sees the good but does not necessarily follow it. It is at the third stage that the desire for self-satisfaction is directed to the realization of an ideal object. At this point will is determined by reason, and moral autonomy, that is freedom, if attained.
3. THE GROUNDS OF POLITICAL OBLIGATION

T. H. Green's discussion of the principle of political obligation includes consideration of the obligation a subject owes to the sovereign, the obligation a citizen owes to the state, and the obligation an individual owes to another in so far as his obligation is enforced by a political superior. Green's purpose is to consider the true justification of law by considering its moral function. This end he seeks to achieve by first outlining the grounds of moral duty, then examining the chief European doctrines of political obligation, and finally setting forward the chief rights and obligations enforced in the civil state. (12)

The highest moral goodness, Green declares, is an attribute of a character whose acts are performed for the sake of their goodness. This moral ideal would be quite empty if it were not for the fact that it is possible to understand its content on the basis of a prior morality of interests. This morality is a morality of interests in the sense that its objectives are other than the pure goal of being good for the sake of goodness itself. Once the latter ideal conception is attained the prior morality of interests should be criticized in the light of it. The lesser interests

(12) Green's examination of Spinoza, Hobbes, Locke and Robespierre has already been discussed in part 1 of the present survey.
should be evaluated in the light of their importance to the ideal. They should not be rejected outright because they do not constitute the highest morality, for it is only by means of these lesser "goods" that the highest morality is defined. The criticism of these lesser rules falls under two heads in as much as the rules may be prescribed by positive law or by public opinion. Recognized rules of conduct should be criticized, because they are an important basis of moral interests; and the social fabric itself, because it is the chief support of the rules prescribed by opinion. The criterion for such criticism should be the extent to which any given rules contributes to the attainment of the highest type of morality.

The possession of will and reason, Green continues, makes morality possible. By "will" is meant the human capacity to be determined to action by the idea of a possible satisfaction to one's self. The "practical reason" is the human capacity to conceive of self-perfection as an object of action. All moral ideas, Green argues, have their origin in reason. They do not require abstract expression in order to exist, for the expression itself is secondary. "This expression is only arrived at upon analysis of a concrete experience, which they have rendered possible." (13)

(13) Green, Op. cit. P. 32. The phrase "which they have rendered possible" is drawn from the general Idealistic conception of the primacy of the idea, and it conflicts with the empirical view of the primacy of experience. The American pragmatist G. H. Mead gives some support to Green's view, in a somewhat different form, in his doctrine that language "constitutes new objects." Green's statement, of course, is
These moral ideas arise as the individual's conception of the conditions of the well being of society develops. Their embodiment in institutions and in conventional morality represents the moral progress of mankind. This moral progress, however, is only properly moral in so far as it makes possible a harmony of will and reason within the individual. The value of the institutions of civil life is to be measured by the extent to which they make possible the realization of the capacities of reason and will. Social institutions render it possible for a man to be determined by the idea of a possible satisfaction to himself without being constrained by external forces. In other words social institutions enable a man to "realize his reason," that is, his idea of self-perfection, through acting as a member of a society. To the extent to which social institutions do enable a man to be governed by his reason, they are morally justified.

The notion of a "law of nature" Green declares, proceeding with his elaboration of the grounds of political obligation, has given rise to a great deal of controversy. This controversy is complicated by the fact that the English language has no equivalent for the terms "jus" or "Recht" both of which indicate a system of correlative rights and obligations which are, or should be, enforced by
Two questions present themselves. First, are we entitled to distinguish rights and obligations which are enforced from those which exist but are not enforced? In the second place, if this distinction can be made, what is the criterion of rights and obligations which are really valid as opposed to those which are actually enforced? While no one would insist that the rights and obligations that are enforced are all that they ought to be, many would question the existence of "rights of nature." Green argues that the doctrine, which posits the existence of rights in a state of nature and declares that men contracted themselves out of this natural state but still maintained their natural rights, is untenable. There is, however, a sense in which rights and obligations may be termed "natural." Those rights and obligations which ought to be maintained by law because they are necessary to the ideal end of human society may properly be called "natural." Natural rights and obligations are relative to moral duties because these rights and obligations constitute a system which serves a moral end.

The foregoing considerations, Green goes on, present us with two principles with which we can approach the ethical criticism of the law. First, only external acts can be subject to obligation in the juristic sense. Second, service to the moral end of society is the criterion of the correspondence between legally established rights and obligations and true rights and obligations of "nature."
first of these principles, namely that the law is confined to external acts, does not mean that the law has no regard for intentions. In deciding whether or not a criminal should be punished the law frequently takes the intentions of men into account, but it asks about intentions only in so far as intentions relate to actions. It is obvious that there is no action without intention. The notion of an act done against my will, which might seem to deny the importance of intentions, must be confined to three types of acts: acts done by someone using my body, natural events causing me to affect another, and acts which contradict a strong wish but are done under a strong inducement. It may be asserted, therefore, that the law's function of enforcing actions implies that the law should produce certain intentions. In delimiting the field of meaning of the term "external" in the phrase "external acts," Green defines an external action as, "A determination of will as exhibited in certain motions of the bodily members which produce certain effects in the material world, not a determination of the will as arising from certain motives and a certain disposition." (14)

(14) Green, Op. cit. P. 36. "Determination" is here used in the sense of "something coming to an end." In other words a "determination of will" is an "expression" of will. If he means that the will is determined in the sense of being "affected" he is claiming that an external act is a change in the state of the will, i.e. an internal act.
This does not mean that the law does not present the individual with a motive, for it is only by affecting motivation that the law can affect action. The law, except in so far as it prevents action with physical force can only compel action by affecting the motives of men. The motive most frequently involved is fear. The law is concerned directly with the conditions of life. Because its only weapons are threats and promises and the use of physical force it can present only obligations to do or refrain from doing external acts; it has no power to require that any act should be done from a particular motive.

The second principle, Green asserts, raises the question of what sort of external acts should be matters of legal obligation. The answer, which is found in the usefulness of the act to moral ends, involves a consideration of the means at the disposal of the law. Green states his position thus:

Those acts only should be matter of legal injunction or prohibition of which the performance or omission, irrespectively of the motive from which it proceeds, is so necessary to the existence of a society in which the moral end stated can be realized, that it is better for them to be done or omitted from that unworthy motive which consists in fear or hope of legal consequences than not to be done at all. (15)

The moral end, then, is the justification of the obligation, but this moral end is a state in which actions proceed from a certain disposition. The law should enjoin acts which

facilitate the achievement of this end and forbid those which hinder it.

Green draws some practical conclusions from these two principles. Legal requirements to religious belief have tended to undermine the religious sources of morality historically, and, for that reason, legal restrictions upon religion are unjustifiable. Prohibitions and restraints legally imposed on the moral life have hindered the development of the moral autonomy in the individual and are accordingly unjustifiable. Legal institutions such as the poor law are unjustified because they have taken away the occasion for the exercise of moral virtues. All such laws, Green points out, have been criticized on the basis that they interfered with individual liberty. This is not a valid objection, however, for advancing civilization demands an increasing degree of interference with individual rights. The objection to paternal government on the basis of "laissez faire" theory is not sound, for this theory tends to disregard or even completely ignore the moral function of the state. The real objection to "paternal government" is that it narrows the field in which disinterested motives and self-imposed duties can have free play.

Green's political theory is not, he says, an inquiry into the history of the development of law. The development of law is not determined by any such conscious moral goal as he is advocating. His theory of natural rights
is not derived from the conception of rights existing in a pre-social state of nature. A theory of natural rights and obligations, in Green's sense, cannot be developed by examining laws as they exist, but can only be arrived at by understanding the relevance of rights and obligations to a moral end of humanity. Natural rights are those which must be made secure for a man in order that he may attain his proper moral end. These rights rest upon the fact that they are necessary to man's vocation as a moral being, "to an effectual self-devotion to the work of developing the perfect character in himself and others." (16)

The conception of natural rights which Green outlines, he insists, markedly different to the doctrine of natural rights as it was advanced in the seventeenth and eighteenth centuries. At that period political writers deduced the rights of the individual against the state and the right of the state against individuals from "certain prior natural rights." Their view was that men in exercising their rights established political society, with a view to the general interest. From the establishment of society other rights and obligations were derived which were maintained by law. This theory answered the question as to why one should obey the law by saying that if the individual did not obey the law he violated the rights of others, either directly in injuring them personally, or indirectly in breaking the social compact. The utilitarian theory of the

state, Green observes, differs from the view of the seventeenth and eighteenth century writers in that it too can be made to give a place to the moral vocation of man. The utilitarian theory, however, has its basis in the concepts of "pleasure" and "pain." It has only one point in common with his own view, namely, that it does not seek the grounds of political obligation in prior natural rights but in ends which men seek. If the older position of prior natural rights is accepted it would still have to be asked what was the ground of these rights themselves, and the question of rights would still be unsolved.

The question still remains, Green proceeds, how it happens that men recognize certain powers as deserving obedience. Green's own answer is that the bases of the recognition of power as rights is the concept of a moral idea. It follows from his ethics, he asserts, that the conception of that which "should be" is not identical with the conception of a right that is actually possessed by men. The concept of a right possessed by a man or men, on the other hand, is derived from the conception of what "should be". Without the conception of that which "should be" as an absolute end the recognition of a power as a right is impossible. Men recognize power on the part of others as a right when they see that power as a means to the realization of an ideal good for themselves. It is only as a member of society, of which the other members recognize a common good
related to their individual ideal good that a man can have a right. Now the capacity for being determined by such a common good is the characteristic which constitutes personality. It follows that every moral person,

Everyone capable of being determined by the conception of a common good as his own ideal good, as that which unconditionally should be...is capable of rights, i.e. of bearing his part in a society in which the free exercise of his powers is secured to each member through the recognition by each of the other as entitled to the same freedom with himself. (17)

Moral capacity itself implies that the individual should hold the attainment of moral capacity as an absolute idea. Rights make the realization of this moral capacity possible but they do not guarantee that it will exist.

The moral person's claim to rights of his own, Green argues, is co-ordinate with his recognition of the same rights in others. The recognition of a common good as one's own embodies the conviction that those rights, which are the means to the recognition of this common good, ought to be exercised in society. The statement that "all rights are personal" is true in the ethical sense in that all rights are derived from possession of a personality, but in the legal sense the expression is merely an identical statement when personal is used in the Roman manner as meaning "a subject of rights." In the latter case, to say that all rights are personal is equivalent to the statement that all

rights belong to subjects of rights, which is mere tautology. Legal rights must be derived from ethical rights, while ethical rights in turn may only be derived from the possession of personality or a rational will. While Green claims that the moral idea of personality constantly tends to affect the legal view, he points out that historically the development is from the actual existence of rights to the legal conception of personality, and finally to the moral conception. The historical formulation of the abstract conception, however, is quite a different thing from the action of the concept within the individual's consciousness.

The foundation of rights, Green contends, is the capacity which enables a man to conceive of a good as the same for himself as it is for others. It is the function of rights to produce that moral capacity in individuals. (18) Rights which are directly necessary to man's acting as a moral person may be called "personal", "innate", and "natural", but each of these names is then used in a special sense. It is the elements of necessity in natural rights which distinguishes them from rights which are only indirectly or temporarily necessary to the moral end of all rights. Natural rights, or personal, or innate rights, as we may wish to call them, are innate or natural or personal in the sense that they are directly necessary to the moral

(18) As it stands this argument is circular. Green declares that the moral capacity is the foundation of rights, and then that rights are the foundation of moral capacity. Green might make his position more acceptable by saying that a society which acknowledges rights produces moral individuals who in turn establish further rights.
capacity which characterizes a man as a man. This is the sense of "natural" in Aristotle's declaration that the state is natural. Out of the individual's conception of a good that is absolutely good for himself, because it is identical with the good of the group to which he belongs, there develops the conception that the common good should be the object of action and duty. This individual conception of the absolutely good is also the foundation of the claim to rights which are secured and regulated by the rest of the group through the consciousness of a good that is common to all.

In concluding his discussion of the foundations of political obligation Green insists there is no justification for basing rights on a primary human capacity which does not also apply to duty. Historically the delusion that rights existed apart from society led to the separation of rights and duties. It was imagined that men with individuals rights existed in a state of nature and that they contracted to form society, and this produced other rights by positive decree. None of the rights established in the social state were allowed to interfere with the individual rights derived from the state of nature. The notion that there can be rights in a state of nature which is not also a state of society is a contradiction. Individuals may possess powers, but unless these powers are recognized or sanctioned by others they are never rights. As Green says, "There can be no right without a consciousness of common interest on
4. **Sovereignty and the General Will**

Rousseau's theory that sovereignty was founded upon the general will raises further questions for political philosophy and Green now goes on to treat with three such questions. He inquires first concerning the truth of the assertion that actual sovereignty is founded on the general will, then considers whether it is possible to found even a "de jure" sovereignty on the general will, and finally raises the question as to whether the vote of a sovereign people must express the general will.

The first question, with respect to the truth of the statement that sovereignty is founded on the general will, Green proceeds, would be answered by the English Jurist, Austin, in the negative. Austin argued that the basis of law was power and that laws were a species of commands. He further conceived the sovereign to be not a general but a specifically defined or a "determinate" human superior, who commanded habitual allegiance from the bulk of society and yet was not himself in the habit of giving habitual allegiance to any other superior. Austin defined a political society as such an habitually obedient society, ruled over by a sovereign. Green points out that the sovereign's commands on Austin's basis need not be in the form of laws but might also take the form of decrees.

Austin was diametrically opposed to Rousseau's position for (19) Green, Op. cit. P 48
he recognized sovereignty to lie only in a determinate body and, unlike Rousseau again, regarded the essence of sovereignty to lie in power. Rousseau's general will, of course, was not the will of a determinate body, and could only be expressed by a vote of the whole body of the society. Rousseau further, did not regard the general will as having any power of compulsion and he considered that the decision of the executive often conflicted with the general will.

Green argues with regard to these diverging contentions that the truest view of sovereignty is to be gained by taking the positions of Rousseau and Austin as complementary. When the bulk of society renders habitual obedience to a determinate superior it may be assumed that this obedience is so rendered because the determinate superior is regarded as expressing the general will. The sovereign has not an unlimited power of compulsion, and only exercises its power on the condition of assent on the part of the people. Should the assent of the people—an assent that arises from the condition that the sovereign is fulfilling certain common demands—be destroyed, the people's habitual obedience will soon cease to operate. Green agrees with Austin, in opposition to Rousseau, in the contention that the sovereign in a thoroughly developed state is a determinate person, holding the recognized power of imposing laws and enforcing their obedience, and not recognizing any legal control. On the basis of this generally recognized...
view, Rousseau was misleading his readers when he ascribed sovereignty to the general will. The Austinians, Green claims, were apt to regard their sovereign as a much more important person than he actually was, and to assume that the sovereign as a determinate body was the real determinant of the habitual obedience of the people. The real determinant of the habitual obedience of the people, however, is to be found in "that impalpable congeries of the hopes and fears of the people, bound together by common interests and sympathy, which we call the general will." (20)

In considering the objection that his conception of the general will is applicable only to "self-governing" communities, Green answers that his own theory applies to all communities where a sovereign exists. There are some communities which have no sovereign, in the narrow sense, at all. In some communities there may exist a coercive power which claims obedience through fear, but such a power very often touches the life of the community in only one or two points. Beyond such a coercive power, however, there can be found another power whose authority is established in custom and in the intimate details of peoples' lives. This latter power is the true sovereign. Green illustrated his thesis by pointing to both ancient and modern despotical empires of the east. These empires he says,

were mainly tax-collecting institutions. They were not established on the general will of the people they ruled. The empire of Rome, Green notes, differed from other ancient empires in that it did approximate sovereignty based on the general will. The Roman empire tended to be a law-making body which derived its permanence from the habitual obedience of the people it governed.

The answer to the question as to the truth of Rousseau's view that sovereignty is founded on the general will, Green claims, depends upon the meaning given to the term "sovereignty." The essential requirement in political society is a power which guarantees men rights. There may be such a power that is still not independent in the sense that Austin required a sovereign power to be independent. There may also exist in society a determinate body with coercive power and yet this body may not be sovereign in the sense that it commands habitual obedience. Green suggests that it is best to retain the ordinary usage of the term "sovereign" and define it as a determinate person or persons charged with coercive power. This definition may be accepted with the reservation that it is only in so far as this power sustains and expresses the general will that is will command the habitual obedience of the subjects. Green suggests that it is generally more true to say that the law is the expression of the general will than that the general will is the sovereign.
Turning to the second question, having to do with the truth of the statement that sovereignty "de jure" is founded on the general will, Green maintains that the statement concerned is true only when "sovereignty" or "jus" is used in a particular sense. Either "sovereign" must not be used in the determinate sense of a person or persons holding the supreme law making function, or "jus" must be used in some other sense than denoting a right established by law. Green observes that a sovereign "de facto" in the full sense defined previously could not help but be a sovereign "de jure" as well. On the other hand if, as Rousseau said, the sovereign is equivalent to the general will the distinction between "de facto" and "de jure" is inapplicable, for then any particular desire of the sovereign is the general will. The distinction between the people as "de jure" and "de facto" sovereign arises from the attempt to combine under the term "sovereign" the notions of both general will and supreme power. It is possible that the majority of the citizens may hold the supreme coercive power, but the general will, which is by definition an unselfish interest in the common good, is misunderstood if it is regarded as a supreme coercive power.

Rousseau, Green goes on, turning to the third question, adds to the confusion involved in his doctrine of the sovereignty of the general will by his proposition that the government has a claim on the obedience of the
people only when that government itself originated in the vote of the people. This theory arises from the delusion that men have rights apart from society and can act as they wish except in so far as they have made themselves parties to an agreement. Actually there is no such natural right, for a right is a power recognized as contributory to a common good. If the common interest requires anything, no right can be appealed to against it. It is only as an instrument of the popular interest "that a popular vote can endow any law with the right to be obeyed." (21)

Taking up this question of the individual's duty to a law which appears to be contrary to the common good, Green suggests the possibility of the existence of a higher law than the command of the sovereign. In cases where the legal authority of the command is doubtful it often turns out that the actual sovereignty was in abeyance. In such a conflict of opinion the citizen has no "rule of right" to guide him and his best policy is to be directed by what seems to be the moral good of mankind. One's judgment in such an instance should be influenced not only by the apparent effects of the action to be taken but also by the fact that the man with the best character is likely to give the best advice.

Where there is no law or counter sovereignty to which the citizen can appeal against a command

of the supreme power, Green argues that the citizen's duty may be to offer resistance. He insists that in such a case the action taken is a "duty" performed rather than a "right" which the citizen exercises, for "rights" are only derived from their necessity to the common good. A right is, therefore, also a duty. The duty of resistance to an unjust command may rest upon a minority as well as upon a majority, for resistance may be a duty long before the majority approve it. The state of mind of the majority, however, must be taken into account, for resistance to the government is seldom to the public good when the mass of citizens do not appreciate its causes. There are some cases when resistance may be a duty even when there is no possibility of public support. Although there is likely to be but little opportunity for reflection at a time when resistance to despotism is considered there are several questions which a conscientious citizen must ask himself in deciding if resistance is a duty. He must ask what possibility there is of resistance leading to a modification of the sovereign power without actually destroying it. He must consider if the temper of the people is such that overthrow of the government will lead to anarchy. Finally, he should ask if the government has been so perverted by private interests hostile to the public welfare that there is no longer any interest in maintaining it even if the alternative to the government is anarchy.
5. The Basis of the State is Will, not Force

The political theories which have been considered, Green declares, advancing his discussion of will as the basis of the state, did not take into account either the development of rights and duties in the social process, or the existence of other forms of communities than those regulated by a supreme coercive power. These early theorists made a complete separation between the supreme coercive power and individuals possessing rights. When they asked how the state originated their presuppositions determined their answer, which had to take the form of consent on the part of the individuals holding the rights. The social contract theory was so abstracted from the historical process that it failed to make it apparent that some society in which a common good was recognized was the condition of the development of any rights at all for the individual.

The question which asks, why a man should submit to the power of the state, Green points out, seems to imply that the state is something foreign to a man. Actually it is only through the "complex of institutions" which the state presents that a man develops a life that he can speak of as his own. He expresses this point as follows:
For that I may have a life which I can call my own, I must not only be conscious of myself and of ends which I present to myself as mine; I must be able to reckon on a certain freedom of action and acquisition for the attainment of those ends, and this can only be secured through common recognition of this freedom on the part of each other by members of a society, as being the common good. (22)

In the case even of a slave there is an elemental recognition of certain rights which is drawn partly from his family life and partly from the society about him. The slave's feeling that he has a life of his own is made possible by his acquisition of the attitudes of civilized life through a common language. The complete development of the consciousness of having rights oneself and of others having them is only attained through the actual expression and exercise of rights. The relationship between the consciousness of rights and the institutions of social life is analogous to the relationship between thought and language. Just as language is the condition of their being any significant thought, the elementary social institutions are the conditions out of which the recognition of rights develop. The attempt to found a government on consent expressed in a confused way the basic truth that the recognition of an interest, common to one's self and others, is the basis not only of morality but of the rights of government as well.

Both morality and political society have

(22) Green, Op. cit. P. 122
a common source, Green contends, for both grow out of a rational recognition by certain human beings that a common well-being is their own well-being. The recognition of this conception of a common well-being is expressed in rules which, while they restrain individual action, also secure freedom of action for the whole society. Both morality and political society convey the notion of "must." The application of the term "must" to moral obligation is, of course, an analogical usage drawn from a relation man has to the law. The consciousness that some obligation is for the common good is the sole basis for the feeling of "must," in the moral relationship. In the legal relationship, of course, there is the threat of consequences enforcing the sense of "must." The consciousness of a common good must form some part of the basis for obedience to the law if there is to be any distinction between citizenship and slavery. It is a question, Green says, whether it is possible to maintain this sense of obligation to the common good in the life of state without some measure of popular participation in government. The sense of a common good in political life grows out of the active participation of individuals in legislative functions. The size of modern states and the necessity for representative government remove the citizen from active participation government and consequently produce a lowering of "civil vitality." In some degree this loss of political function may be compensated for the increased participation
of the citizen in local government:

Enlarging on the lack of interest felt by many citizens for the life of the state, Green claims it should be remembered how foreign to any foundation upon their own wills many of the requirements of the modern state must seem to those who have to submit to them. Is it not an external necessity he asks, rather than a personal wish, that constrains the obedience of most subjects? Considering how large a part private interests have played in establishing all states is it not a serious error to speak of the state as if it had a common source with morality? Green agrees that it is true that the idea of a common good which the state fulfills has been only partially dominant in the establishment of the state, but he argues that that dim consciousness of the common good is present in all citizens. There is an habitual, almost an "instinctive" tendency on the part of the ordinary citizen to regard the claim which he makes on behalf of his own interest as conditional upon his allowing a like claim on the part of others. If, however, any citizen is to be more than a passive recipient of the protection of the state, he must be actively engaged in service to the state. He must become an "intelligent patriot" as well as a loyal subject. When this patriotism becomes a passion similar in kind and in intensity to the moral love of home and family a secure foundation for the state is established.
To speak of the state in terms of intelligent patriotism is, as Green observes, to assume the unproved assumption that the state is an institution for the common good. It has been granted already that the outward sign of a state is the presence of a supreme coercive power commanding habitual allegiance and that it is possible for this power to be used to injure the general well being. How, Green queries, can it be said that the state exists for a moral end, the contemplation of which has entered so little into its actual institution? His answer is that, if the state is regarded merely as a biological organism, its members can quite properly be regarded as instrumental agents in the attainment of ends of which they have no conscious conception. The objection, however, to this way of conceiving of the state is that it rules out morality altogether, for, Green says, an agent is moral only in so far as he is guided by consciously held ends which have reference to a human good. The pure desire for social good does not exist apart from egotistic motives, but on the other hand egotistic motives do not operate apart from "an involuntary reference to social good." Green cites Napoleon as an example of a man motivated by a passion for personal glory yet having to express that egotistic motive by glorifying his country. He suggests that men like Caesar and Napoleon and other essentially selfish men, who have been responsible for great changes in human life, have risen above
their particular selfish passion in their dedication to ends which formed no part in their particular passion. In developing this difficult point Green declares that if the investigation of the idea of social good were pushed far enough it would become necessary to regard the idea of social good as a communication to the human consciousness, developing itself in time, from an eternally complete consciousness. Green withdraws from the metaphysical field, however, and elaborates his position as to the development of the idea of social good as follows:

The proposition advanced is that such an idea is a determining element in the consciousness of the most selfish men who have been instrumental in the formation and the maintenance of states; that only through its influence in directing and controlling their actions could they be so instrumental; and that, though its active presence in their consciousness is due to the institutions, the organization of life, under which they are born and bred, the existence of these institutions is in turn due to the action, under other conditions, of the same idea in the minds of men. (23)

From the fact that the state implies a supreme coercive power, Green contends that it is readily assumed that the state is based on coercion. The state, however, is supreme coercive power exercised in a certain way for certain ends. A multitude of slaves under a master would not form a state, for a state presupposes either written or customary law. Any power which changes the laws except by an established procedure is incompatible with a

state for a state presupposes a body of persons recognizing one another as having rights. While it may be objected that this is an arbitrary use of the term "state", Green contends that some term is necessary to distinguish a condition in which men living together are influenced by the idea of a common good which they recognize as influencing one another.

The state, Green argues presupposes other forms of community, such as the family, with rights arising from the association of individuals in them. Rights are recognized and taken account of in practise much earlier than the statement of their formal definition. When rights are defined in a general law regulating the relationship of families or tribes, and this general law is maintained by a power strong enough to enforce it, the state is born. It develops and new rights are added to it. A number of processes conspire to produce these new rights. Families and tribes, living in the same territory with other families and tribes forming a state, claim recognition by the more highly organized group. Two or more states may unite by conquest or consent and in that way extend the exercise of rights. Increased intercourse between individuals leads to new relationships and new situations of life. As new rights arise new purposes are served and the moralising influence of the state is enlarged.
6. A Discussion of Rights

Has the Citizen Rights Against the State? (24)

Reviewing his thesis that rights have their basis in the consciousness of a common interest, Green goes on to say that rights belong to an individual only as a member of a society of free agents who recognize each other as free. Rights cannot be ascribed either to a sovereign power which grants them to individuals or to individuals who consent to surrender them to a sovereign power. Rights belong to individuals "as members of a society in which each recognizes the other as an originator of action in the same sense in which he is conscious of being so himself." (25) Rights, then, Green says, have their origin in a society of this nature. The state, which presupposes rights, may be regarded as a form which society takes in order to maintain them. If the nature of right is analysed it is possible to separate it into a claim of an individual upon society and the concession of that claim by society. The existence of such a claim of the individual and the concession such a claim by a society does not require that all rights should be supported by law. Some rights such as the "natural" right of a slave or the rights of a member of a household society, may be independent of the state. These rights are not, however, independent of (24) Green works out the implication of his thesis that the state is based on a rational will in his discussion of rights. The following is a brief exposition of his argument.
While it is true that the state does not create rights, Green declares that it may still be true to say that "members of the state derive their rights from the state and have no rights against it." (26) In developing this statement he argues that it is the same thing to say that an individual's rights are derived from society and that they are derived from "his position as a member of a state." The state is the complex of social relations harmonized by law. Although rights may have their origin in forms of community which precede the existence of the state, these forms of community cease to have a separate existence from the state when the state is established. They do not cease to exist and they are not superseded by the state; they are included in it. "They become its organic members, supporting its life and in turn maintained by it in a new harmony with each other." (27) While rights, such as the right of holding property or family rights, may have existed when there was no state, they are derived, as far as the citizen is concerned, from the state. Forms of social life existing prior to the state are incorporated into the state, "the state being for its members, the society of societies, the society in which all their claims upon each other are mutually adjusted." (28) Just as it is impossible for a

(27) Ibid. P. 146.
(28) Ibid. P. 146.
citizen to have rights against society, in the sense of having a right to act other than as a member of society, so also it is impossible for him to have rights against the state.

Does this mean, Green asks, that the citizen has no right to disobey any law of the state regardless of what the law is? The only unqualified answer that can be given to such a question is that the citizen has no right to disobey any law except in the interest of the state. Such a disobedient act in the interest of the state becomes a possibility because the actual state only approximates its ideal function. Before the individual can assert any right which the state does not recognize there must be a general recognition that the right he asserts is for the social good. The common consciousness of a good is, of course, the basis of the existence of a right. No right can be claimed without such a consciousness. In general, disobedience to an undesirable law is likely to be detrimental to the public interest because such disobedience undermines the greater good of the habit of law abidingness. In the case of a slave this argument does not hold, for, as the law does not function on his behalf, the state has no claim upon him. Other men have claims upon him which arise out of his social relationships with them and which condition his rights, but the state as such has no claim upon him. The citizen, however, is in a different relationship with the state and he
must govern all his actions in the light of the general interest of the state.

The Right of Life and Liberty

As was admitted in the preceding section, there are rights which belong to men as members of society and do not come into being with the state. These rights, the rights of life and liberty, are personal in a narrower sense than that urged by Green in making all rights personal in the moral sense. The rights of life and liberty are personal in the special sense that, without a body and the freedom to determine that body according to his own will, a man would not have a personality and would have no opportunity of exercising any other rights. The right of life and the right of liberty are indistinguishable, for no one can have a right to mere life apart from the right to direct his life according to his will. These two rights, which Green says might together be called the right of free life, have their basis in the individual's capacity for membership in society. They belong to man in virtue of his human nature.

The development of the right of "free life" which Green says originates in some social group, can be traced through the various stages of organization of society, from society's organization at the family and tribal level to the level of organization seen in the state. Three influences have been instrumental in bringing about the recognition of this distinctively personal right. First occurred
the development of a system of equity "between citizens and non-citizens by the Roman praetors. The Stoic doctrine of a "law of nature" which was applicable to all men was another influence, while a third factor was the Christian conception of a brotherhood which was open to all "through a mental act within the power of all." The admission of a right of free life on the part of every individual, Green contends, logically implies the conception of all men united in a single society. The admission of this right has been extended in a negative way in Christendom but its positive implications have never been fully accepted. Life is treated as sacred in the human embryo and in the lunatic and yet it is disregarded completely in war and its development left to chance in many branches of human activity.

Four questions, Green asserts, arise with respect to the rights of life and liberty. First, it must be asked by what right the state overrides in war the individual's right to life. In the second place, what is the relationship between the rights of states to act in their own interest and the rights of human society as a whole? In the third place, what are the state's grounds for the right to punish an offender with imprisonment or even death? Finally, the individual's claim on the state to be allowed to realize his moral capacities, should be examined. Green proceeds to consider each of these questions.
The Right of the State over the Individual in War.

Green argues that while war has been described as "multitudinous murder", it is not murder because murder involves killing for one's own end with "malice" toward the victim. War, nevertheless, involves a denial of the right to live and the facts that a soldier may not intend any particular person's death in killing, or that he risks his own life voluntarily in becoming a soldier, do not lessen the seriousness of the wrong done. Even though enlistment may be on a voluntary basis the state is responsible for the loss of the combatant's life. The responsibility for this loss may be widely distributed but it is none the less the responsibility of a human agency. The only right that can make war other than a wrong, Green declares must be some right that is even more important than the rights of individuals to life and liberty. The wrong of causing the destruction of physical life is cancelled only by the "paramount right" of maintaining the conditions of moral life.

This attempt to justify war, Green asserts, does not change the character to the wrong involved. It only shifts the blame. The danger of the moral purpose to the state comes about through some human agency. If the difficulty of saying where that agency is located arises from the fact that a great number of people are at fault, then there
is only the more reason for a "more humbling sense of complicity" in the evil. The above justification of war could scarcely be used, Green contends, in justifying European wars of the last four hundred years, for these wars have almost all risen out of dynastic conditions. While it is true that some good may result from war, as was instanced in the extension of Roman civilization to Gaul by Caesar's Gaelic wars, or the establishment of the Code of Napoleon by Napoleon's wars, war itself is still a great evil. "Human wickedness" in some quarter, if not on Caesar's or Napoleon's part, at least on the part of those who caused the war to be necessary, was responsible for these wars.

The Right of the State and the Right of Society.

According to the idea of a state, Green continues, it is an institution in which all rights are harmonized and all capacities which give rise to rights are given free play. In a state of such a nature there could be no conflict with any true right of general society or with another state of the same nature. Conflicts of rights of states, as such, arise when these states have not attained their true idea. The cause of the difficulty is not to be found in the "necessary organization" of the state but in the defective organization of some function. Accordingly it is wrong to condone war on the ground that it is a necessary accompaniment to the existence of the state.
Green considers the possible objection to his argument which would be put forward by those who hold that the state is a nation, a peculiar people necessarily possessing passions which lead it to judge all questions from its own point of view. This theory would hold that the cosmopolitan point of view was wrong on the grounds that national passions cannot be extinguished without destroying patriotism. Green replies to this objection with the assertion that, while it is true that by a state is meant a "living agency—a nation organized in a certain way," national passion is the public spirit of the good citizen and not a desire for military strength. He claims that there is no necessary reason why the love of one's own nation should take the form of jealousy of other nations. The expression of patriotism in military channels is a survival from a condition anterior to the formation of the state, namely the condition in which an individual is a follower of a feudal or tribal chief rather than a citizen. It is this survival of misplaced patriotism that is responsible for Europe's standing armies. (29) Some of the forces which aided this survival were: Napoleon's appropriation of French revolutionary nationalism to found an empire with the antagonistic revival of dynastic powers in Germany, the general desire for national unity in Europe, the existence of politically

(29) Green was delivering the lectures on which this essay is based in 1879-80.
undeveloped Slavic states tempting to neighboring powers, and finally England's character as a military power derived from her occupation of India. These negative forces are not, however, necessary accompaniments of the state. The chief force working towards the attainment of the true idea of the state so far as international conflicts are concerned is the extension of ties of unity and organization within and between states. Green feels that with the abatement of national jealousies and the improvement of organization within the state there are grounds for hope that an international court may be established with authority over independent states.

The Right of the State to Punish

The state's right to punish, Green proceeds, is derived from the fact that the right of free life in every man rests on the assumed capacity in man of free action for the social good. The maintenance of the right of free life may require that men should restrain those who interfere with free action. This is the basis of the right of punishment. Green pursues his discussion of the right and nature of punishment by considering punishment as retributive, preventive and reformatory. A true theory of punishment, he says, will make use of all three of these punishments.

The theory that punishment, as it is exercised by the state, is retributive, Green declares, is easily misconstrued. While it is true that the beginning of punishment by the state is a regulation of private vengeance, private
vengeance never passes into the state's right to punish. From the nature of rights it is clear that there could never be a right to *private* vengeance. The exercise of vengeance by a member of one social group upon a member of another social group never has the status of right. How, Green asks, can punishment by the state be considered to be retributory? "The state cannot be supposed capable of vindictive passion." (30) Neither can there be any equivalence between a crime and the punishment meted out by the state. Punishment implies a conception of right founded on public good on the part of the authority punishing, and the capacity to be determined by the public good on the part of the person punished. The punishment is unjust unless both these conditions are fulfilled, unless the act punished is a violation of a known right and the punishment a necessary condition of the maintenance of rights. When the conditions of just punishment are fulfilled the person punished, being capable of understanding the nature of the public good, will recognize the punishment as a just result of his action.

The requirement that punishment should be just, Green goes on, needs to be corrected by the statement that the true nature of punishment is preventive. The proposition that punishment is preventive should be modified by a statement concerning what is prevented and why it is

prevented. The general guide to what is a just punishment is the requirement that the punishment should sustain rights necessary to the maintenance of the general well-being of society. The detailed working out of particular punishments must be left to the direction which practical experience gives. It should be recognized that any particular punishment in order to be just must take into account both the general system of rights established in the society and the environment of an offender. The state in making punishment preventive does not attempt to estimate and punish the amount of moral depravity in a particular criminal but to associate terror in the mind of the public with particular criminal acts. This principle may be used to explain and direct the punishment of a crime committed under extenuating circumstances. In the case of such a crime the circumstances are either so infrequent in occurrence or provocative in character that the general maintenance of rights does not require an association of a severe penalty with the crime.

The reformatory function of punishment is properly a phase of their preventive function, Green continues. The rights of other citizens can only be guaranteed by reforming the criminal. If it is asked, why not do away with the criminal altogether, it may be replied that the criminal has rights as a criminal. He ceases to have rights only when he ceases to have any capacity for contributing to the social good. The state, therefore, in punishing a
criminal should not sacrifice any capacity he has for future service to the common good. Punishment or life imprisonment may be justified only on the grounds that the crime punished requires the most extreme terror to be associated with it, or that the crime revealed a permanent incapacity on the part of the criminal for rights. The justice of such severe punishment depends not only on the nature of the criminal but also on the nature of the state, for, if the state is not performing its function as a sustainer of rights, it cannot justly condemn a criminal for a crime the responsibility of which it shared. Punishment, whether retributive, preventive or reformatory has as its direct object the maintenance of rights but these rights presuppose an indirect object in moral well-being.

The Right of the State to Promote Morality

Green now proceeds to examine the individual's claim, "to be enabled positively to realize his capacity for freely contributing to social good." (31) The important thing to notice about this question is that the capacity for contributing to the social good is an essentially free or moral capacity. It is an individual's capacity to live for a certain end in the light of his conception of that end. This capacity which is the condition of moral personality, in so far as it is a spontaneous capacity, cannot be generated by law. A merely external demand for a certain kind

of conduct neutralizes a capacity and, for this reason, attempts by the state to promote morality seem to be confined largely to the removal of obstacles. Green suggests that this limitation does not prevent the state doing a great deal more to promote morality than it has yet done. The compulsory education of children, for example, may appear to be an enforcement of a moral duty. This law, however, is felt only as an external compulsion by those who lack any spontaneity to be interfered with. In the second generation such a law ceases to be felt as a law. Laws affecting health and housing are in a similar class and the state can do a great deal for morality by simply removing such obstacles to the exercise of rights of life and liberty.

The Right of Property

Without questioning in any way the importance of the historical treatment of property, Green contends that the historical treatment of property leaves unanswered certain psychological and metaphysical questions. He considers first the question as to what it is in human nature that makes men want to acquire, and enables them to acquire property. Then he turns to the second question and asks why men regard their own appropriations and the appropriations of others as rights. Finally he examines the moral basis of the right of property. The remainder of his discussion turns about the status of property in the clan and in the modern state. In his examination of property in the modern state he attempts
to understand the relationship between freedom in the control of property and the existence of a propertyless proletariat.

In answer to the first question which asks for the psychological foundation of the appropriation of property, Green replies that appropriation is an expression of the will. The individual's effort to appropriate is an effort to realize his conception of his own good. This appropriation differs from the storing away of food by certain animals and insects in that it is the expression of a consciously held end, of the individual's idea of a possible satisfaction to himself. The acquisition of property is not, therefore, merely the attempt to satisfy a temporary want, it is also the attempt to satisfy a consciously conceived desire for security which is independent of the satisfaction of any particular want.

The second condition which must be fulfilled in order to constitute property as a right, Green goes on, is the recognition by others of a man's appropriation of property as a right. This recognition on the part of others is a guarantee that they will treat an individual's appropriations as his, not theirs. This psychological basis for the right of property differs from Grotius foundation of property on contract. To base the right of property on contract is to presuppose what has to be explained, namely, the distinction between mine and thine. Hobbes, in accordance with his theory that the sustainer of all covenants was sovereign
coercive power, derived the right of property from the sovereign. His theory, which has already been discussed, is objectionable, Green says, because force can never be the basis of rights. Locke's attempt to base property on labour was true as far as it went. His assertion, however, that it was "a law of nature and reason" that the work of a man's hand should be recognized as belonging to the man, merely shelves the question by referring the recognition of ownership to a law of nature.

Green's own justification of the right of property implies a moral foundation. Like all other rights the right of property presupposes membership in a society and the consciousness of the general well-being as an object of action. In placing the foundation of property in will, Green attaches a special meaning to "will." He defines will as,

A constant principle, operative in all men qualified for any form of society, however, frequently overborne by passing impulses, in virtue of which each seeks to give reality to a conception of well-being which he necessarily regards as common to himself and others. (32)

Such an explanation of the appropriation of property explains at one and the same time the individual's effort to appropriate and the acceptance by others of his appropriation as a right.

The history of the development of the right of property is briefly suggested by Green. The right was found in its earliest form in the clan. The characteristic of property in primitive communities was not the absence of "mine" and "thine" but the common possession of the limited supply of materials. The primitive organization of property was morally unfruitful in that under it the individual was confined to a single line of action which gave him no choice but obedience. His area of opportunities was so narrow that the possibility of right and wrong courses of action scarcely presented itself to him. The clan system itself placed so great a limitation upon a man's possible responses that morality had little opportunity to develop. One of the conditions of moral development, Green argues, is the free exercise of man's powers of appropriation. These powers can achieve their fullest expression only in a society which limits and directs their operation according to the good-will and sense of common interest of the society's members, as that good-will and interest are expressed in law.

The development of the right of property in the states of Europe, Green proceeds, has not been an unmixed blessing. The existence of a propertyless proletariat raises the question as to whether or not a propertyless proletariat is a necessary accompaniment of the right of free appropriation. It is not an argument against the right itself, he says, that some should abuse their liberty by using
their property in a way demoralizing to themselves and others. When one set of men secure property for themselves in such a way that others are debarred from holding any at all, it is correct to say that "property is theft." The true idea of property recognizes that everyone who will expend labour upon property and respect its possession in the hands of others should have an opportunity to become a possessor of property himself. This idea of property makes inequality of possession inevitable, but it is not responsible for the existence of a multitude of propertyless men. The condition of landless, and, to a large extent, propertyless industrial classes in Europe is directly connected with the fact that the original landlords were conquerors. The labour supply of industry has come from men whose ancestors were trained in habits of serfdom and forced labour. These original landlords have been given rights which were incompatible with the true right of property and which debarred others from possessing property at all. The government, too, has been chiefly in the hands of these appropriators of the soil who were very reluctant to permit any extension of rights to those who did not share in the possession of the soil. The only justification there could have been for the concentration of land in the hands of large landowners, as for the holding of any other right, was that it contributed on the whole to social well-being. The arbitrary and violent use of rights over land and the state's failure to regulate
these rights; not capitalism, has been responsible for the miserable state of the proletariat.

The Right of the State in Regard to the Family

Family rights, the most important of which are the reciprocal rights of husband and wife, parent and child, Green contends, are to be included among those rights which do not arise out of the existence of the state. Family rights unlike most other rights imply rights of one person over against all the rest of society "to require or prevent" a certain kind of behaviour on another person's part. A husband's right in regard to his wife not only gives him a claim upon all others and all others a claim upon him in his relationship to them, but also gives his wife a similar right over him. Three questions may be asked in regard to family rights; what is it in the nature of man which makes capable of family life? How do certain powers and exemptions of one man come to be regarded by others as rights? What is the true form in which family rights should be maintained?

The formation of family life, Green claims, not only presupposes an individual's attempt to secure for himself a permanent source of satisfaction as distinct from the satisfaction of a temporary want, but it also supposes in the individual's conception of his own good a conception of the good of others.

He must conceive of the well-being of these others as a permanent object bound up with his own, and the
interest of it thus conceived must be a motive to
him over and above any succession of passing desire
to obtain pleasure from, or give pleasure to, the
others. (33)

Family life has undoubtedly passed through a continuous
development. Its distinctive characteristic, however, is
the emergence in a man of a permanent interest in a woman
and her children, as persons, over and above a temporary
sexual interest.

This interest, which is the basis of the
capacity for family life, is readily recognized and appre­
ciated by others and leads to the recognition of a private
family life as a right. This right is developed at first
within the bounds of narrow societies and has no reality
outside the society in which it originates. The right is
gradually recognized in the men and women of other societies,
and finally, with the establishment of monogamy, the prin­
ciples are enunciated that all men and women have the right
to marry and form households and that the rights of men
and women are reciprocal. Finally the true nature of the
right of family life comes to be recognized in the establish­
ment of monogamy and the rule that infidelity of either hus­
bond or wife is a sufficient ground for divorce.

Green concludes his investigation of rights
with the acknowledgment that the examination should be
continued to include rights which arise as a result of the
establishment of the state. This latter enquiry would be

7. Conclusion: Criticism of Green's Principles.

We may now clarify what has already been said of Green's political philosophy by a criticism of some of the key principles which he advances. It will become apparent that, while this criticism sometimes takes the form of an appreciation of Green's point of view, in the main it turns about problems which his principles suggest. As we observed in the discussion of Green's treatment of Spinoza, Hobbes, Locke and Rousseau, Green's political philosophy benefits from the advances in knowledge which took place in the eighteenth to nineteenth century. He writes from the historical point of view, and attempts to understand his subject matter not only as he found it in his own day but also as he believed it to have developed in human history.

Before commencing the discussion of his distinctively political concepts we may examine three lines of thought which are more closely associated with his psychology and ethics. It will be necessary to enquire, first, into the meaningfulness of the concept of a "self-seeking consciousness" in man. In the second place, since Green makes morality the ultimate justification of his political system, the object of moral endeavour should be clarified. Finally, some skeptical questions concerning the universal
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applicability of moral judgments should be reviewed.

Green's use of the concept "self-seeking consciousness" illustrates a use of language in which an idea is presented in such a way that the concept itself seems to have a reality of its own and also the capacity to be causally efficacious. Green says:

I have already tried to show how the self-distinguishing and the self-seeking consciousness of man acting in and upon those human wants and ties of affections which in their proper human character has as little reality apart from it as it has from them, gives rise to a system of social relations, with laws, customs, and institutions. (34)

In this statement he seems to be personifying a characteristic of human nature--the characteristic, namely, of consciously attempting to preserve one's self--and also to be regarding that characteristic as acting on its own. This use of language may convey an important insight into the relationships of men but it is dangerous to clear thinking in that it may suggest the existence and operation of some entity which, in fact, does not exist. Green speaks of "self-seeking consciousness" acting upon "human wants, and ties, and affections," but it is difficult to imagine what such a self-seeking consciousness would be apart from wants, ties, and affections. It may be that a self-seeking consciousness is the organization of these wants, ties, and affections when they have become conscious in the human personality.

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In the light of the importance of this concept to his social theory, and his affirmation that the self-seeking consciousness "gives rise to a system of social relations," it is unfortunate that he did not give a further account of its nature and development.

Taking up the second topic, we may remind ourselves that Green considers the goal of political life to be the attainment of morality. "The highest moral goodness," he says, "was an attribute of character, in so far as it issued in acts done for the sake of their goodness." (35)

There are two objections to this definition which we shall consider. First, it might be asserted that acts are never done for the sake of an absolute moral goodness. Second, it might be declared that making moral goodness the end of moral endeavour precludes the attainment of the end sought. The first objection rests on the supposition that there is not in human nature either a tendency, or the possibility of a tendency, to pursue moral goodness, as such, as a goal of endeavour. Supporters of this view would assert that men are always impelled to action by the desire for a particular good, but never by the idea of a general good. While there is some support for such an analysis of motivation a theory recently put forward by the American psychologist, G. W. Allport, in his book "Personality," would tend to support

Green's general position. Allport using the data of scientific psychology, suggests that any motive can become "functionally autonomous." That is he would say with Green that an act which at first was done only for the sake of some particular interest could come to be done for the sake of an ideal goodness of character which was not at first associated with the act.

Green tends to associate the motive which impels action with a view to self-perfection with the motive which has as its end the general good. These two goals are very closely connected in his ethical system, yet, according to his definition of moral goodness, the highest good is moral perfection or perfection of the self. While we may agree with Green that such a character is the highest good it should be pointed out that an individual who makes self-perfection the object of his endeavour tends to make the attainment of that character impossible. A primary condition of morality is objectivity, and this cannot be attained when self-perfection is the end of life. Green, of course, does much to counteract this interpretation of his ethics by his consistent emphasis on the general well-being as the end of moral endeavour, but the criticism, nevertheless, must be made. Concerning the third criticism to be made of Green, it is to be noted that a moral skeptic might object to Green's attempt to base rights on the consciousness of members of a society of that which absolutely "should be," by saying that
this consciousness of what "ought" to exist is simply a value
judgment of some particular person or group of persons. The
skeptic would regard such a judgment as purely personal and
arbitrary and as something which he either could or could not
accept, depending on his own personal judgment. While such
an objection might properly be levelled at many particular
assertions of what ought to be, the skeptical statement has
some definite limitations. In the first place, on the basis
of Green's philosophy, the skeptic could be answered with the
argument that by taking his skeptical attitude in regard to
the sense of morality of the community he had automatically
made himself an alien. His assertion amounts to the renun-
ciation of rights and he can no longer share the privileges
of membership in the society which recognizes those rights.
In the second place, against the skeptical position that the
recognition of an absolute end is merely some one person's
value-judgment, the argument might be advanced that the gen-
eral consciousness of that which ought to be is the basis of
anyone, even the skeptic, having any value-judgments at all.

In defining the grounds of political obliga-
tion Green stresses the importance of rights. He claims that
powers are recognized when they are regarded as means to an
ideal good. His theory does not make it clear that he is
talking about the basis of obligation and not about the foun-
dations of actual political society. This distinction comes
out more clearly in his discussion of will as the basis of
the state. There is throughout a tendency to confuse that which ought to be, but is not, with that which actually is. He seems to use "obligation" in a narrower sense than is commonly the case. Political obligation, however, is often regarded to be much the same as necessity. The word "obligation" may be used in the sense of mere expediency and in this way political obligation would imply nothing more moral than self-interest. Green's usage carries a distinctively moral connotation and suggests that political life is "ipso facto" moral life. And while we grant that political life in the "true" sense of "political," that is, as defined by Green, has a moral foundation, there is conclusive observational evidence to indicate that a great deal of political life is very far removed from direction by the idea of goodness. What actually holds the state together is frequently nothing more than the correspondence of particular selfish ends.

The concept of the general will was salvaged by Green from Rousseau's political theory as the one valuable contribution of the French writer. What, we may ask, is the referent of the term "general will" in Green's use of it? In whatever specific sense "will" is understood it usually refers to individuals. Green himself says that; "Will is the capacity in a man of being determined to action by the idea of a possible satisfaction of himself." (36)

What does this concept mean when it is trans-

ferred to society? If we speak of the general will as the capacity of a society to be determined to action by an idea of its own satisfaction we must ask from what acts this capacity is inferred. In the case of an individual's will the answer is comparatively simple but when the question is applied to society the answer becomes more difficult. In rare instances only does a society follow a course of action which suggests that the society as a whole is being determined by some dominant idea of its own good. Such an unusual phenomenon appears to characterize the social life of a people only in the face of some national crisis such as war. Usually particular wills seem to predominate in the society's life. Possibly the generality of the will lies in its object. What object is of such a nature that its acts as a determinant of action of the whole of society? MacIver, a modern democratic theorist, answers that the general will is the will for a state, the will to live together under some established form of government. Green's definition of the general will as, "That impalpable congeries of the hopes and fears of a people, bound together by common interests and sympathy," (37) is not general in its object, for these hopes and fears show the widest possible variety; nor is it general in its subject, for it refers to the people, that is to individual people.

The tension between the actual and the ideal is found again in Green's discussion of the sovereign. He

seems to recognize two sovereigns. The first, the actual sovereign, is the determinant body exercising coercive power which Austin speaks about. This sovereign is visible in every demand which the state makes upon the individual. The second, the ideal sovereign, is to be found in Green's morally sanctioned rights. His whole emphasis on the moral purpose of the state suggests a conclusion that, whatever else may be said about the sovereign, he is not the ultimate sovereign unless he fulfils and furthers that moral purpose. The distinction which we have drawn here does not follow Green's own division. He separates the sovereign into the coercive powers of the ruling body, the Austinian sovereign; and the general will of the people, Rousseau's sovereign. This distinction, however, is not as fundamental, as the distinction which he implies between the sovereign power as it is and as it ought to be.

In his assertion that will, not force, is the basis of the state Green seems to assume that force is something other than the expression of will. He considered the will to be a human capacity determined to action by the idea of a possible self-satisfaction. Surely, however, force is a kind of action, and one possible expression of will. Green's distinction between force and will is, therefore, misleading. A general consideration of this theory suggests that he is distinguishing between two different kinds of will, between the will which has a general good as its object
and one which has a personal good as its object. The kind of will which is the basis of political society, Green claims, is that which recognizes a common well-being as to its own well-being. Without this consciousness of that which is good for both self and others, political society could not exist he contends. While we may agree with Green's argument that a will on the part of members of a society for a common good is indispensable to the formation and maintenance of the state, we may properly insist that this is not the only foundation for the state. Granted that it is the most permanent foundation, the fact that selfish wills go to make up and determine the form and function of society compels us to say that such selfish wills are also laid down in the foundation of society as against Green's assertion the consciousness and will for the common good are the basis for the state, we feel compelled to assert that other wills, which utterly and even maliciously disregard the social good must be numbered among the elements of the state's foundation.

Rights, Green claims, are not brought into society by individuals from a pre-social state of nature, nor are they granted to individuals by a sovereign authority. They belong to individuals as members of society. The existence of rights in a society depends upon their recognition by the members of that society. The substantial similarity of this conception of rights with the view which
derives rights from consent must be asserted. The notion that rights arise from consent means essentially that individuals first assume that they have rights themselves and then recognize them in others. Green's view is not fundamentally disimilar although it adds a good deal to what has just been said. His most important advance over those who derived rights from consent was to show that rights develop in a social setting and are not innate characteristics of human being apart from society.

In his discussion of the question as to whether the individual has rights against the state, Green first points out that there are certain rights such as life and liberty, which exist before the establishment of the state. These rights do not, however, exist apart from society, for their existence presupposes society. Due to the fact that rights are derived from society the individual has no rights against society. With the emergence of the state, the state takes the place of society and the individual has no rights against the state for the same reason that he had no rights against society. This conclusion is a valid inference from Green's definition of the state for he gives the state a status which includes all the functions of society. The point we wish to make is that if some other definition is given to the state, and there is reason to believe it could be defined in such a way as to permit the inclusion of some characteristics of society, then it may cease to be
true that the citizen has no rights against the state. If, for example, the state is regarded as one association among others in society then it ceases to exercise its rights over every area of the individual's life.

Green develops the implications of his fundamental principles of political obligation in his discussion of rights. It is quite conceivable that one might accept his basic principles and yet disagree with his treatment of the implication of those principles. The end which Green proposes for political society is the general well-being of all and the promotion and development of moral personality. All laws and principles, even his own exposition of rights, are to be revised and criticized in the light of this ideal. If Green's exposition of any particular right should be called in question it does not necessarily follow that his principles are wrong. The cause of disagreement will likely be found in the weight given to the historical facts on which his treatment of rights are necessarily based. An example of this characteristic of interpretation is found in his treatment of the rights of property.

The right of property has, Green says, its justification in the moral end which it serves. The right is justified in that the free appropriation of property is an instrument of general well-being and is stimulus to the exercise of the latent human creative capacities which are characteristic of a moral life. Now, if it can be shown
that the free exercise of the right of appropriation does not lead to the general welfare or to the development of moral goodness, the right of property would have to be revised. Green himself asks the question as to whether the existence of a propertyless proletariat is a necessary accompaniment to the right of free appropriation. The existence of a propertyless proletariat can scarcely be regarded as a state of general well-being. Now Green's own interpretation of this sociological phenomenon is such that it does not appear to be a necessary accompaniment to the right of free appropriation. He suggests that the cause of the condition of the poor is to be found in such facts as the serfdom of their ancestors and the character of the poor themselves. He suggests that if the propertyless class only would they could band themselves together, and themselves become owners of capital in a small way. If in place of Green's explanation of the causal factors of poverty another explanation is suggested, such as that which suggests that the unhindered right of free appropriation leads inevitably to the accumulation of the means of acquiring wealth in the hands of a few, his doctrine of the right of property would have to be revised. This revision could be carried out on the grounds of Green's philosophy without in any way changing the basic structure of his thought. His grounds of political obligation could be used to support the right of state interference in business or public ownership of
property provided that it could be shown that these practices were the necessary means to the public welfare. What we have said here in regard to the right of property, namely, that the right will vary with our interpretation of the historical facts may be applied to all other rights. Rather than being a weakness of Green's theory as a whole, the fact that a specific interpretation of it in practice can be questioned without affecting the integrity of its basic generalizations is an indication of its strength.
CHAPTER VI.

A STUDY OF BERNARD BOSANQUET'S WORK,

"THE PHILOSOPHICAL THEORY OF THE STATE".
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1. RELATION TO THE SOCIAL CONTRACT THEORY.

We may introduce our discussion of the political philosophy of Bernard Bosanquet, the English political idealist, by relating his theory to the writers of the social contract school. Bosanquet regards the social contract theory as a limited view of the origin and basis of political obligation. He represents his own theory, which he calls a philosophical theory of the "state", as the fulfillment of the partial truths expressed by the writers of the social contract school.

Bosanquet observes that the development of a distinctively national life which came to maturity in Europe and especially in England somewhere around the seventeenth century brought a revival of conditions favourable to political speculation. The writers of this period, he points out, unfortunately, tended to draw their concepts from the literature of Roman Jurisprudence, rather than from Greek philosophy. As we have seen in the early chapters of this thesis the writers of the seventeenth and eighteenth century represented the origin and function of the state in terms of a very simple formula. The essential concepts used in this formula were a
"state of nature" in which men were free but insecure, and a "contract" establishing political society by the consent of the contracting parties. Bosanquet regards this formula as a fiction, and, starting from the paradoxical writings of Rousseau, he replaces the notions of "natural liberty" and "social contract" with what he regards as a more comprehensive account of the structure of political society.

The contradictions and inconsistencies of Rousseau's theory are, Bosanquet affirms, the result of his attempt to reconcile the fiction of a historical contract with the more profound view that social life itself is the condition of human rights and obligations existing at all. The heart of this fallacy is the failure to see that man becomes a developed and mature individual only as a part of society. By the interaction of men and society men not only create society but become what they are by means of the society which they have created. Green has demonstrated that it would be impossible for men to have rights apart from society. Bosanquet points out in his analysis of Hegel's treatment of law that the notion of contract is misused when it is applied to the state. Contract, he says, is an agreement of free persons about an external thing. Men, however, do not become rational creatures and cannot be
free except as members of a state. The social contract theory, in the light of Bosanquet's philosophy, appears as a superficial view of political obligation.

We may clarify the contrast between the social contract theories and the theory which Bosanquet advocates by a psychological illustration which Bosanquet himself uses in another connection. The psychologist, he says, tends to regard the individual as already developed and to take account of mental states as they are found in the mature individual. This approach, Bosanquet says, disregards many important facts, for it gives neither a statement of the individual's history nor an account of his relations with his complete environment. (1) The social contract theory may be regarded in much the same light as the psychology of which Bosanquet is here speaking. Hobbes, Locke, Spinoza and, to a less extent Rousseau, all gave an oversimplified account of the origin of society. The theories which they developed deserve the name Bosanquet applies to the theories of Bentham, Mill and Spencer. They were "theories of the first look." (2) A more complete view, a philosophical theory attempts to see

(1) Academic psychology of Bosanquet's day disregarded, as a general rule, the history of the individual's development and the effects of the social environment. Although Freud, in 1900, was urging the importance of infancy on later development it was not until the second decade of the present century that psychology gave serious attention to the development of the individual in terms of his social environment.

the individual and the state in the light of their whole development and function in the past, present and future.

2. The Meaning of a Philosophical Theory of the State.

The chief characteristic of a philosophical treatment of any subject, Bossanquet claims in introducing his political theory, is the attempt to see the subject matter "as a whole and for its own sake." (3) A philosophical theory does not attempt to cope with the special sciences relative to any particular subject on their own ground but rather attempts to use the knowledge the sciences severally present in order to see the significance of the subject in question in its relation to the whole world. Understanding a subject "as a whole" or "for its own sake" does not mean that it is abstracted from the general field of knowledge, but that the subject is considered both in its particular significance and in its relation to other phases of experience.

The nature of political philosophy, Bosanquet declares, can be best understood by considering the Greek city-state which gave it birth. Although it is in one sense true to say that wherever men have lived there has been a "state," it is nevertheless true that the development of the state in the Greek city was a new departure in the form of political association. The Greeks were unique in the experi-

(3) Bossanquet, Op. cit. P. 1
ience their state presented, in the type of mind their state implied, and in the interpretation which they placed upon their political experience. Their city-state was new in its individuality, in its political consciousness, in its demand to be ruled equally by a law which the citizens recognized as their own, and in the very device of voting. Bosanquet attributes this uniqueness in political experience to the same Greek genius which also expressed itself in philosophy and science, for, as he says, "Politics is the expression of reason in the relations that bind man to man." (4) The philosophy which sought to give theoretical expression to the political life of the Greeks is unanimous in the opinion that the human mind can attain its proper maturity only in a community of minds or in a community "pervaded by a single mind." The essentially Platonic view, Bosanquet claims is embodied in every sound philosophy:

The central idea is this: that every class of persons in the community—the statesman, the soldier, the workman—has a certain distinctive type of mind which fits its members for their functions, and that the community essentially consists in the working of these types of mind in their connection with one another, which connection constitutes their subordination to the common good. (5)

The period which followed the decline of the city-state, Bosanquet maintains, was one in which the Greek social theory both ceased to be supreme and ceased even to be understood. Individualistic ethical system replaced

(4) Bosanquet, Op. cit. P. 6. Regarding Bosanquet's explanation of Greek political advances in terms of Greek genius, it is obvious that his account is purely verbal and gives no new knowledge.
the social philosophy of Plato and Aristotle. It was not until the modern nation state furnished a type of experience similar to that of the city-state that political genuine speculation began again. In seventeenth century England there was to be found a social unity at least comparable to the unity which had raised the questions which Plato and Aristotle attempted to answer. The thinkers of the seventeenth century, borrowing the terms of Roman jurisprudence, imperfectly solved the problems of government with such notions as "natural right," "natural law," "contract," and "representation." The revival of a true philosophical interpretation of the state, if it can be assigned to any one man, can be assigned to Jean Jacques Rousseau, for it was Rousseau who gave new life to the conception of the political whole as "an essentially social being." While Rousseau's genius was misinterpreted, his fundamental concept that sovereignty lay in the rule of a social good, was a landmark in the pathway to a realization of the full "idea" of human nature.

Bosanquet further defines the meaning of the philosophical view of society by comparing it with the sociological point of view. The ancient philosopher, he says, considered primarily the question as to what was the most complete and most ideal life of the human soul. The sociologists, on the other hand, seeks to find out, in the terms of natural science, the laws operating among an aggre-
gation of human beings. In pursuing this investigation social theory has made great use of analogies drawn from the other branches of knowledge.

Mathematics, Biology, and Economics have each furnished suggestions which have been applied in social theory. Mathematics, as symbolized in the Neutonian physics, has led to an emphasis on statistics and the expression of social relations in mathematic terms. The Biological analogy comparing society to a living organism was found in the ancient world and has been enhanced and re-applied under the impetus of the theory of evolution. Modern writers have tended to interpret the definitely human phenomena in terms of their historical antecedents in the evolutionary series. Not only has human society been interpreted in terms of a single organism, but it has also been compared, in the doctrine of the survival of the fittest, to the whole animal species. The success of political economy led some writers to regard society as a whole as explicable in economic terms. The stress on economic factors in sociological theory Bosanquet regards as a legitimate emphasis on the fact that man lives the life of his planet, but he stresses the notion that even physical causation of human affairs takes place by the physical causal factors passing into the world which the individual presents to himself in consciousness. It is in the economic field, in the statement of the economic condition of life, that sociology may find its purest subject
The ideas furnished by Jurisprudence and the Science of right, Bosanquet maintains, present the student of social theory with "ideal" facts in the form of a set of written records. The recognition of the existence of written laws takes one out of the field of biological analogies and acts as a reminder that the subject of social theory is a "self-conscious purposive organism" whose members are at least, partially bound together by conscious intelligence. Law can indeed be treated from the standpoint of economic history, and Bosanquet agrees that there is some truth in this view; but, he says, it should never have been thought that laws are formed in a vacuum apart from the forces, such as economic forces, which operate in society. He cites the view of the French sociologist, Durkheim, that, in a primitive society an act is a crime when it offends "the strong and definite collective sentiments of society," to show that in its simplest form the basis of law is a "plain type of mental reaction," (6) with a positive sentiment behind it. The simplest penal law of a self-existent social group is, however, essentially different from the new anger of a mob, for law implies a permanent and responsible distinction between right and wrong. A strong sentiment, as such, is a mere force, whereas "law involves the pretension to will what is just." (7)

(7) Ibid. P. 36.
Bosanquet observes that the ideas of mere legality have been regarded with some truth as empty and formal. The treatment of law as command is a conception which jurisprudence itself has frequently surpassed. Nevertheless, as the field of life and culture comes to occupy the center of our thought jurisprudence is replaced by social philosophy. With the larger emphasis on life and culture it becomes more and more apparent that the central unity behind the law is the social spirit of a people. The emergence of this view, Bosanquet points out, is closely associated with the general idealistic tradition, and with the recognition of a central unity behind the law, "the conception of a national mind and education takes its unquestioned place in modern social theory." (8)

The development of French sociology brings sociology closer to the social philosophy through the medium of Psychology. Although Comte, the founder of the French school, Bosanquet continues, banished psychology from the field of sociology, French sociology today is social psychology. (9) It has become more apparent than ever that various phases of social life, be they physical fact, statistical data or legal enactment, cannot be studied without discovering that every branch is connected with an underlying unity of mind. The only unity which is capable of sustaining a whole range of social facts is mind. The outstanding example of the approach to social life from the point of view of

(9) Bosanquet was writing in 1899.
psychology is M. Tarde and it is to be noticed, Bosanquet says, that whether or not Tarde's interpretation of social life in terms of imitation and repetition is accepted, his phrases have been taken upon all sides either in agreement or controversy. Regardless of the correctness of Tarde's particular interpretation, he is a representative of the whole movement of social science in the direction of psychological interpretation. It becomes apparent that a science of man must necessarily be also a science of mind.

Psychological sociology and social philosophy, Bosanquet maintains, while they have drawn together still approach their subject matter from different points of view. Psychology, he says, is a positive, "natural," science which takes an unbiased interest in all mental events and seeks to establish a continuity between observed facts. Like every natural science its tendency is to explain the higher in terms of the lower, that is, the more complex in terms of the simpler. Philosophy, on the other hand, is critical throughout, and desires to establish levels of nature, reality, completeness and coherence. It regards society as an "achievement or utterance of human nature" (10) and asks ethical, evaluatory questions about that "achievement." The two fields, psychological sociology and social philosophy will tend to supplement one another, philosophy giving significance to sociology and sociology vitalising philosophy.

3. Political Obligation.

Turning to the general question of political obligation, Bosanquet opens his discussion by considering the treatment Bentham, Mill, and Spencer gave to the paradoxical notion of "self-government." The conception of self-government in every politically mature society has been regarded as the true basis of political obligation. The most evident application of this concept represents the individual as one with the community and accordingly regards the community's action in regard to the individual as infallible. Such a view is fallacious. The conception of self-government contains a paradox both of Ethical Obligation and of Political Obligation. The paradox of Ethical Obligation asks how a "self" can exercise authority or govern itself, that is, how the idea of government, which is strictly applicable only to the relations of persons, can be applied to an individual mind. The paradox of Political Obligation asks how the term "self" which is derived from the notion of "individual mind," can be applied at the same time to the agent and to the object of government. All three of these writers regarded the sides of the paradox as irreconcilable, and yet, while they regarded law and government as essentially antagonistic to man, they also held that a minimum of this antagonistic government is necessary for the development of a rational self.

Bentham's political theory acquired its
characteristic emphasis from its function in supporting philanthropic social reform. The movement which Bentham led, Bosanquet states, was emphatically hostile to the existing law, and his theory never lost its basic antagonism to law and government. For him liberty had its simplest meaning of absence of restraint. It was only by sacrificing a certain amount of liberty that the individual could have rights. Bentham seemed to regard liberty, Bosanquet says, using the spatial metaphor implied in Bentham's consideration, as an area, a part of which had to be sacrificed in order to preserve the rest. Bentham regarded this area of sacrificed liberty as a border of constraint, which, while it was variable, still had a minimum size which gave the maximum amount of liberty. Bosanquet questions the spatial analogy implied in Bentham's terms and declares that, if liberty is of such a nature that the subtraction of one liberty has the effect of adding to the total amount of liberty in general, liberty might better be compared to a living plant than an area of land. Bentham, however, never accepted an organic analogy, and his assumption that the restraint imposed upon an individual by the claim of others necessarily results in a limitation of the individual's liberty and makes the paradox of self-government in susceptible. Bentham rejected every conception of law except that which regarded it as command. The relation of law to human nature lay in the law's assistance in decreasing the pain of restraint and increasing the
pleasure of liberty.

A similar hostility between the terms "self" and "government" in the concept "self-government," Bosanquet declares, is apparent in Mill's political theory. In spite of his appreciation for the social solidarity, John Stewart Mill regarded the "central life of the individual," to use Bosanquet's phrase, as something which must be closely guarded against the impact of social forces. Mill's idea that the full development of an individual's life could be attained in isolation is not born out by modern investigation. It rather appears that in order to get beyond any point of progress it is necessary to have at least reached that point, the law needs to be fulfilled before it becomes (the fullest individuality depends on the absence of law,) unnecessary. But, if, as Mill seemed to think, it is apparent that law is a curtailment of human nature and that the terms "self" and "government" are contradictory.

Mill attempted to answer the question, Bosanquet goes on, as to how much of human life should be assigned to society and how much to individuality, by giving to each area of life the part which more particularly concerns it. Society, Mill said, should have the control of that part of life which concerns society, whereas individuality should have that part of life which particularly concerns the individual. He maintained that an individual who lived in a society was bound not to interfere with certain liberties of others, and not to neglect his share of risk in
ensuring the security of society. Mill assigned acts to the jurisdiction of society from the field of individuality on the basis of their effect on others. Acts which carry a "definite damage" to another person were declared to be in the field of law. Bosanquet criticizes Mill's basis for demarcating these fields on the ground that every act effects both the self and others and that it is principally a matter of mood whether we consider the effects on self more or less important than the effects on others. Mill's method of distinguishing between actions assignable to the state and to the individual led him to propose limitation of state interference in morality and religion on the ground that such interference infringed upon individual liberty. His theory thus placed interference with morality and religion on the same footing as interference with trade. Mill, Bosanquet contends, completely missed the real ground for the distinction, which lies in the appropriateness of coercive action. He agrees that the state should not interfere directly with morality or religion, not on the basis of spheres of activity belonging to "self" and to others, but on the basis that compulsion is not the appropriate means to produce morality.

Herbert Spencers philosophy, Bosanquet claims, further emphasized the irreconcilability of self and government. Spencer considered that it was absurd to think of a people without rights creating rights by estab-
lishing a government. (11) He held that perfect liberty was the complete absence of government, and argued that the active element in self-sustaining activity was of a non-social character and was dependent only on the "laws of life." The ethical character of the right to live arises from social aggregation as an obstruction to the fullest expression of individuality. In fact, in Spencer's view as a result of accepting the distinction between self and government as irreducible, individuality has no ethical aspect at all; liberty and the self are devoid from a moral end.

Reviewing the paradox of "self-government" Bosanquet asserts that the development of political institutions into their present elective form only intensifies the problem. When all the unjustified powers of privileged classes are removed the fact still remains that government involves the coercion of some by others. The "tyranny of the majority" presents itself as an evil to be guarded against. Experience itself contradicts any ideas that the individual is satisfied and "at home" in all the acts of the government which is supposed to represent him. The only sense in which "self-government" can be used is that which sets one community over against another and regards the whole community as a "self." Such a view of a common self, however, is ruled

(11) Bosanquet does not say in stating this proposition what Spencer thought there was in the nature of right and government which made it impossible to create rights by creating a government.
out in the theories of Bentham, Mill and Spencer. Government for these writers, regardless of the way in which they sought to solve the problem, necessarily presented itself as coercion of "the one" by "the others." Any satisfactory theory of self-government, Bosanquet maintains, must give the fullest possible force to the terms of the paradox and at the same time exhibit their reconciliation:

We must take the two factors of the working idea of self-government in their full antagonism, and exhibit, through and because of this, the fundamental unity of their root, and the necessity and conditions of their coherence. We must show, in short, how man, the actual man of flesh and blood, demands to be governed; and how government which puts real force upon him, is essential, as he is aware, to his becoming what he has it in him to be. (12)

The pursuit of this goal leads to the consideration of Rousseau and the writers who have followed in his tradition.

The theories which Bosanquet has been considering have often been called individualistic theories. This term Bosanquet declares should be avoided, both because it is hackneyed, and because the atomistic theories to which it is usually applied are unworthy of the term "individualistic" in its fullest sense. He suggests that such theories should be called "theories of the first look" because of their superficiality. Their distinguishing characteristic, is not, as some have suggested, that they treat the individual as an end and society as a means, for the ends and the means in this proposition can easily change places. Rather the

characteristic which distinguishes these theories is their conception of the nature of the individual as the centre of human life and society as the sum of these unitary centres.

In such a view government is self-protection. "It is in fact a form of the impact of 'others'---for this reason it is, as we saw throughout, alien to the self." (13) If, however, the individual unit of society recognized an end and nature which binds him to others it would be impossible to keep this end and nature from influencing the conditions of association and "government" would cease to be alien to "self."

Bosanquet now turns to the writings of Rousseau, who, he considers, led the way to a true social philosophy. He acknowledges a good deal of confusion in Rousseau's thought but points out that in Rousseau confusion and inconsistency went hand in hand with a great insight. In his early essays Rousseau emphasized the state of nature and the blessedness of man's condition in that primitive state. He did not, Bosanquet contends, regard the earliest condition of human life as a state which could provide a conception of

Without at this point discussing Bosanquet's criticism of the "individualist" point of view we may point out that government regarded as a protective device is not altogether alien to the "self."
an ideal life. He did not ascribe true morality to the state of animal innocence, and therefore it is with hesitation and regret that he selects a middle state as representing his ideal, fully aware that it has forfeited animal innocence, without having attained human morality." (14) It should also be noted that Rousseau regarded the transition from a natural to a civil state as an evil because a state of natural inequality was exchanged for a more vicious state of political inequality. He did not regard the primitive state as a state of equality and accordingly felt that if the political inequality showed any capacity for modification to equality it was to that extent superior to the primitive condition.

Bosanquet, like T. H. Green, regards Rousseau's concept of the general will as the significant part of the latter's philosophy. In his treatment of Rousseau he minimizes the importance of ideas like "contract," "state of nature," and "universal assembly," in order that the notions of a common self and a real will may have the attention he feels they deserve. Rousseau's theory is interpreted as a confused groping after the light. Flashes of insight are mingled with quantities of fiction and inconsistency, but the flashes redeem the theory and identify it as the product of true genius.

The opening words of "The Social Contract", "Man is born free, and everywhere he is in chains" (15) Bosanquet affirms, sound like a tirade against civilization. Rousseau gave up any attempt to give an account of the way man lost his liberty, and turned his attention to the question, which to Bosanquet is far more important, namely, how the condition of man in society may be justified. "He knows, in short, that something, which can look like utter bondage, is a fact; and he knows that this fact has to be justified." (16) The problem which Rousseau presented to himself, in attempting to "justify" the social state of man, Bosanquet observes, involved a conflict of ideas. He attempted to find a form of association in which the individual both secured the protection of the whole force of the community and still obeyed only himself. Rousseau implied, Bosanquet declares, that a man's liberty and power remain the same throughout the social transaction. But if men were naturally free and combined to increase their power, some of their freedom would be lost. On the other hand if a man gains a greater individuality through the association he becomes freer than he was before the contract. Rousseau's inconsistency consisted in the suggestion that a man could be free in the pre-social state, and retain the same amount of freedom, with neither decrease nor increase, in the social state.

In examining the real nature of Rousseau's solution, Bosanquet interprets Rousseau as superseding the historical fiction of the social contract in his analysis of the conditions of political unity. The community as a whole became absolute in the act of alienation by which the individual gave up his rights and person to the community, and thus placed them under the direction of the general will. In this way a public person with a "common self" was brought into being. While Rousseau's concept was complicated by terms implying an historical association Bosanquet regards the idea just outlined as the essence of political society.

We find that the essence of human society consists in a common self, a life and a will, which belong to and are exercised by the society as such, or by the individuals in society as such. (17)

Bosanquet contends that, in considering whether the unity of the body politic was a "fundamental force of unity and reality" or a mere abstraction, Rousseau made the mistake of so emphasizing the unity of the body politic that the body politic appeared to be always all that it ought to be. If this were true the state would be perfectly wise and good. This, however, is not the case. So far as individuals were concerned Rousseau recognized the possibility of the existence of a particular selfish will opposed to the individuals general will as a citizen. Because he recognized the danger which such a particular will presented to the safety .......... (17) Bosanquet, Op. cit. P. 87.
of the state Rousseau included a provision that the state could compel a citizen to conform to the general will. In considering the possibility Rousseau showed how firm his conviction was that the political unity, the "moral person" which constitutes the "state", was a reality.

Bosanquet maintains that Rousseau's chapter "Of the Civil Condition" shows that he took up a position which tacitly abandoned the notion of original natural rights and replaced it with the view that rights begin with social unity. The social unity, Bosanquet asserts, is an aspect of the "rule of reason," "the sense of duty," and "the essence of humanity." The civil state, as Rousseau perceived, is the embodiment of moral liberty both as the condition of perfect ethical freedom and as the actual "outgrowth of self into an organized social content." In such a conception the negative relationship of selves to other selves begins to dissolve away in the light of a common self. The negative relationship of the self to law and government begins to disappear in the notion of a law which expresses man's real will.

The whole notion of man as one among others tends to break down; and we begin to see something in the one which actually identifies him with the others, and at the same time tends to make him what he admits that he ought to be. (18)

Continuing his discussion of the conception of a real will, Bosanquet first considers the idea of a sup-

reme will in the theories of Hobbes and Locke. Hobbes, he points out, had the concept of a real will embodied in the actual sovereign. He regarded the determinate group or person who held supreme power as the "person" in which the unity of the commonwealth was actually expressed. The will which Hobbes presented was without doubt a real or actual will but it was not general and gave no satisfying account of social right. Locke, on the other hand, presented a theory in which a place was given to a general but not to an actual sovereign will. Locke regarded the community at large as the supreme power which only conditionally trusted its power to an actual government. As there is no legal means by which the community can withdraw the power placed in the hands of the government, the will of the people cannot be understood as a real or actual will. Hobbes and Locke presented views which were complementary: for Hobbes political unity lay in a will which was actual but not general; while, for Locke, political unity lay in a will which was general but not actual. Rousseau's achievement lay in a synthesis of these views in the conception of a will which was both general and actual.

Rousseau's expression "the General Will" has seemed to many to be without a referent and Bosanquet suggests that the expression can be defined only with the help of such expressions as "as such" and "in so far as." We might say, he continues, that the general will is, "the will of the whole society 'as such' or the wills of all individuals 'in so far
as' they aim' at the common good." (19) The meaning of the general will is made clearer by considering what is involved in the will of any intelligent being. Just as an individual’s will is only partially expressed in the daily routine of life and implies a "true," "real" or "rational" will which would be the consistent expression of that partial will, in a similar way the general will "in itself," is the will as it would be if it expressed all that its nature implies.

The foregoing interpretation of the General Will throws some light on Rousseau’s assertion that "Sovereignty," which term he regarded as almost equivalent to the "General Will," is inalienable and indivisible. The indivisibility and inalienability of Sovereignty are a direct consequence of the nature of the body politic. "You can no more alienate or break it into parts than you can alienate or break into parts the use of your own judgment." (20) Similarly the interpretation throws light on Rousseau’s proposition that the General Will is always right and indestructable. (21) Just as it may be assumed that a man always aims at something which he takes to be good, the General Will stands for the good aimed at in the life of a society. In this sense the society may be said to evade the General Will but never to destroy it. The General Will remains as the "in-

(20) Bosanquet, Op. cit. P. 101. Granted that no one with normal human passions would consciously alienate his judgment, cases of mental deterioration represent something very like this. How far Bosanquet would care to extend his unquestionable parallel is hard to determine but it seems possible, in contradiction to both Bosanquet and Rousseau, that some such deterioration sometimes overtakes the General Will.
(21) In a footnote Bosanquet makes the interesting observation that the word "droite" here translated "right," in French has something like the connotation of our own word direct or our slang word "straight."

The meaning of the concept of the General Will, Bosanquet proceeds, is brought out by contrasting it with the "Will of All." The General Will aims at the common interest. The Will of All aims at private interests and is nothing more than a sum of particular wills. The point of this distinction rests upon the contrasting points of view which regard society as a mere aggregate or as an organic unity. Now it might be objected that if everyone pursued his "true" private interest he would pursue the public interest and that in such an event the Will of All would be the General Will. Bosanquet argues, however, that the two wills should be distinguished, because the true will requires a degree of effort and self sacrifice which is not required in the private and particular will. (23)


(23) Having just pointed out the identity of the General Will and the Will of All, Bosanquet, in giving the above reason for distinguishing them says, in effect, that we are living in a practical world where one's experience of these two wills is definitely distinguishable.
The implication of Rousseau's doctrine of the sovereignty of the General Will, is that a law which does not "really" regard the common interest does not deserve obedience. In attempting to show how the recognized sovereign could most nearly approximate the General Will Rousseau actually enthroned the Will of All. His hostility to representative government and his preference for government by universal assembly led him to reject the more mature forms of political association, and to advocate an institutionless state consisting essentially of an aggregate of individuals.

Proceeding to a discussion of Rousseau's concept of the "legislator" in so far as it throws light on the concept of the General Will, Bosanquet looks again at the General Will as the "real" will and then at the legislator as the expression of that will. It is a plain fact, he says, "that often when people do not know what they mean, they yet mean something of very great importance." (24) What a person actually asks for may not represent their "true" will at all. A critical analysis of an individual's will at several different times is likely to show an inconsistency in the objects sought. An approximation of the individual's true will may be gained by a process of criticism and harmonization with other wills, but the will discovered by this process, while it is the logical implication (24) Bosanquet, Op. cit. P. 110. This sentence is intelligible only to those who regard meaning as resting on a basis which does not make the abstract expression of the meaning its most important element.
of the particular acts of volition, will never be fully expressive in any one act of will. Rousseau recognized the need for criticism in the life of the state and "fathered" that function upon his legislator. He thought of a legislator's work of establishing and moulding the life of a people as though it were all accomplished at one time. He realized, however, that this was impossible, since it assumed that people in order to accept the work of the legislator, would already have the spirit which customs and laws produce before any law was established. This paradox is removed, Bosanquet declares, when the legislator himself is seen to be one of the organs of the social spirit in the process of self-criticism and adjustment.


From the preceding considerations, Bosanquet continues, it is seen that the average individual is not to be regarded as the real self of individuality. The real self is something which in a sense we are not, and yet something which we feel we ought to be. (25) When the self is conceived of in these terms a new light is thrown on the idea of liberty. Liberty is the condition of our being ourselves and is, "relevant to our continued struggle to assert the control of something in us, which we recognize as imperative upon us or as our real self." (26) In the light of this view there is a meaning in the expression "forced to be free." (25) It follows from Bosanquet's view as stated here that the "real" self is the "ideal" self. It is permissible for Bosanquet to define "real" in this way but it seems to us to be a contradiction of his position to identify the ideal or real (cont'd next page)
A man may acquiesce to restraint imposed upon him by a social order which he recognizes as in general making possible the existence and development of his "true" self. Such an order, being to a degree the embodiment of self which we recognize as what ought to be, may be spoken of as a system of self-government. Each self as a "casual private" unit then governs himself through subjection to a rational self-regarded as imperative upon him.

The term "natural," Bosanquet goes on, may be subjected to an analysis similar to the above examination of "liberty" and likewise found to have a larger meaning. The term "natural" is usually applied to that which comes first in time but this view should be enlarged to include phenomena which emerge at a later period of time. Bosanquet, indeed, in the manner of Aristotle, regards the mature condition of any development or growth as the state to which the term "natural" is most suitably applied. This same meaning of "natural" should be extended to the social life, and from Rousseau's familiarity with Greek thought it might have been expected that he would regard the maturer forms of society as the most natural. This opinion, however, he did not hold.

The term "liberty," Bosanquet contends, has been used in three distinct ways: in a juristic, a political, and a philosophical sense. The ambiguity involved in the (cont'd) self with the self "we feel we ought to be."

variety of usage needs to be cleared up.

In the simplest sense, which Bonsanquet calls the juristic, "liberty" refers to total absence of government. Liberty in this sense is expressed by the contrast of freeman with slave. This meaning, however, falls short of the idea involved in political liberty, for political liberty implies security in the exercise of activities affecting the whole society. The juristic view, Bosanquet claims, is the assertion of a negative characteristic of the whole principle. There can be no true security under juristic liberty; such security necessarily involves political liberty.

In going beyond the political and juristic meanings of liberty to a philosophical view, we are making use of a metaphor. In this metaphor we pass, Bosanquet says, from the region of relationships between selves to the field of the relationships in the organization of the individual self. Freedom in the philosophical sense means freedom from a constraint which is commonly regarded as part of the self. This constraint imposed upon man by a will in him which he "loathes and disowns," is the basis of the metaphor of freedom applied to the inner life of the self. Although the metaphor has its danger it helps to illuminate the meaning of a phrase such as "obeying only yourself" by suggesting what is involved in the term "yourself." The feeling of oppression, furthermore, which always goes with the consciousness of unfilled possibilities gives weight to the represen-
tation of the, enlargement of the self as freedom.

"Liberty, then, throughout, is the being ourselves, and the fullest condition of liberty is that in which we are ourselves most completely." (27) This ideal, Bosanquet asserts, is filled out by the conception which regards free will as the will which wills itself. Although, it is true that in one sense, the will always wills itself, in another sense it does not will itself since it does not seek the object which would satisfy its whole want. For example, in a civilized society the impulses of sensual passion do not give the individual an abiding satisfaction, or an enlarged and ordered mind. These impulses are necessary but are completely filled only in being disciplined and expanded by family affection. Similarly the institutions of social life which represent a real and rational will to us are required to discipline and instruct our partial wills in order that we may be truly free.

The state Bosanquet argues, may be identified with a real or rational will. In the state, and by means of it, "we find at once discipline and expansion, the transfiguration of partial impulses, and something to do and to care for, such as the nature of the human self demands." (28) The state as this theory conceives it is not merely political,

but contains the entire hierarchy of institutions which determine life. The state, Bosanquet asserts, "is thus conceived as the operative criticism of all institutions—the modification and adjustment by which they are capable of playing a rational part in the object of human will." (29) As the operative criticism of institutions the state is necessarily force. This property of force which is inherent in the state is derived from its character as "our own mind extended:"

The State is the fly-wheel of our life. Its system is constantly reminding us of duties, from sanitation to the institution of trusteeship, which we have not the least desire to neglect, but which we are either too ignorant or too indolent to carry out apart from instruction. (30)

The character of the state as force provides the answer to the inertia which is a necessary characteristic of man's animal nature. The State, which is the individual mind reinforced by capacities of the mind's own nature, supplements the defects of the individual and furthers his development.

Proceeding with the development of his theory Bosanquet explains what is meant by the statements that a will can be embodied in the State, and that an individual's will can be identified with this will. He carries out his explanation by pointing out the analogy between the groups and systems which constitute the intelligence and those which constitute Society. Both individual members of Society and

(30) Ibid. P. 142.
individual ideas may be related either in the form of an association or in the form of an organization. Bosanquet goes on from this observation to show that the systems and groupings of intelligence and the systems and groupings of Society are to some extent aspects of the same fact, though regarded from different points of view. Every social group, he says, is the external aspect of a set of individual mental systems, while the systems of every individual mind correspond to the totality of social groups. But while the social whole is implied in every individual mind it "only has reality in the totality of minds in a given community considered as an identical working system." (31)

An association, Bosanquet contends, is an habitual grouping of such a nature that whenever you find one constituent member you expect to find another. The term is applied to chance groupings that is, such as are not considered to be purposefully grouped together. The term "association" has been widely used in this sense in psychology and it may also be used to characterize one type of relationship of members of a Society. The casualness of the relationship is the essential point to be stressed here, although it should be recognized that there may be a certain amount of purposiveness in the association.

In contrast with the relationship of ideas

end members of a Society in a mere association, Bosanquet maintains that in both fields the units may be related in an organization with reference to some function. The contrast may be illustrated by the comparison of a crowd to an army. In the case of a crowd there is nothing in common between the units except the momentary suggestion one unit makes to another. In an army, however, every soldier has his function determined by his position and its relationship to the commander's plan. In the case of mind a similar organization of ideas in accordance with a dominant idea or plan may be presented in contrast to a merely accidental arrangement of associated ideas. The mind, Bosanquet alleges, although it has its dominant nature has no single dominant system but a number of systems so related that when one system is active the others tend to be quiescent. Every such system, bound together by a common scheme, is called in psychology an "appercipient mass" and it is only by the operation of these appercipient systems that the action of the mind as a whole is carried on. The organization of society is closely analogous to the schematic connections of mental systems of this sort. Individuals are determined by their relationship to their trades, professions and by the Society as a whole rather than by their immediate connection with their neighboring unit. Without such a harmonization of parts with the whole of society life could not go on.
Minds and Society, Bosanquet continues, are aspects of the same underlying fabric regarded from different points of view. A social group is the external aspect of a system of mental systems. An institution like a school, for example, may be regarded as a number of buildings or as an aggregate of individuals in different relationships with each other; but the actual reality of the school lies in the fact that certain minds are connected in a certain way. The connection of any one mind is meaningless apart from the whole of which it is a part. The school could not be an organization of teachers only, or of pupils only, for its reality as a school lies in the fact of the attitudes which pupils, teachers, parents, and all of the rest of society have to the institution. This does not mean that the school is composed of mere thought, for the environment of the ideas of all concerned must be stated in a complete account, but it does mean that the institution is not understood until it is seen to be a unity of mental systems.

On the other hand, Bosanquet goes on, every individual mind is a structure of appercipient systems which correspond to the relationships of that mind to social groupings. The social groupings and relationships of the individual are represented in the systematic organization of his mind. The fact that the institutions of social life came to be represented in individual minds is what distinguishes the
social whole from a machine. The whole is, to some extent, present in every part. It should be pointed out in this connection, Bosanquet observes, that while the consciousness makes it possible for the whole Society to be present in every member, it does not necessarily follow that all members of Society will be conscious of the relationship which they have with the whole. In practice, of course, the social whole is not completely present in a single individual. It needs a plurality of individuals for its complete expression. In other words, the individual is in the making and his reality lies largely outside him. This larger reality which is implied by the individual is the true nature of the individual and of his will.

5. The End of the State and the Consequent Limits of its Action.

The distinction between the individual and society, Bosanquet argues, throws no light on the question as to the end of man in society. The conceptions of society and the individual are correlative and one should not be regarded as superior or inferior to the other. The ultimate end of the individual and society, looked for in another direction, is seen to be the "best life." The meaning of this end is progressively revealed and the details of what is involved cannot be stated in advance any more than the knowledge of a particular science can be stated in advance of the discovery of particulars of that science. It is plain,
however, that the best life can only be realized in consciousness, for consciousness is "the medium of all satisfaction and the only true type of a whole in experience." (32) In view of this end of life, that which contradicts and nullifies the end is seen to be, not "intrusion" by others upon the individual, but automatism and all that is hostile to "the highest self-assertion of the mind." Automatism and force appear to be essential to the State, and hence to the realization of the best life. The question must be asked as to how far the best life can be promoted by these means which are of an entirely different order to the end sought.

The State and Society, Bosanquet declares, have been presented in the foregoing theory as if they were almost identical. The State as such, however, is a necessary factor of civilized life. It is Society regarded as a unit which exercises control over its members "through absolute physical power." Without this basic physical power there could be no effective guarantee of the claims of individuals. The characteristics of Society pass gradually into those of the State. While state action as such is not limited to the exercise of force, it "consists of all that side of social action which depends on the character of ultimate arbiter and regulator, maintainer of mechanical routine, and source of authoritative suggestion." (33) The means at the disposal of

the State, as a State, for promoting the best life always have the nature of force although this does not exclude other means as well.

The means at the disposal of the State, in promoting its end, Bosanquet goes on, are largely limited to the control of the external actions of its members. It is in the control of external action that the State can most effectively promote its end. This does not mean that the State can not secure an individual's action by influencing his intentions, but it insists that the force which is at the disposal of the State is not the appropriate means with which to influence intentions. The motive from which an act is done can never be determined by any person other than the doer.

The State, then, in its distinctive capacity, has no agency at its command for influencing conduct, but such as may be used to produce an external course of behavior by the injunction or prohibition of external acts; in enforcing which acts the State will take notice of intentions, so far as it can infer them, because it is only through them that its influence can be exerted. (34)

Bosanquet lays down the guiding principle that the State should confine its activity in promoting the best life to the elimination of hindrances to the spontaneous realization of the best life. The application of this principle leads to positive action in support of the best

(34) Ibid. P. 177.
life. The question then arises as to what the limit of this action should be. The answer Bosanquet affirms, may be given in terms of the avoidance of automatism. All state action involves some degree of encroachment on individual activity and only that state action is legitimate which liberates resources of character and intelligence that unquestionably compensate for the encroachment. Every encroachment of automatism both in the life of the individual and in the life of the State must be compensated for by releasing new possibilities of self-conscious development. The principle of hindering by state action hindrances to the best life applies strictly to the compulsory or automatic side of state action only. Between this phase of state action and the direct stimulation of mind and will there is a middle ground of doubtful cases such as houses, wages, and educational apparatus. It has to be noted, Bosanquet declares, that such conditions of life "as charged with mind and will" (35) may be inaccessible to state action and if they become the objects of state action they may cease to be charged with mind and will. Action is justified and is even the duty of the State when there is a better life struggling to assert itself which can be effectively aided by state interference.

Continuing his discussion of the ends and limits of state action Bosanquet proceeds to consider the

question of rights. Rights are claims recognized by the State. Bosanquet treats with the systems of rights maintained by the State from two different points of view, first, that of the community, and second, that of the individual. Regarded from the point of view of the community, a system of rights is a system which is necessary to the maintenance of conditions essential to the complete development of human personalities. Regarded from the point of view of the individual, rights are the external conditions, maintained by law, of a person's position in society. It is the position and function of the individual relative to the best life which is the important matter in this second view. The "place or position" of the individual in so far as it is sanctioned by the State constitutes his rights. In this sense rights are characteristics of functions relevant to the end of the State.

Considering the proposition that "rights also imply duties," Bosanquet observes that from one standpoint this should be stated as "rights imply obligations." An obligation is a demand made by the State and enforced by law. In this sense a right means a power secured to an individual, while an obligation is a condition required of him. In another sense rights imply duties. Rights are claims which are and ought to be enforced by law, for they are powers instrumental to the fulfilling of human capacities.

Rights, Bosanquet affirms, require recogni-
tion by Society. This is necessarily the case if Society is regarded as a structure of intelligences, and if the logic of that structure implies obligations on the part of individuals. The term "recognition" refers to the consciousness of familiarity we have in perceiving an object. The experience of recognition is seen in the attitude which individuals take to the demands which, "the logic of the whole, implied in every act," makes upon them. (36) Now social positions and functions have their being in recognition, hence rights, which are relative to position, involve recognition. It may be argued that this denial of unrecognized rights plays into the hands of despotism. But, Bosanquet says, "the sting of this suggestion is taken out when we thoroughly grasp the idea that recognition is a matter of logic, working on and through experience, and not of choice of fancy." (37) This logic need not be explicitly formulated, but it must at least be implicit in the systems of the State, possibly in a way analogous to the relationships of systems of individual automatic action.

Turning to the general question of state action as punishment, Bosanquet first rules out the theory that rewards are correlative to punishments. Rewards partially recognitions of outstanding functions and may be regarded as the consequences of the respect which society feels toward certain kinds of life. Rewards are to be discouraged as a form of state action on the ground that they tend to weaken.

(37) Ibid. P. 197.
the moral will by encouraging actions done simply for the sake of reward. Punishments, however, fall definitely within the scope of State action. They will be considered under the headings, reformatory, retributory, and deterrent, even though the complete idea of punishment involves all three forms.

The view that punishment should be reformatory, Bosanquet indicates, appeared late in the development of law, but early in philosophy. Two limitations are involved in this view of punishment. In the first place, while it takes a philosophical attitude to the offender, the idea of punishment as reformatory tends to disregard the rest of Society. That is, a reformatory punishment of a pleasant nature might cure the offender but it does not act as a deterrent to criminal action on the part of other members of a Society. In the second place, punishment as reformatory may be unfair to the offender himself. To treat a crime as a disease, that is, as a natural evil rather than as a moral evil, is to imply that the offender is incapable of rights. It is to treat him as a patient, rather than as an agent, as something essentially less than a man. The true objects of a strictly reformatory theory are those who are so irresponsible as to be incapable of guilt. It is inhuman, however, to treat a man as a child or as an animal.

The weakness of the reformatory theory of punishment, Bosanquet continues, is the strong point of the retributory theory. The strength of the latter theory is its
definite idea, of the offender, whom it regards as a responsible person belonging to and partaking of a social system. Punishment falls within the realm of automatism and it may be asked how a purely automatic reaction can influence the mind of the offender. The answer, Bosanquet says, lies in the fact that the whole "automatic system is pulsing with vitality" and when it reacts upon an offender with pain it "brings him to his senses." (38) In this way such a retributive system does tend to produce the desired recognition of the end of the punishment by the person punished. The punishment is successful in its ideal aim in so far as it is seen by the offender as implied in a system of which he is a party. Two perversions of the theory need mention only. The first is the misunderstanding involved in thinking of retribution by the state as a form of personal vengeance. The second is the result of regarding the punishment as necessarily being identical with the crime.

The implications of a deterrent theory of punishment, Bosanquet proceeds, can be worked out only in experience. In this process of social experimentation it is to be remembered that the "reversionary rights" of the criminal should not be needlessly sacrificed, and that the essential aim of the punishment is the negation of the offender's anti-social will. That which is to be prevented by a deterrent system of punishments is the violation of a State-main­tained system of rights. The guiding principle in graduating

punishments according to their deterrent effects is the rule that a heavier punishment should not be used when a lighter punishment will do.

The whole theory of state action, Bosanquet declares, in concluding his discussion of that topic, is summed up in Rousseau's concept of the Sovereignty of the General Will. First of all, all state action must be general in its interest and application. It aims at regulating classes of men rather than single persons. Secondly, all state action is at the bottom of the exercise of a Will which is "logically implied in intelligences as such." (39) While the State in using force acts through automatism and systems apparently alien to the Will desired as the end of its action, at the very root of the whole structure there is Will. The end of the State is to clear the road for true volition.

6. The Modern State.

Before presenting Hegel's analysis of the modern State, Bosanquet traces the central line of development of Rousseau's concept of liberty through the political philosophies of Kant, Fichte, and Hegel. It was Hegel's own judgment that the theories of Kant, Fichte, and himself were all founded on the announcement of Rousseau that the idea of freedom was the essence of man. Bosanquet proceeds with his exposition by quoting Hegel's tribute to Rousseau.

It was Rousseau, Hegel said, who established the theoretical basis of the State on the proposition that man was free. Rousseau's theory, however, he said, was ambiguous, for while there is no doubt that the nature of man is freedom, this freedom is not the freedom of nature but the freedom which is actualized in the State. Furthermore, the General Will is not to be regarded as compounded of individual wills but rather as a completely rational will. Regardless of these discrepancies Rousseau's theory embodied the profound truth that freedom is "the self of thought" and the nature of man. This was a theory, Hegel said, which "gave infinite strength to man, who thus apprehended himself as infinite." (40)

The idea of freedom Bosanquet continues, is basic to the Kantian philosophy. Kant himself recognized his debt to Rousseau, who, he said corrected his own thought by showing him the importance of human liberty. The philosophy of Fichte, Bosanquet goes on, shows the concept of contract imperfectly transmitted into the idea of an organic whole. The State, for Fichete, was a necessary implication of the self, for he held that a self involves a society of selves. He believed that he was the first to apply an organic analogy to the State and insisted that the idea of combination was inadequate. He placed so much emphasis on the positive function of the State as a whole, however, that his view gave rise to the notion of a closed commercial State in which the citizen is made secure in a definite activity. The limitation

of these views, Hegel pointed out, is that they tend to regard the universal as mechanical power against individuals, and the individuals themselves as "hard and negative" against each other. Hegel's own view presented the State not as something alien but as the realization of freedom.

A popular criticism of Hegel, Bosanquet points out, alleges that Hegel found his ideal State in Prussian bureaucracy and that his motive in presenting the Prussian system in a favourable light was a selfish one. Bosanquet considers both these conclusions to be the result of a misunderstanding of the facts of the case. Regarding the criticism that Hegel wished to favor the conservative Prussian party in his "Philosophy of Right" and in that way enhance his personal position in Berlin, Bosanquet stresses the fact that the main outline of Hegel's political thought was expressed in unpublished writings of 1802. At that time no immediate practical purpose could be served by giving a partisan bias to his thought. The criticism asserting that Hegel idealized the Prussian state suggests that the purpose of political philosophy is to construct an ideal state rather than to understand its nature. (41) Hegel regarded every more developed State as containing the essential elements of statehood. The task of the theorist is, therefore, Bosanquet's emphasis at this point on understanding the State as it is, rather than on constructing a theory pointing towards an unrealized best State, is corrected by his more general emphasis on what we might call the moral function of political theory in indicating the relationships which are essential to the fulfillment of human capacities.
declares, much like that of a physiologist. The latter examines the human body in both sickness and health and does not forget that, regardless of the particular example, the essential relations involved in a physical body are present in both cases.

In introducing his exposition of Hegel's political theory, Bosanquet observes that he is about to consider the analysis of the Modern State as one portion of a general philosophy of mind. Bosanquet reminds us of his earlier statement that the differentia of Society can be expressed in Psychological terms. Now, in the customary study of Psychology the individual is regarded as already developed. The examiner takes him as he finds him. Hegel, however, regarded the individual in terms of his whole history. The intelligence to which Psychology directs its attention "is for him a middle phase in the romance of which mind is the hero." (42) Mind, in Hegel's philosophy was regarded as being expressed and objectified in the State. The State was not regarded as ultimate but as open to criticism and destruction. Mind, as known in the State, however, was regarded as continuous with ultimate reality or Absolute Mind, lying beyond it.

Proceeding with his argument, Bosanquet presents the analysis of the modern State in terms of ways of thinking. The State presents the investigator with a subject that is an "ideal fact." As a fact, Society has always (42) Bosanquet, Op. cit. P. 235.
been regarded as a varied and complex creature. As an "ideal fact" the nature of Society can be compared to the nature of a scientific theory. The State or Society is continuously in process of criticism and adjustment. "The social whole grows like a great theory, in adequacy to the needs which are its facts; and the dissatisfaction of the will with its own expression." (43)

Right or Law, Bosanquet goes on, includes the whole expression of Will in the actual world. The sphere of Right may be divided into three groups of ideal facts. The first division, which is the simplest, is the area of the "letter of the law" customarily expressed in the law of property. The second division includes the morality of conscience. The morality of conscience is the revolt of the will against the letter of the law and the refusal to recognize anything as right except that which springs from the good will. The third division includes and justifies the first two divisions of the sphere of right. It consists of "social observance," or "ethical use and wont." In it the "true" will becomes incarnate in a way of living.

Reviewing the first division of the sphere of Right, Bosanquet indicates that in its most direct and simple sense law is the hard fact that, in the world we live in, things are appropriated by persons. It is in the realm of things, he declares, that the will first receives expres-

sion. Contract, which belongs to this stage of development, is the agreement of persons about an external thing. The tendency of views characteristic of this first division is to treat the law as something absolute and not as part of a living system, and as dependent on the will to maintain a certain type of life. Thus an unreal absoluteness is assigned to the law and the spirit which underlies it is forgotten.

In antagonism to the view of law as absolute and separate from the individual will, the morality of conscience, Bosanquet asserts, revolts and refuses to recognize any law which it regards as foreign to its will. This reaction is connected with the theory of conscience and the pure will. Such a view was expressed in Kant's principle that nothing was unqualifiably good except the good will. This principle, Bosanquet asserts, is open to the criticism that there is no way of connecting particular actions with the mere idea of a pure will. The argument for a pure will comes to be used as a justification for any sort of action. In spite of this weakness the standpoint of conscience does express the truth that an intelligent being can fully acquiesce only in what is an object of his will.

The third division of the sphere of right, Bosanquet relates, was regarded by Hegel as the truth of the two other divisions. The system of social ethics includes and does the work of both literal law and the moral will. The system of social ethics both makes up an actual world
and is the very nature of self-consciousness. As an actual world the system of social ethics is like a physical fact, in being part of the "hard" objective environment of the individual. On the other hand the system of social ethics is also the nature of self-consciousness. The Ethical System is as much an inner and universal law as the "pure will" but it differs from the pure will in that the ethical system is a system and has the character of a thoroughly integrated theory.

The system of social ethics, Bosanquet goes on, may also be regarded from three further points of view, each of which has the outer and inner aspect referred to in the preceding paragraph. It may be considered from the point of view of the family, or of what Hegel called "Bourgeois Society," or of political organization.

The family as a division of the system of social ethics, Bosanquet asserts, continuing his exposition of Hegel, is first of all to be seen as an embodiment of natural feeling in the form of love. The family, as such, performs a distinctive function which would be misapplied if it were given to some other agency, such as Plato's phalanstery. The family also has a public side and is a factor in a rational whole which is the State. The family shows itself as an ethical organization in its form as a household embodying permanent interests and relationships. Its permanent interests and their organization in a household relate the family to property, of which some possession is necessary to
the permanence of the household.

Hegel, Bosanquet continues, gave the name of Bourgeois Society to that phase of social life which the mature individual faces in making a living or administering property. From the outside Bourgeois Society is an aggregate of the heads of families engaged in business and industry. From the inside, that is, from the point of view of the type of mind which it implies, Bourgeois Society is represented in terms of definite though limited aims and self interest.

Hegel was much impressed, Bosanquet says, by the classical political economy, and regarded the type of consciousness implied in free enterprise as necessary to the modern State. His conception of individual life was "harder and higher" than the Greek view. Man was to be thrown face to face with economic necessity. The world of Bourgeois Society is essentially a world of cash nexus. The State, whose function is mere protection, is the condition of there being such an economic life. The working of the Bourgeois Society is closely connected with the State. The economic world implies a system and administration of justice in the protection and regulation of property. Growing out of the interests of Bourgeois Society is the practice of the state regulation of trade and Trade Societies. The basis of regulation of trade is the emergence of a common interest which is favored by regulation. The basis of Trade Societies is the fact of membership by vocation in a class in which the citizen finds his security
ensured. In them the member of a Bourgeois Society finds a sort of second home.

The family and Bourgeois Society, Bosanquet affirms, were regarded by Hegel as finding their completion in the State proper. The State was regarded as the explicit end of these modes of living. It is, Hegel said, the incarnation of the general or Real Will. The citizen, as a citizen, sees that the State secures the objects of his affection, and his individual purposes are transformed through their relationship to the common good. The recognition of the State as the security for private objects of affection and as the means to the common good is the essence of patriotism. A necessary condition of the rational organization of the State is the differentiation of functions in a living unity according to the general principle of the division of labor. Sovereignty, therefore, does not reside in any one of the differentiated elements but in the organized whole as such. Hegel regarded the problems of conflicting interests as arising on the ground of the family and Bourgeois Society, and as having their solution by the executive and legislative of the State. The function of the legislative was to establish universal principles, which the executive applied to particular cases. The acts of the States were finally given the appearance of individual volition by the sanction of the prince.
Hegel regarded public discussion in the assemblies of the classes as the chief means of civic education. It is not true to the facts of the case, he held, that everyone knows what is good for the State and only needs to express his personal opinion in the assembly. The individual is educated in discussion where he learns to harmonize private and public goods. In this connection Hegel observed that public opinion could not be known from the mere expression of opinion because the public itself did not know what it really desired. The public opinion in the sense of the "real will" can be known only by a study of what public opinion will eventually come to accept when the public has the facts before it.

In concluding his discussion of Hegel, Bosanquet quoted from Green a criticism of Hegel's view of the State as objectified freedom. Green pointed out the contradiction between Hegel's theory that the state is the realization of freedom and the actual fact that to many citizens the State presents itself as the condition of their bondage. It is true, Bosanquet admits, that the idea of the common good has never been the sole influence operating in the formation of states. The criticism of the imperfection of the State may be regarded as true in much the same sense in which it is true that knowledge is incomplete and only a partial expression of the truth. Green's criticism of Hegel becomes less important, Bosanquet holds, when we
recognize the essentially identical nature of the human experience of all classes and the fact that habituation rather than fear of punishment is the chief force which operates in maintaining the social system. Bosanquet sums up his own position in the following words:

All that we needed to show, was that what makes and maintains States as States is will and not force, the idea of a common good and not greed or ambition; and that this principle cannot be overthrown by the facts of self-interest in ordinary citizens, or of selfishness in those who would the destiny of nations. (44)

Turning to a consideration of institutions in terms of ethical ideas, Bosanquet indicates the close correspondence between the individual mind and the social mind. (45) He declares:

We should like to analyse any given mind into features each of which should be an individual case of a universal principle, and the whole of which, taken together, should be a case of a whole system of principles incarnate in the world, and proximately in the social world. (46)

Plato did this, Bosanquet indicates, in his division of Society into three classes which were also the three main features of the individual soul. The term "institutions" would apply perfectly to what Plato called classes, for both views convey the threefold meaning of facts in the material world, ideas, and purposes. Institutions which are the meeting points of individual minds make up the social mind. Bosanquet proceeds to examine a number of institutions in the light of his proposi-

(45) The meaning of the concept "ethical idea" as Bosanquet uses it becomes somewhat clearer if we consider the original use of the word "ethical," as implying "custom" or "established usage," if this connotation of "ethical" is united with the conception of "ethical" as meaning "purposive."
tion that institutions are ethical ideas.

The family, Bosanquet says, starts from the physical fact of parentage, but takes its distinctive form and achieves its distinctive value from its development into a household. The family comes to occupy a unique place in the mind of the citizen, for the family is a union of feeling with ideal purpose. The idea purpose, of a permanent interest in a relation of mutual service, becomes attached to a characteristically animal aspect of existence. This lowly origin of family life becomes overlaid with moralizing factors, and the whole institution makes for a high type of life not only in the individuals who compose the family but also in every other individual who lives in a society where families exist.

The district or neighbourhood, Bosanquet continues, exercises a function comparable to the function of the family. The influence of locality begins to operate as an ethical idea as soon as a permanent home is established. Locality is potential neighbourhood and a specimen of life as a whole. Immediate surroundings and their associations with the lives of the people colour one's whole basis of feeling. In the houses, streets workshops and gardens of the neighbourhood we see the body of the soul which is human character and happiness. The force of the institution of the neighbourhood as an ethical idea is denied in the type of urban life where the individual fails to connect his sur-
roundings with their purpose and function in life. The Greek city-state, on the other hand, presented the opposite extreme, for in it the institution of the neighbourhood exercised such a powerful influence that there was a lack of individual freedom.

Class in democratic countries, Bosanquet contends, has ceased to be a political institution but it is still maintained on a functional basis as an element of mind. One's class indicates an individual's position and type of service to the community. We still answer the question as to what a man is by naming his occupation or profession. What the individual does by way of occupation is the most distinctive feature of his individuality. To say that an individual has no specialized functions at all is the same as saying that he has no developed intelligence. When, however, "class" comes to be regarded as something absolute in itself apart from a function implied in the logic of social relationships it becomes oppressive and alien to the life of society.

A sad institution present as an ethical idea in the modern mind, Bosanquet asserts, is the conception of the "poor" as a class. Poverty, he observes, has become a status. The poor are regarded as a class with the passive function of stimulating the goodness of others. The institution of the poor as such an object of charity was favored by a well established interpretation of Christian love.
The idea of Christian charity at its best would not support the view which regards the poor as a necessary element of society. It has been one contribution of socialism to challenge the conception that poverty is a necessary class function. There is no justification for maintaining the poor as a class. "Devotion to man at his weakest must not be separated from devotion to the possibilities of man at his strongest." (47)

Continuing his discussion, Bosanquet claims that the Nation State is the widest organization with the experience necessary to found a common life. For that reason it is recognized as having absolute power over the individual. There can be only one such power over the life of a single individual. Two such powers would result in confusion. The Nation State provides the ultimate adjustment between the spheres in which the elements of ethical institutions are realized. As such on adjustment The Nation State is a faith and a purpose and is comparable to the Greek conception of happiness as the organization of aims which permits the fullest harmony of life.

The question arises, Bosanquet goes on, as to whether the state action is to be judged by the same moral standards as private action. In brief his answer to this question is that the state and the individual are involved in different kinds of relationships and the same tests of morality are not applicable to both. This does not mean (47) Bosanquet, Op. cit. P. 297.
that the State is beyond the bounds of morality. Promises and treaties embody public ends and in them the State as a State is bound to maintain good faith. The deeds of the State, moreover, cannot be identified with the deeds of its agents for the State's acts are always public acts and must be regarded as such.

Taking up the topic of humanity as an ethical ideal, Bosanquet claims that any complete philosophical system must relate the idea of particular states to the wider conception of humanity as a whole. Using the common meaning of humanity, he says that humanity is not predicable of mankind as a whole. While all men are supposed to be potentially capable of distinctively human life, many live actually at a sub-human level. "According to the current ideas of our civilization, a great part of the lives which are being lived and have been lived by mankind are not worth living, in the sense of embodying qualities for which life seems valuable to us." (48) It follows from this that our ethical idea of humanity rather than being a fact, is a type of problem. "It means certain qualities, at once realized in what we take to be the crown of the race, and including sensibility to the claims of humanity as such." (49) Neither the State nor humanity are the last word of political theory for,

(49) Ibid. P. 308.
"even political theory must so far point ahead as to show that it knows where to look for its continuation." (50)

That continuation is to be found in art, philosophy, and religion, the self beyond any actual Society.


The wealth of experience which modern life brings with it may tend, Bosanquet admits, to obscure the outline of the State presented by the theory he has expounded. This theory which he calls the classical theory has been criticized in several different ways. It has held to be both too narrow and rigid, and also too negative. (51)

The criticism which declares that Bosanquet's theory to be too narrow and rigid argues that the variation of communities present in the modern world is too complex to be included under an outline originally applied to the ancient city-state. Bosanquet replies to the criticism of the narrowness by insisting on the nature of the State as the ultimate power of adjustment. There is no reason why the Nation-state cannot be modified toward larger forms on the basis of the classical theory, provided, of course, that the Real or General Will is recognized and maintained. The criticism of rigidity arises from not recognizing how adaptable the

(51) The introduction to "The Philosophical theory of the State" includes a discussion of a number of criticisms which appeared between the publication of the first edition in 1899 and the publication of the third edition in 1919. The following section considers some of the main points of these criticisms and also some of the more obvious difficulties present in the theory. We do not include at this point a complete discussion of the concept of the General Will.
classical theory is. The theory does not say what particular form the organization of the State must take and it leaves plenty of scope for variations provided that there is a genuine intention throughout Society compelling institutions to express the best will of the people.

The criticism which asserts that his theory of the State is too negative, Bosanquet declares, is directed against the Kantian principle that the State can deal only with external acts. The criticism of this principle is the expression of a popular view which regards the State with great expectations. The error of this criticism arises from an inadequate appreciation of what is involved in a man's social nature. One line of criticism assumes that all actions which do not emanate from the political group as such are to be ascribed to the isolated individual. The other point of view, recognizes the social origin of man's loftiest achievements, and recognizes only the two opposing factors, the Society and the individual. This view ascribes everything which has the slightest element of social cooperation to the State. The profounder meaning of "social" goes unrecognized in this contrast, for neither point of view recognizes that "social" includes all that the individual is.

The most satisfactory conception of creative achievement, Bosanquet continues, in answering the criticism that his theory of the State is too negative, is to regard achievement as the fullest expression of social activity.
Ultimate achievements such as art or religion, are in a sense both ultra-individual and ultra-social. In view of the nature of these achievements, State action, as action supported by force, has a negative aspect. It is apparent that morality and religion cannot be enforced by the State. Enforced morality or religion would, Bosanquet says, be a contradiction in terms. The fact that the action of the State is confined to externals does not mean that it can do nothing. Bosanquet points out that those who make themselves responsible for the direction of others know how to call out the hidden good in people by manipulating external circumstances. The work of the State, however, is "defacto" a matter of endorsement or taking over what has already been discovered. The State has to rely on the inventions and experiences of other agencies, and to adjust these experiences to its ideal end. He says:

The end of the state, we repeat, is assuredly good life or the excellence of souls; but for a power which deals primarily with the compulsory arrangement of externals, and for all of us so far as in our degree we have power over externals affecting others, the only path to that end lies in very fine adjustments directed to eliciting what "ex hypothesi" they cannot produce. (51)

Introducing his 1919 edition with the memory of the World War fresh in his mind, Bosanquet specifically considers the relation of one State to others. A possible criticism of his original theory might have asserted that his conception of the State was too exclusive and provided

no basis for intimate relationships with other States. Bosanquet’s reply to this objection follows the argument of T. H. Green. The more one State provides for the complete development of individual capacities of the citizens within its territory, the easier it will be for other States to do the same. States, he holds, are members of an ethical family of nations and, as Mazzine said each State has its individual contribution to make to humanity. The task of each State is to perfect its own unity and organization of rights, for dissatisfied elements within the State lead to trouble abroad. Bosanquet insists that the State is a moral personality and as a moral personality it has both rights and obligations. If it is to be a State it must be a genuine whole both with regard to the individuals who compose it and with respect to other States. Only by being such a whole personality can it take its place as an adult in the family of nations.

Bosanquet’s use of "State" and "Society" throughout his exposition might lead one to believe that the two terms are synonymous. He corrects this misunderstanding in his introduction, where in discussing political pluralism, he agrees that the State and Society are not identical. "The relative distinction between society and state is, I think, inherent and permanent." (52) Society, he says, will always..................

have its stern and negative side in which law is regarded as compulsion. A "clear and iron will to determinate good and justice" is essential to the health of a Society. Such a will is expressed and maintained by the "legal and political fabric of the state." (53) It should be pointed out, however, that the general tendency throughout "The Philosophical Theory of the State," is to speak of the State in terms which are equally applicable to Society as a whole.

Bosanquet's reply to the criticism that his theory is too negative is not convincing. He limits the activity of the State to what he calls the hindrance of hindrances. The means at the disposal of the State in promoting the "best life" are necessarily indirect. He declares:

The State, then, in its distinctive capacity, has no agency at its command for influencing conduct, but such as may be used to produce an external course of behavior by the injunction or prohibition of external acts. (54)

The State, he insists, cannot further its end directly. "What it can effect is to remove obstacles, to destroy conditions hostile to the realization of the end." (55) We may observe that the State is not the only agency incapable of controlling individual action directly, for only the individual himself can control action directly. Bosanquet would agree that the only direct control of action is that

(55) Ibid., P. 177.
exercised through the individual's own motives. All other influences are external and indirect. The implication of this observation is that, as regards directness of control of action, the State is on the same footing as any other agency, although the necessity for generality in state action makes the State a more impersonal agency than a smaller group would be. Bosanquet limits the action of the State to injunctions and prohibitions. He disregards, at this point at least, the many ways in which traditions and symbols are combined and used by State in the promotion of the State's function. If it is contended that the State uses such psychological factors unconsciously, it may be recalled that Bosanquet would be the first to agree that consciousness of the forces at work in an institution are not necessary to the institution's continued functioning. Further, while it may be debated whether or not propaganda and censorship are in the long run good means for the promotion of the end of the State, it is quite apparent in the twentieth century that they are possible means of state action. The question that must be faced, in considering these and any other methods which the State may use, is, "are they the best means to the desired end?"

One of the most revealing phrases which Bosanquet uses is his chapter heading, "Institutions as Ethical Ideas." We have already suggested in a footnote that the phrase has a certain meaningfulness when "ethical"
was given its primitive connotation as customary social usage. This interpretation is supported by what Bosanquet says about a family. The family he declares, "takes its ethical value mainly from the special phase of parental relation which leads to the formation of a household." (56) Again, in speaking of "the poor" as an institution he regards the concept "the poor" as an ethical idea. Now "the poor" is certainly not an ethical idea in the same sense as "goodness" or "truth" are. This would seem to confirm our argument that ethical has its primitive force of customary social usage. Now the meaning of "institution" and "customary usage" is essentially the same, so that, if "ethical" means "institutional," the phrase "institutions as Ethical Ideas" is reducable to the tautological expression "Institutions as Institutional Ideas. If Bosanquet adhered to this meaning of "ethical" no serious difficulty would arise, but the fact is that he also uses it as meaning that which "ought to be." Customary usage distinguishes the actual from the ideal, what is from what ought to be, and Bosanquet would be less confusing if he either adhered to the customary way of using the language or else made his own peculiar usage clear. Lest anyone should defend him on the basis of Hegel's proposition that whatever exists is right it must be recalled how frequently Bosanquet speaks of realizing hidden capacities for good or opposes the "best life" .................................................................
to everyday evils. The result of this author's careless use of language is the utmost confusion of thought.

In our discussion of Rousseau and Green we have already made reference to the General Will. In concluding this discussion of Bosanquet we shall not attempt a critical analysis of this concept but we will hazard a suggestion as to what the General Will really is. We wish to relate this emotionally freighted concept to the childhood experience of obligation. (57) The child's experience of right and wrong is, on the whole, uncritical. Right corresponds to the approval of the parent or guardian, wrong to the disapproval of that authority. Now Bosanquet regards the State as a moral personality with a Rational or General Will. That real or general will corresponds roughly to the individual's best will. The analogy of parent and child to citizen and state is almost identical. The emotional attitude of a good citizen of Bosanquet's State is essentially the same as the emotional attitude of a good child in a well ordered household. Neither citizen nor child have ever reflected upon the forces which operate upon their lives. The general will exists for them simply because they have never criticized it.

(57) We feel justified in taking this approach to the question on the grounds that Bosanquet himself favors a psychological interpretation of the whole of reality. We may include the "General"Will in that field.
This analogy seems to throw considerable light on the conception of the real or general will as a single will. Considering again the relation of parent to child it seems that there is a period in the child's development when there is only one authority and one will over the child. In a simple static society the relationship of the society to the individual is much the same. Whether or not there is a society which is so simple that we can speak of it as though it presented a single front to the individual is a problem for the anthropologist to solve. We suspect that there is always a slight element of conflict in the individual's adjustment to society. Our criticism of Bosanquet is that he speaks of Society as though it were a single institution in its relationship to the individual. Although in his introduction Bosanquet nominally renounces the identification of the State with Society the tendency throughout his book is to speak of the State and Society as if they were the same entity. Now a "mature" society, to use Bosanquet's word, is not single in its relationship to the individual. Within the same legal framework there are many Societies each influencing the individual's "will." Some of these societies are complementary some are contradictory, but the fact of their variety destroys the concept of a single principle or will implied by Society as a whole.

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CHAPTER VII

L. T. HOBHOUSE'S CRITICISM OF THE METAPHYSICAL THEORY OF THE STATE.
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CHAPTER VII

1. SOCIAL INVESTIGATION

L.T. Hobhouse opens his criticism of the metaphysical theory of the state by a discussion of the methods and objects of social investigation. The starting point of enquiry into social questions, he points out, is the experience of some social evil. We are shocked into thought by some act that seems unjust, or by some need that presents itself. From this point reflection begins and we proceed to criticise and examine the social order itself. From the experience of a particular injustice we ask what justice itself is and in this way ethics or moral philosophy develops. Architectonic principles of moral value are set up which are held to be universally applicable to human relationships. From these principles the investigator is able to criticize and investigate the world of social relationships. This method of social enquiry is called social philosophy.

The method of the social philosopher, Hobhouse asserts, has a dangerous tendency to lose hold of the actual facts. In analysing the meaning of
institutions and in attempting to see institutions as examples of theoretical principles, social philosophy may overlook their actual working. The natural reaction to the theoretical emphasis of philosophy is the practical emphasis of science. The scientific study of social life, that is, the attempt to discover relations of cause and effect in social affairs, gives attention to facts rather than ideals and values. While it has yielded good practical results, it involves two difficulties. In the first place, the scientific emphasis on examining social facts, as such, may be criticized on the grounds that it is impossible for the examiner to lay aside his own ideals. It is not difficult for a student of physical science to be detached from personal interest in the results of his study, but a student of social science cannot completely free himself from prejudice and personal interest in the things which he examines. In the second place the material which the social scientist is examining is itself charged with ideals, and interests, and emotions. Hobhouse explains the result as follows:

Thus if we start from the most rigid determination to adhere to facts, we shall find that ideals are a part of the facts, and if we say that nevertheless we will treat them as facts without examining their truth, we shall find it hard to adhere to that position because their consistency and coherence, which are intimately relevant to their truth, deeply affect their practical efficiency. (1)

In principle, Hobhouse goes on, philosophical enquiry is concerned with the aims of life, with standards of conduct, and things that ought to be, regardless of whether they are or not. Scientific enquiry, on the other hand, investigates facts, traces cause and effect relationships, and tries to establish general principles explaining all facts. While these fields of study are easy to distinguish in theory they are never easy to separate in practice. Pure theory cannot disregard the facts, and social science cannot ignore the elements of idealism. The tendency to confuse the two fields is an ever present temptation to the social enquirer, and he must be constantly on the alert to see whether his problem is a question of what actually is or a question of what ought to be. For the philosophic investigator this temptation takes the form of legislating for society without knowing the facts. The scientific investigator faces the special temptation of making confident predictions as to what will happen in society. This has the effect of influencing peoples' decisions in advance, for people naturally like to feel themselves on the winning side. (2) Science in such an event becomes fatalism.

The point that should be brought out in his connection is that the subject matter of the social scientist, including as it does human purposes and ideals, is distorted by the investigation. The investigation, if taken seriously by the public, becomes an item in its own subject matter. Examples of such a process can be drawn from every period of history. The two most important modern examples are probably Marx and Spengler.
and knowledge which usually is the condition of man's control of his environment, becomes, in this partial form, a condition of his bondage.

The distinction between the actual and the ideal, Hobhouse continues, would be accepted by the majority of students, but there is one school of thought which repudiates it in principle. This school of thought, which stems from Hegel, regards the actual as the incarnation of the ideal and accordingly wipes out the distinction between the fields of fact and value. Ideals are not something which might become actual if human beings decided to put them into practice, for ideals are already actual in society. The metaphysical theory, he asserts, is an attempt to exhibit actual society in such a way that we shall see actual conditions as the glorious expression of what these theorists call "The Absolute". People are already living in the ideal, and there is therefore, no necessity for them to attempt to realize the idea by their own efforts. Mere human happiness and misery, justice and injustice are small matters, for good and evil alike play their part equally well in the magnificent whole.

The theory just mentioned has been called the idealistic theory, but, Hobhouse declares, it has been a more dangerous enemy to idealism than any brute denial of idealism could ever be. Brute denials of
of ideals and values are counteracted by deep seated human reactions of pity and indignation at injustice. Mechanical science at least stimulates men and women to unite against what seems to them to be an unkind fate, but the "idealistic" theory destroys the roots of human pity and love of justice by assuring men that the world they know is a good world and that evil itself is an essential part of this good world. The state, in the idealistic theory, is a working model of the Absolute; it is God's movement in the world. It is the ultimate end of the individual and has the highest authority over him. This theory is not ethical, Hobhouse says, because it does not seek any rational principle of human duty but regards the actual as the ideal. The theory is not scientific because it does not concern itself with the forms of human institutions but dogmatically assumes certain general principles. The theory makes no declaration as to the way these principles are arrived at. It does not say whether they are to be regarded as inductively discovered, assumed as self evident, or revealed by Hegel's "intuition". Hobhouse says:

The truth is that in social investigation large and improved principles are apt to be either mere generalizations of customs or institutions which happen to be familiar to the writer, or expressions of his ideals, or very possibly a fusion of the two. (3).
Bosanquet, the chief English advocate of Hegel's theory, Hobhouse suggests by implication, was indefinite in his definition of the state. In one place he defined the state as having the function of maintaining external conditions necessary to the best life, and in another as a unit lawfully exercising force—a definition which might apply to a Sultan or a Czar. The state for Bosanquet at one time meant that which is actually common to stable political organization and at another the ideal function of a possible political organization.

Hegelian exaltation of the state, Hobhouse observes, was formerly disregarded as, "the rhapsodical utterance of a metaphysical dreamer." (4) This opinion was a mistaken one, for the Hegelian view has been interwoven with the most sinister force in European history. Hobhouse declares:

It was the Hegelian conception of the state which was designed to turn the edge of the principle of freedom by identifying freedom with law; of equality, by substituting the conception of discipline; of personality itself, by merging the individual in the state; of humanity, by erecting the state as the supreme and final form of human association. (5)

The historical connection between Hegelian theory and Bismarkian ethics is well known, Hobhouse says, but

(3) Hobhouse, op cit., p. 21
(4) Hobhouse, op cit., p. 23
(5) Hobhouse, op cit., p. 24
Hegel's doctrine also permeated the British world where it tended to undermine liberal progress. The "bed-rock conservatism" of the theory is admirably suited for academic purposes because it protects the existing order from all criticism. The Hegelian theory combats freedom by adopting freedom's banner and waving it from the ranks of a disciplined army. The theory is well suited to an age of militancy and regimentation.

2. **THE THEORY OF THE ABSOLUTE.**

For Bosanquet, Hobhouse observes, the state appeared to be a medium through which the individual came in contact with the Absolute. "The Absolute is sovereign Lord, but the state is its viceregent here and now." (7) The Absolute is defined as "that in which all contradictions are reconciled." (8) This definition contains two separate ideas, for "contradiction" may suggest either logical or practical contradiction. It is a platitude, Hobhouse alleges, to say that logical contradictions cannot exist in reality and it is therefore certain that, if the absolute is reality, there will be no contradictions in it. Practical contradictions, however, are another matter and it is problematical as to whether there is any Absolute in which all such contradictions are reconciled. It must be asked how


(6) Hobhouse discusses the theory of the Absolute in an appendix. We include it here because the concept is constantly appearing in the discussions of the state.
Bosanquet's theory conceived such a reconciliation. One possible answer as to the way in which the contradictions and conflicts of practical life are reconciled views these contradictions as necessary elements in a process by which good is finally attained. Bosanquet, however, ruled this answer out when he refused to consider the Absolute as the realization of a purpose. He saw that the conception of purpose holds true only if purpose is regarded as working on material essentially alien to it. That is, purpose cannot characterize the whole of reality. Bosanquet rejected purpose and satisfied himself with the idea of a world that was not going to be any better than it is.

Hobhouse continues by pointing out that such a world might perhaps be appreciated if it was regarded as a kind of living organism. But if there is a contradiction in the form of pain or of the destruction of tissues in an organism, that contradiction is either the result of external forces acting upon the organism or of some incompleteness of the organism itself. Such a conception is quite opposed to Bosanquet's view of the Absolute, for his view would rule out the idea of anything being external to the Absolute and also any imperfection of the Absolute itself. The problem did not arise for Bosanquet because his conception of the Absolute was the reverse of an organic conception. An
organism is not indifferent to the welfare of its parts, whereas the Absolute, being perfect reconciliation, is complete in itself and indifferent to the parts which go to make it up. Hobhouse declares that:

The Absolute thus presented is something utterly inhuman, without bowels of compassion. It is below the moral categories, as everything that pretends to be above them invariable is. (9)

Some passages of Bosanquet's writings, Hobhouse goes on, suggest an answer with regard to the meaning of reconciliation which is more in harmony with customary religious and ethical usage. It might be said that evil is transformed into good by the way in which we take it. But the fact is that, while our fortitude, or our acceptance of evil as a burden borne for others may turn evil to good account, evil itself is never cancelled. If the sufferer does not resent the evil for himself others do and should resent the evil for him. Furthermore, this type of reconciliation does not take place in the Absolute but in the individual sufferer for himself. If a life of pain and struggle is necessary as a substratum for our good, it could never be reconciled in the Absolute; and, if, as Bosanquet implies, human effort can do nothing to improve the situation, then discord itself would seem to be absolute.

Taking up the discussion of freedom and law, Hobhouse points out that in the seventeenth and eighteenth centuries established institutions were subjected to a barrage of criticisms. The authority of the church was challenged by the authority of the individual conscience. The authority of governments was challenged by the authority of the natural rights of individuals, and finally the whole social structure was criticized from the point of view of the happiness of men and women. Hobhouse directs his attention specifically to the tendency to appraise the state in terms of human happiness. This tendency is mis-stated when it is expressed as putting the individual before society, as though one individual was more important than all the rest. The movement is better described as an attempt to go behind institutions to the lives and personalities of the people who make them up. The danger of the movement lay in its tendency to depreciate the common life and to degenerate into anarchy. The exaggeration of the critical point of view in revolution stimulated the forces of reaction and the metaphysical theory of the state challenged the critical point of view in all its forms, setting up the state as a superpersonal entity in which individuals were mere elements.
The metaphysical theory, Hobhouse continues, starts with the proposition that organized society is something more than the individuals who compose it. Going on to discuss this proposition, he observes it is a fact that an association of men, looked at as an entity, does possess characteristics of its own which do not belong to the individual characteristics of its own which do not belong to the individual members considered separately. A simple example of such an association would be the union of two men in pushing a log which neither of them could move singly. This illustration does not show that the association of the two men is anything other than the sum of their individual efforts as they work together. Similarly, a larger association of people is something more than the sum of the lives of the same number of individuals taken separately. The saying that the whole is greater than the sum of its parts, is true when the parts are in relationship with one another which are necessary to the whole. This applies to other forms of human association as well as the state. Families or trade unions, for example, are types of association in which the individual members are modified through their relationships with one another. At any given moment, however, either association, "is simply the co-ordinated or associated whole of its members as they stand at the same moment." (9)...........

Two false views, Hobhouse declares, present themselves to the student of society, and may lead him astray. He may attempt to deny the reality of the social groups by insisting that the group is nothing but an aggregation of individuals; or he may argue that the social group is an entity distinct from the individuals who compose it. If the student takes the latter view he will likely look for this entity in some form of association which includes all other associations. Idealist writers have identified such a superpersonal entity with the state.

Proceeding with his examination of the metaphysical theory, Hobhouse observes that the conception of a superpersonal entity seems at first to present a clear principle of ethics, for the conception of duty teaches us that the individual does not live for himself. Rights are properly regarded as functions of the social group, and can only be justified by their function in society. The comparison of individual and society, however, may be misleading, for it suggests that the interests of the society as a whole are something other than the interests of the individuals who make it up. There is no sense in the claim that the interests of the individual must give way before the interests of society regarded as a unity. The ethical requirement of living for others is fully satisfied by living for other
is fully satisfied by living for other human beings whose happiness is affected by our action. The idealist, however, argues that the individual has no independent value and no life of his own. The individual claims to be free, claims to be able to judge right and wrong according to an ethical order, and claims to be a centre of thought and feeling; and the Hegelian philosophy admits all the claims but subtly weakens the effect by changing their direction. Freedom is interpreted as obedience to law and custom, the ethical order is interpreted as a system of institutions and customs maintained by the state, and the individual's selfhood is interpreted as realizable only in an organized whole.

Hegel's point of departure, Hobhouse says, was the idea of freedom. Hegel argued that freedom was something more than the negative condition of the absence of restraint, asserting that it was the positive condition of self-determination. The will was free, or in other words, it determined itself when it formed a system of conduct in which any particular act of will had some function. This system, which enabled the will to be free, was incorporated in the laws and customs of society. Hegel did not regard the law as something external to man but as the development of man's moral consciousness worked out in social customs. The state sustained this fabric of social custom and
was therefore freedom itself. Hegel did not consider that there was any higher association than the state and states accordingly had no duty toward one another.

Hegel's theory of freedom, Hobhouse contends, is the key to his theory of the state, of morality, and of law. The theory of the freedom of the will consists of three main propositions. In the first place freedom of the will is not mere absence of restraint but the will's determination of itself. In the second place, the will is self-determined by being determined by its objects, which are not to be thought of as external to the will. If the objects of the will are regarded as external to the will the dilemma is insoluble, and the Hegelian conclusion is therefore that the will determines its own object. Hobhouse observes that this chain of reasoning is circular for the will is first regarded as determined by its object and then the object is regarded as determined by the will. The solution, which he says, seems perilously near to sheer nonsense, seems to be that the object of the will is not outside the will but is the will itself. And the answer to the question as to how the will can thus will itself seems to be that the will in any given situation has its whole nature before it. An example of such a will would be the will of a consistent Christian who directed all his actions by an ever-present principle.
of conduct.

Proceeding with his criticism of Hegel's view of freedom of the will, Hobhouse first observes that a consistent Christian or anyone else who governed his action on principle would say that the principle was not his own. The Christian might say that the will he obeyed was God's will, but in any case the object willed would always be something unrealized which might be attained as the end of some action. "Will, like other acts of mind, has relation to an object, and things that are related are not the same. (10) In the second place Hegel's definition of freedom may be criticized on the ground that whereas freedom may be more than absence of constraint it is certainly not less than absence of constraint. Freedom in one area of life may require constraint in another area but the part which is constrained cannot by any stretch of imagination be called free from constraint. In the human personality both the life placed under the heavy yoke of principle and life of uncharted impulses may be lacking in freedom. If there is such a thing as freedom of the personality as a whole it would be the result of the parts of the personality having such freedom as the conditions of their union would allow. The principle of freedom springs from the nature of the self as a coherent whole. Now Hegel recognized that something like that was the nature of (10) Hobhouse, Op. cit. p 35.
freedom, but made no distinction in the source of the unity. He insisted, in opposition to the negative view of freedom as mere absence of restraint, that freedom involved the restraint of some organizing principle. This led the way to his identification of freedom with law.

Hegel, Hobhouse points out, said that freedom was embodied in the system of right and law. This embodiment, he suggests, is something like the embodiment of a political idea by an act of parliament. The system of right and law is symbolized in German by a single term, and Hobhouse observes that this has the effect of confusing ethical and legal ideas which, in the interests of clear thinking, should be kept separate. Hegel, of course, did not regard mere abstract law as the embodiment of freedom but thought of law in terms of the more concrete reality which Bosanquet called "ethical use and wont". The question then arises as to the truth of the statement that the social tradition is the embodiment of freedom. Assuming that freedom is self-determination it should be insisted that the determining principle of conduct must be a principle of one's own choosing. Now the established social tradition may coincide with one's own desires, but, on the other hand, it may not. In either case the idealist declares that conforming to the social tradition is freedom. Hobhouse
suggests a situation where two "traditions" such as church and state conflict. In such a situation the Hegelian contends that the individual should surrender his judgement to the state, and that in surrendering his judgement he is free. The proposition that the individual should surrender his judgment is debatable, but the assertion that in surrendering he is free is a contradiction in terms.

However the state is regarded, whether as an organization of persons like ourselves, or as a superpersonal divinity, the surrendering of one's judgment is a very questionable act of freedom. If it is an act of freedom, it is the individual's last act of freedom.

The root of the difficulty which the idealist theory of freedom presents is to be found in the conception of a common self. The notion of a common self, Hobhouse affirms, is not a metaphor but the sum and substance of the idealistic theory of the state. This theory postulates that, "the division between self and others dissolves away into the conception of a common self and that the division between the state and the individual disappears in the conception of a law expressing our own real will." (11) The difficulty presented by an individual not willing what the law requires is resolved in the conception of the real and actual will. The actual will is the uncriticized will of which we are aware from moment to moment. The real will is the actual will.

reorganized and made self consistent. The real will is identical with the general will and has its standing expression in the social tradition of which the state is the organizing principle.

4. THE REAL WILL.

Advancing further the exposition and criticism of the doctrine of the real real, Hobhouse indicates a paradox in the conception. The actual will, it has been indicated, is the will as it appears from moment to moment. It is always contradictory and has to be criticized and corrected by a consideration of what the individual wants at the moment and by a consideration of what others want. The revised and corrected will comes back to the individual as something which he does not recognize as his original will. This is the will which Bosanquet referred to as the real will. The paradox which Hobhouse says must be explained is that the real will may be something which the individual never really wills at all. Bosanquet attempted to justify his paradoxical conception by pointing out that the things at which people consciously aim often fail to satisfy them. They are not what the people really will. Hobhouse argues that this observation of Bosanquet's is a well known truth; but he insists that the term "real" is
misused when it is applied to the unknown will which would result from the reorganization of the actual will. The partial, mistaken and blundering will of the individual is as real as anything in life. There is no part of the individual that is any more real than any other part, for reality is something that should be either asserted or denied. The distinction which Bosanquet attempted to draw between "real" and "actual" could be expressed with less confusion by comparing, "the self as it is permanently constituted and the self as it acts in sometranitory excitement". (12)

If the concept of the real will means anything, Hobhouse goes on, it means the "permanent underlying nature " of a person." This does not mean the will as it would be if the individual was "spiritually born again", for Bosanquet identifies the real will with the general will, assuming that the real will was perfectly harmonious with itself and with the wills of others. While it may be agreed that a perfectly rationalized will would be in harmony with itself and with the wills of others, there is nothing to show that an individual's rationalized will would be the same as his permanent underlying nature. In order that the rationalized will should correspond to the individual's nature, the individual would have to be transformed by a process involving both reason and emotion. A perfectly ration-

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ized and harmonious will is conceivable and its production may even be considered as a tendency of the social process. Regardless of this possibility, the grossest kind of error is involved in regarding the inharmonious elements of the will as unreal. The vice of Bosanquet's argument is that, by showing a certain kind of life to be the expression of the real will of the individual, the way is prepared for the fantastic proposition that in compelling an individual to lead such a life there is no interference with his real will. The truth of the matter is, as Bosanquet elsewhere admitted, that neither the individual or anyone else knows what the real will is. Why not then, Hobhouse asks, call it an ideal will, using "Ideal" in the sense of being beyond human nature but a legitimate object of endeavour?

Hobhouse next considers the relation between an ideal or rational will and the general will. He agrees that, if all wills were made rational, they would be qualitatively identical, but he points out that this does not mean that they are numerically one. The doctrine of the general will makes four assumptions. First it assumes that there is a real will in the person opposed to what he often is. Second, it assumes that the real will is what the person ought to be. Third, it assumes that in all individuals there are real wills

(12) The phrase "the self as it is permanently constituted" is unfortunate because, as I think Hobhouse would agree, the self is never permanently constituted but is in a constant process of change. His meaning, however, is clear enough.
whose character and quality are the same. Fourth, it assumes that these real wills constitute a single self.

In opposition to these assumptions Hobhouse asserts that the strands of unity which unite the individual self are quite unlike the ties between separate individuals. The metaphor which regards the individual as a kind of miniature state was taken by Bosanquet as a statement of fact. He found no difference between a single mind and all the minds that make up a society. Hobhouse suggests that Bosanquet's view may tend to enrage the ordinary individual who faces it but, nevertheless, he proceeds to analyze the idea. The proposition that individuals have a common life is true in the sense that they all live in the same world. This unity is real enough but it is external and it is a unity of the object, whereas the individuals are separate subjects, being distinct centres of sensation and will. There is a kind of unity between these subjects in that they are similarly affected by objects common to them all. As Hobhouse phrases it, the foundation of identity between individuals is, "the relationship to an identical world and the partial identity of characterin themselves". (13)

In demonstrating how the relation between themselves differs from the relations between phases of a single self, Hobhouse brings out his theory... (13) Hobhouse, Op. cit. p 52.
of individuality. There is, he says, an element common to the experience of all individuals which can never be common to the experience of two individuals. This common element is the individual's awareness that he is having an experience. One’s knowledge of another’s experience is always inferential and not immediate as is his knowledge of his own experience. There is a sense in which one’s experience is forever private and there is a sense in which his experience is public. When experience refers to a series of objects before the mind it is public, but regarded as the mind experiencing experience is private. "The dealing, the thinking is not the object dealt with,......it is the act or state that is enjoyed or suffered." (14) This thinking may itself be known, but when it is known it is always regarded as the subject of some other object. Hobhouse makes his position clear in the following passage:

The entire system of these subjective acts or states forms a continuum, constituting what I know within me as my individuality or myself. My consciousness of myself rests upon a distinction between this thread of enjoyment and suffering and the entire system of the objects to which it relates, and my sense of personal identity is my recognition of the continuity of this thread. This is the element of isolation which, in contradiction to Bosanquet's dictum, is the true core of individuality. (15)

(15) On next page.
In the light of this conception of individuality Hobhouse points out a confusion in Bosanquet's use of the term "experience". Bosanquet, he says, uses "experience" to signify a world of objects which may be common to a number of selves and also to signify the private experience of separate selves. This confusion leads to the false identification of separate individuals.

(15) Ibid, P. 53.

At this point Hobhouse seems to me to miss what is perhaps the most valuable contribution of idealistic political philosophy. What seems to me to be a more acceptable doctrine of individuality is set forth in Chapter IX of this thesis. For the moment we may accept Bosanquet's view as Hobhouse gives it on page 54. Quoting from Bosanquet's "Principle of Individuality and Value" pages 47 and 58, he cites first: "No one would attempt to overthrow what we have called the formal distinctness of selves or self. This consists in the impossibility that one finite centre of experience should possess as its own immediate experience the immediate experience of another." This illustrates Bosanquet's recognition of separateness. The following passage shows his attitude to the identity of individuals. "With one exception of the thread of coenaesthesia, compatible with any degree of hostility and forgiveness, there is no ground of unity with our past and future selves which would not equally carry us to unity and fellowship with others and with the world. Our certainty of their existence is in both cases inferential, and on the same line of inference, both are cemented to it by the same stuff and material of unity, language, ideas, purposes, contents of communicable feeling." Bosanquet's whole world Hobhouse declares in opposition to this view falls to the ground as soon as subject and object are distinguished.
Taking up the subject of force, Hobhouse says that Bosanquet found the difficulty of force to be in its contradiction to the spiritual character of the real will. To this Hobhouse agrees, but unlike Bosanquet, he argues that the nature of force lies in the intrusion of others upon the self. The effectiveness of the use of force by the state does not rest upon the state's ability to take hold of an individual's body and compel him to act, but on the state's capacity to isolate the individual by threats of pain and punishment. The feeling of pain which the use of force produces is something private. If pains were something public, something that others as well as the sufferer shared, there would be little need for the use of force and little danger in its application. The danger entailed in the use of force by the state, Hobhouse asserts, lies precisely in the fact that one group of people who are themselves immune from its effects, may intrude on another group with force. In contrast to Bosanquet's position that the use of force by the state upon an individual is the same as the individual putting force upon himself, Hobhouse doubts if an individual could ever put force upon himself. Even if a man did threaten himself with force the situation would not parallel the state's use of force on the individual for in the former case the one who applied the force also
suffered from its effects. Hobhouse's conclusion is the exact reverse of Bosanquet's; the use of force by the state is essentially an imposition on one individual by others.

Bosanquet's conception of freedom is also to be rejected, Hobhouse affirms, Bosanquet said that freedom would be realized when an individual was a member of an ordered society whose will corresponded to the individual's own will. This may be the case, Hobhouse agrees, but it is equally possible that an individual may be a member of a society whose will is in radical disagreement with his own. Freedom actually depends on "the defined and restricted use of compulsion", for only by the uniform compulsion of known law can the liberty of individuals be ensured. The fact that general freedom is increased by restricting freedom at one point does not alter the fact that the particular restriction is a curtailment of freedom. Freedom consists in the toleration of differences or in the acceptances of differences as making for a richer kind of life than mere uniformity. A society is not necessarily free when it has a uniform mind. It is free when it provides a common opportunity for personal development and free association. To this condition the more positive element of active citizenship must be added. The free individual must have some part in the common councils of society.
Hobhouse says: "He is free not because the social will is his own, but because he has as much scope for expression as any one man can have if all are to have it and yet live and act together." (16) This condition is a delicate balance between tyranny and slavery.

The Hegelian argument from the likeness between individuals to the common self uniting them, cannot, Hobhouse contends, be understood apart from Hegel's view of the universal. Hegel explains his concept of the universal by means of his dialectical pattern of thought. The universal is first apprehended as not being the particular. The color, red, for example, is something other than any particular red. This universal, understood in terms of the negation of the particular, Hegel called the abstract universal. Difficulty arises at this point, for when we try to think of the abstract universal we seem forced to think only of particular instances of it. From the conflict of these two ideas the true universal appears. The true universal is not a distinguishable aspect of the particular, nor is it the sum of the total of the particulars; it is rather the principle which permeates all particulars, developing itself in each. This led Hegel to say that the concrete universal is the individual, not the individual apprehended by our senses, but the individuality which runs through differences of development or expression.

(16) Hobhouse, op. cit. p. 61.
This argument can be applied much more plausibly to the concept itself than to the arguments to which a concept refers. In fact the fallacy of the Hegelian theory rests in the identification of the system of our thought with the reality to which our thought refers. The system of classification held in our thought has a unity and individuality which is not found in the things to which our thoughts refer. The plausability of the theory lies in the fact that if an individual, a man for example, is regarded under a partial aspect he is seen to be in a sense single something throughout. There is a sameness running through difference. The fact that he is also different from moment to moment and from day to day is temporarily disregarded. In the life of a single person, there does appear to be a substantial continuity from beginning to end which is not present between individuals. There are, also, however, interconnections between individuals which seem to form a totality with a certain continuity of its own. The confusion between these two types of identity dominates the conception of the general will.

Hegel's doctrine of the universal has, Hobhouse points out, some startling applications. The particular, as such, is unreal for it is simply a manifestation of the universal. The particular man, as particular, has no real existence, for he is only a phase of some universal. This universal is not to be found in the
identity of character between men for that is merely an abstracted universal, but in a systematic totality. The systematic totality which includes all other systems is the state. The Hegelian doctrine thus abolished at one stroke the independence of individual human beings and the ties of identity of character which unite the individual to humanity as a whole. Hobhouse declares that Hegel's doctrine contradicts itself at this point, for the universality of character that is found in human beings implies that humanity is, in some sense, an organic whole. The fact that the state is spoken of as a generic term and that we recognize that there are many states must lead to the conception of a super-state. Hegel however, denied the existence of an organic unity among states and regarded the individual state as the supreme and final form of political organization.

5. THE WILL OF THE STATE.

There are, according to Hobhouse, three chief fallacies in the metaphysical theory of the state: first, the assumption that freedom lies in obedience to one's real will; second, that the individual's real will is identical with the general will; and third that the general will is embodied in the state. Hobhouse has considered the first two of these propositions; he now examines the third fallacy, namely that the general will
will is embodied in the state.

If we disregard the error involved in the identification of the real and the general will, we can understand, Hobhouse declares, what is meant by the proposition that a man's interests are bound up with the fabric of society. But why, he asks, are man's interests bound up with the state in particular. The state, to the modern mind, certainly does not stand for the whole fabric of society. In this respect the metaphysical theory is the reverse of the modern view, insisting as it does that the state is the totality of social activity.

Hobhouse questions the reasoning by which Bosanquet arrived at the conclusion that the state is the supreme object of one's allegiance. The root of political obligation, Bosanquet held, is the claim of the will which wills its own nature, that is, the claim of the real will. Hobhouse would revise this and affirm that the claim of the rational will is the foundation of moral obligation. This view, however, would provide for a condition in which the individual's moral obligation might be irreconcilable with obedience to the state. Bosanquet however insisted that the real will was to be identified with the state, the state being defined as the hierarchy of all social institutions and as the "operative criticism" of these institutions.

Considering first the identification of
the state with the social fabric, Hobhouse contends that, "many simple societies enjoy a fairly well-ordered fabric of social life without any governmental organization." (17) He argues further, that it is possible to hold that societies more advanced than our own might achieve a complex organization of social life without governmental organization or the use of force. The state at present may be necessary to social life but it is only one among other necessary conditions. Bosanquet's doctrine that the state is the operative criticism of social institutions should also be corrected. The greater part of criticism arises from voluntary sources, and the social fabric seems to carry on its own criticism apart from the state. Many social institutions such as religion, art, science and economics cut across state lines. To confuse the state with society, as the metaphysical theory does, confuses our understanding of both fields.

Hobhouse points out that Bosanquet's definition of the state with as operative criticism, and as force is "an abortive union of two radically opposed conceptions." (18) Criticism is the very opposite of force, for criticism demands freedom and

(17) Hobhouse, op. cit. P. 75.

A simple society by definition would be one with little organization of any kind. In opposition to Hobhouse, it should be emphasized that there is an almost universal incidence of some sort of governmental organization. With two exceptions, a tribe of Utah Indians which is now extinct and a tribe of natives of the Andaman Islands, a state of some kind is present in primitive societies.

unconstrained discussion, whereas force must be defined and established and can tolerate no discussion and no criticism. The union of the two views confuses the issue and leads on the one hand to the conclusion that the state, being force, can only have the negative function of hindering hindrances, and on the other hand to the view that the state, being itself operative criticism, has absolute authority over individual criticism. The truth, Hobhouse asserts, is that the state is one element in human society. It has been set up as the result of a clash of many purposes and its order is constantly in need of criticism and revision.

Assuming that the state is to be understood in the broad sense in which Hegel defined it, Hobhouse enquires as to the nature of our obligation to such a society. The idealists condemned the ethical speculations of men as abstractions of the subjective mind, and maintained, in opposition to all ethical criticism, that the institutions and traditions of society were the expression of an objective mind or spirit. They regarded any society, it would seem, as a higher embodiment of reason than the most advanced philosophical reflection. From the assertion that all state action is both willed and general in its application, they concluded that state action was always the expression of the general will. Hobhouse argues that there are no
grounds for holding that the life of a society is the product of the clear thinking of a single mind. "On the contrary", he says, "many customs and institutions which make up social life, have grown up in a detached, sporadic, unconscious, often unreasonable fashion." (19)

Rather than being the product of a single will, society is the product of innumerable wills often in conflict and seldom in complete agreement with one another. A general will of society as a whole is perhaps found in a state of war but seldom in peace time. What is usually found is a number of general wills co-operating or conflicting amongst themselves in a society. In so far as the action of society is regarded as the work of a single mind that mind must be a mind of a very low order. Hobhouse expresses his view with a forceful illustration:

We might think rather of the separate tentacles of a sea-anemone, of which experiment has shown that one may be educated to reject a non-nutritious object while another is still seeking to grasp it. (20)

Continuing his discussion of the general proposition that the institutions of society are the embodiment of the real will, Hobhouse outlines the logic behind the assumption of the idealist. It is assumed that the expression of the real will would be some sort of a harmony of actions. Now the institutions of society exhibit some sort of order and they are therefore the expression of the real will. The logic of this

train of thought is obviously invalid. The institutions of society, he goes on may be more elaborate and complete than any individual's reflections about them, but they are also much less consistent and much less easily reduced to principle than the ideas of a reflective individual. When Bosanquet spoke of a social institution as the interpretation of all the private wills composing a society, he seems to have regarded society, as a whole, as though it were a working democracy. The presupposition of the idealist, that reason and good are embodied in the existing order, are criticized by the unbiased enquirer who sees, not only good, but also radical evil present in society. The conception of social institutions as objective reason tends to belittle the application of human reason to social questions. Man is to realize that society is a super-being which is to be revered and not criticized. The root of this conception is the doctrine of the common self, a notion against which both philosophy and science must protest, for philosophy must claim for the individual the right to reason and criticize while science investigates society as it actually is.

Having subordinated political obligation to moral obligation, Hobhouse proceeds to demarcate the two spheres of life. The details of political obligation are objectively expressed in what Bosanquet calls "the ethical use and want" of a society. If a man wished to
oppose this system, to what authority can he appeal? Historically men have appealed to the church or the Bible, in that way setting one society over against another and one written authority over against another written authority. Men have attempted to resolve this conflict by the division of life into two spheres of action on the basis of the things which are, and the things which are not, Caesar's. Hobhouse asserts, that while this demarcation of spheres is not finally satisfactory it is better than an absolute supremacy of either state or church. In theory the moral authority of the spiritual rule of the church is higher than the authority of the state, for, he says: "If any church had succeeded in grasping the entire spiritual meaning of life, its authority would be absolute and it would absorb the state as a subordinate branch". (21) In practice however the church like other human institutions is fallible and it has been necessary to divide the spheres of action of spiritual and political authority. The state, being the organized power of the community for the guaranteeing of rights, must define rights as well as possible, and having defined them, see that they are enforced. The state acting through universal laws may find that the attainment of objects necessary to the common welfare requires universal conformity. In that case the state must enforce conformity but it should be quite

clear that universal conformity is necessary to the common good. Assuming that both sides have done their best, to be true to their own obligations and to reconcile their encroachment on the other's authority, there is still the possibility of conflict. "It is a case of one association of fallible human beings against another". (22) Each association should respect the position of the other but each in being true to what seems to it best may be compelled to oppose the other. This is far from a satisfactory solution but it is better than the subterfuge that freedom lies in subordination.

The points that Hobhouse has just raised apply specifically the historical conflicts of church and state. He turns now to the somewhat similar conflict between the individual and state. Formerly, he points out, conscience was regarded as the voice of God, but, in a skeptical age, men realize more fully the subjective elements in conscience. Regardless of the fact that conscience may be fallible, it is a man's own, and if men cease to act otherwise than in the light of what is good in their own eyes they cease to be moral beings. While the individual must realize the wisdom of others even when they oppose him, he must in the end stand by his own judgment of the nature of the common good. Hobhouse declares:

(22) Hobhouse, Op. cit. P. 89
When he has then asked himself frankly if it is not his final duty to waive his first judgment, to stifle the inward prompting for respect for an outward order built up by the organized efforts of men, valuable in itself and endangered if anyone rebels against it; when, having duly tested the case in a spirit of humility, he has nevertheless come finally to the conclusion that, all said and done, the obligation is upon him to disobey, then, as a free agent, nonconformity is his only course. (23)

Even when the particular action of the individual may be wrong from the point of view of others, the individual is right in doing what he thinks to be right for, if he acted otherwise as a matter of principle, he would never do right at all. For this reason the state must avoid coercion of conscience as far as possible, and when it does coerce the conscientious objector, it should not treat him as a common criminal who acts without respect for anyone's conscience. Summing up in conclusion the reasons why the state should respect the individual conscience Hobhouse emphasizes that the individual conscience is the avenue of new truth. While error may come through the individual conscience, it is better for society to hazard many errors than to risk losing a single new truth. What the state has to do is to prevent the emergence of errors which would destroy society and this can not be done by silencing error but by confuting it. When it is no question of conscience "the benefits of state activity are matters of convenience, good

organization and the relative merits of individual spontaneity and collective regulation." (24).

6. VARYING APPLICATIONS OF THE METAPHYSICAL THEORY

Proceeding to examine the various applications of the metaphysical theory of the state, Hobhouse considers the interpretations of Hegel, Bosanquet and Green. Hegel, he said, recognized that there were "bad states" but he dismissed them as unimportant. Bad states, he said, merely existed; they were not true realites. Hegel's analogy was that of a sick body, which he said existed, but was not a true reality. Hobhouse makes the common sense observation that as any sufferer knows, a sick body is a sound enough reality. If Hegel's conception of reality is accepted, no state that ever existed could be regarded as real.

Hegel's theory might have been developed, Hobhouse says, to provide a framework for liberty, equality, and democracy, but it stops at an early stage of political organization with Hegel's inconsistent idea of the monarch. The state, Hegel said, was a real personality only when it had a monarch at its head. His monarch might be a figurehead, or a fool, but regardless of what he was, Hegel considered him to be an

essential part of the structure of the state. The people—the term "people" being applicable to only one portion of the state—would perhaps be best defined in the terms of the Hegelian system as that portion of the Hegelian population which did not know what it wanted. The ordinary individual thus was considered to have little share in the general will. The landowning class alone were suited for the exercise of political power. What capacity for thought there was in the common man was to be elicited from him by the great man, the ruler, or the law.

The state, being an individual unit large, seeks to preserve its independence and freedom and this leads to what Hegel called the "ethical moment" of war. Hegel emphasized the "good" effects of war in inculcating the spirit of sacrifice and discipline in the citizen. He rejected Kant's proposal of a league of peace on the ground that it was impossible for different people to form a whole, and agrees that, even if they did unite into a whole, this whole would call up another whole in opposition to itself. The conception of the self-hood of the state, is not, Hobhouse argues, carried through with consistency. One would suppose that the spiritual self-hood of the state would require relationships, of a moral and spiritual character with other states. This is not the case, according to
Hegel, for states do not have a court over them, and have no binding relationships with one another. Each state is necessarily its own judge in all its relationships with other states.

Turning to Bosanquet's application of the metaphysical theory, Hobhouse considers this writer's definition of the state as a unit recognized as rightly exercising control by force. He considers first Bosanquet's conception of the state as a unit expressing some underlying logic. This logic, Hobhouse declares, is often nothing more reasonable than sheer force. There is a further inconsistency between the conception of the state as society and the state as one among other states. If the state is one among other states, there must be a wider society than the single state; and if this is the case the idealist should not speak of the state as society but as a society. Considering next the term "recognized" Hobhouse asks by whom and by how many the state needs to be recognized in order to be a state. This question he regards as unanswerable, apart from ethics, but, if the right of the state derived from ethical considerations, Bosanquet cannot hold the contradictory doctrine that rights are derived from the state. Finally, taking up the proposition that the state rightly exercises force, Hobhouse again points out the indispensability of ethics in
answering the questions as to how far the state exercises force rightly.

The metaphysical view, as Bosanquet presented it, offered further difficulties in the relationships between states. An individual, he said, could belong to one state only, and Hobhouse asks what would be the position of a Canadian citizen who was also a member of the British Empire. To what single state would he belong? In his later writings Bosanquet adopted a somewhat broader view, even declaring in one place that the state is a member of an ethical family of nations. He remained a conservative in his views on international relations, however, arguing that the best means to harmony was for each state to develop and reform itself. This, Hobhouse points out, does not provide any insurance against the inroads of a warlike state upon a developed peaceful state. Bosanquet was held back by his idea that the only solid foundation for international unity lay in an all-pervading general will. The notion of the general will has already been criticized, and Hobhouse argues further that it is possible for the whole of civilized humanity to unite itself for some specific purpose, such as peace, before the customs and traditions of all nations have become identical.
Bosanquet had difficulty with the question of state morality, Hobhouse goes on to point out. He denied that even an unjust war of the state is to be construed as murder. He distinguished between the moral accountability of the action of the state itself and the agents of the state, arguing that the agents were not to be held responsible for the things they did in behalf of the state. This interpretation, Hobhouse asserts, closes the door on the development of international morality, for the morality of states can only be brought up to the standard of individual morality by holding statesmen responsible for the actions which they imitate in the name of the state. The root of Bosanquet's problem goes back to the underlying conception that the state has no definite function in a larger community, being itself the supreme community. In one of his later writings Bosanquet contended that he had never denied the moral responsibility of the state, and yet repeated that there was no organized moral world beyond the state. With respect to Bosanquet's argument that the state is moral, being the "conscience of mankind", Hobhouse asks how it is that the "moral" state never extended its morality to other states, and asserts that it is the idealists doctrine of state absolutism that has paralysed the development of international law.
Bosanquet, Hobhouse affirms, found two difficulties in the conception of humanity as an organism. In the first place, humanity possessed no communal consciousness; and in the second, there was no expression of the higher human qualities in the aggregate of mankind. In reply to the first proposition, Hobhouse asserts that the common consciousness of humanity as a whole is as highly developed today as the consciousness of community was in France in the seventeenth, or in Germany in the eighteenth century. Regarding the second point, it is obvious that the intellectual development of a Frenchman and a Kaffir do not correspond, but even Bosanquet would not contend that the Kaffir is outside the pale of rights and duties. (25) Behind Bosanquet's idea of humanity there is, Hobhouse says, a more dangerous conception which regards evil as a necessary expression of the Absolute, the Absolute being perfection itself. This conviction expresses the basic conservatism of the metaphysical theory, mainly that the world as it is, will all its evil, is good enough already.

Hobhouse finds in the political philosophy of T. H. Green a pleasant exception to the other writers of the idealist tradition. In Green's hands the theory came closer to the facts of experience. The conception of the individual and the attainment of perfection by

(25) As a matter of fact there are a good many rights and duties extant in English society which would be foreign (continued on next page)
the individual as a part of the common good was an integral part of Green's point of view. The individual was never lost sight of in this author's writings. Where his view was less happy was in his conception of the rights which society ought to recognize but does not. Green confused the social character of rights with their recognition, for in one place he declared that rights were made by recognition, while in another he admitted that rights might exist even where no state recognized them. (26) Hobhouse expresses what he considers to be the true view as follows:

If anyone can prove that some specific condition is in fact requisite to the realization of a good life, then the condition is scientifically demonstrated to be a right, though it may never have been recognized from the beginning of time to the present day, and though society may refuse to recognize it now.

This is the sense in which Green spoke of all true rights as being natural.

(25 continued) to the Kaffir. The true position would seem to be that the Kaffir has the capacity for these rights and ought to be treated in the light of that capacity, even though it is underdeveloped.

(26) This is scarcely fair to Green for he did not say that the existence of a right was conditional upon recognition by a state as Hobhouse seems to imply.

(27) Hobhouse. Op. cit. p. 120.
Green, Hobhouse continues, treated the general will in physiological rather than in metaphysical terms. For him the general will was the common reason and will of men. In his contention that will and not force was the basis of the state, Green seems to be fitting his conception of the state to suit his definitions. He admits the element of force and the result of his principle, that force cannot be the basis of the state, amounts to the insistence that societies based on force are unworthy of the name "state." A comparison of Green's use of the term "general will" with the usage of Bosanquet and others shows a real variety in the reference of the term. It might refer to the common good actually shared or desired by the members of a society. It might refer to the common aim which is a temporary aspect of the common good, as, for example, victory in war. Corresponding to the common good of the common aim there may be a will which should be called the good will, in that it is the will of a particular man for a common good. If this good will is held universally it might properly be called the general will. If we assume that all members of a society appreciate and will the means to the permanent good of the society, this will might be spoken of as the general will for the common good. Green's use of the term
general will seems to have referred, not so much to any of these interpretations, as to the network of psychological forces maintaining a particular kind of social life. Another meaning of the term might be that used to refer to the social mentality of the group, provided it is understood that a multitude of minds and wills is implied and not the idea of a single social self.

Turning his attention to the significance of the theory of the collective life of society, Hobhouse reviews what he has already said regarding the relation of part and whole. There are, he points out, fortuitous aggregations of individuals in society, as there are chance groupings of unrelated particles in the physical world. The significance of the collective life of the whole group depends upon the type of relationship connecting the individual members. Where the relationship is slight and non-essential the individual appears to be the important and permanent feature. Where, however, the relationships between the individuals are deep and permanent the whole has a significance of its own, for the individual would not be what he is apart from his membership in it. The social whole is as readily misunderstood when it is resolved into its constituent individuals as when it is regarded as something separate from them. The whole may be more
or it may be less than its parts. It may engage all or a portion of the activity of the individual. The fallacy of the metaphysical view is that it speaks of the individual's relationships to one particular association as though they applied to the whole of society. Some social wholes are more permanent than the individuals who engage in them, but this rather than meaning that the whole is an object distinct from its parts, suggests the deeply-rooted continuity of the whole in its individual members.

In conclusion, Hobhouse observes how men do their best and worst deeds in the name of religion. The history of our time, he says, shows that men will make themselves gods of something whether it be Power, evolution or the state. It was not a "double dose of original sin" which established the worship of the state in Germany. It was a combination of historical forces of which the political philosophy of Hegel was one important factor. The exaltation of the state above individual men means the supremacy of power, and Hegel's doctrine survived because it appealed to powerful classes who benefited from his theory's praise. It is, Hobhouse declares, "a rarer insight which sees in the great good the comprehensive unity of all the little things that make up the life of the common man." (28) True political philosophy depends on the

imaginative power which sees the relation between the abstraction and the concrete details of life to which the abstraction refers. It is not that the individual is all important in himself, but that the advancement of mankind can be measured, not by the glory of the state, but by the "heightened activities and larger lives of individuals." (29) Hobhouse summarizes the two views of the state in the following words, with which we may conclude our discussion of his criticism:

In the democratic or humanitarian view it is a means. In the metaphysical view it is an end. In the democratic view it is the servant of humanity in the double sense that it is to be judged by what it does for the lives of its members and by the part that it plays in the society of humankind. In the metaphysical view it is the sole guardian of moral worth. In the democratic view the sovereign state is already doomed, destined to subordination in a community of the world. In the metaphysical view it is the supreme achievement of human organization. For the truth let the present condition of Europe be witness. (30)

(30) Ibid. p. 137. Written in 1917.
CHAPTER VIII.

HAROLD J. LASKI'S, "THE STATE IN THEORY AND PRACTICE."
CHAPTER VIII: HAROLD J. LASKI'S, "THE STATE IN THEOREY AND PRACTICE."

1. THE PHILOSOPHIC CONCEPTION OF THE STATE.

The purposes to which political philosophy has been devoted, Professor H.J. Laski declares in introducing his study of the theory and practice of the state, has been the fairly consistent attempt to outline the conditions under which men and women can fulfill themselves most completely. While there have been violent differences as to what these conditions are, philosophers of the state have generally agreed upon the necessity of a permanent coercive authority. The need for such an authority is the beginning of a problem, for, Laski asserts, men do not obey an authority for the sake of obedience but because they believe that certain satisfactions are secured for them through that authority. Their obedience is never unconditional, but is dependent on the results which men consider the order enforced by the state makes possible. It follows that an enquiry into the nature of the state must be an enquiry, not only into the announced purposes of the state, but also into its habitual action. Philosophers have frequently constructed an ideal of the state and then transferred
the implications of the ideal to the states they knew in practice. Laski proposes, first to set forth the dominant philosophical justification of the state, and in the second place, to examine that justification in the light of the states we know. This leads in the third place, to formulate a theory of the state, more related to the facts, from which theory he finally draws some predicitions as to the events of the future. In his study he makes a single assumption, namely, that the justification of coercive authority, "is in the measure 1 of its effort to satisfy maximum demands". This justification must be based on the purpose actually realized by the state and not on the mere declaration of what that purpose is supposed to be.

Clarity of discussion in political philosophy, Laski continues, demands careful definition of terms. A society he defines as, "a group of human beings living together and working together for the satisfaction of their mutual wants." The basic wants are economic in character but beyond these basic wants there are a wide variety of other wants, religious, cultural and the like. While there is no theoretical reason why the term


"society", should not refer to the whole of humanity, he confines his interest here to the form which society has taken in the nation state. Referring to the notion, state, Laski defines it as, "a society of this kind which is integrated by possessing a coercive authority legally supreme over any individual or group which is part of the society,

The supreme coercive authority of a state is known as "sovereignty" and it is this characteristic which distinguishes the state from all other forms of association. The fact to be observed is not that the state ought to possess sovereign power - nothing is said here as to the wisdom or justice of this property of the state - but that the state actually does possess that power as a way of organizing the society's collective right.

The modern citizen is constantly coming into contact with the network of the state's operations, and we must recognize the nature of that contact. The state which like all other institutions acts through individuals, has as its agent, the government. It is important to distinguish between state and government, for the distinction makes it possible to limit the

power of the government by creating institutional mechanisms through which it can be changed. Regardless of this, the distinction between state and government is theoretical rather than practical, for every act of the state presents itself to the individual as an act of the government. Whenever a state acts in a given way it is because those who are the government decide to act in that way. The state itself never acts, the government alone acts. If it is asked what gives the government its competence to act for the state, it must be said that, disregarding the sanction of public opinion and of the established law, the basis of the government's power in its capacity to compel obedience to its will by means of the armed forces. Where the government cannot use the armed forces to compel obedience to its will it must either revise its will or abdicate. It follows that those who control the armed forces of the state also control the state's sovereignty. Nothing is here implied about the purposes which the state professes to fulfil. It is simply asserted that the state is a power organization. Nor does this mean that the motive to obedience in the state is fear, for, while fear is a motive, the factors are much too complex to permit this simple explanation.

Turning to the question as to the
relationship between the state and law, Laski observes that from a purely formal angle, once it is admitted that the state is sovereign, law is the will of the state. Law is that will which the state is prepared to enforce. From the formal point of view from which the jurist approaches law, the content of the decision which the state is prepared to enforce is unimportant. It does not matter if the law is mistaken or unjust; it is valid if it emanates from a sovereign authority. The human mind revolts from a theory of law as formal as this and searches for something broader. This search takes the enquirer into the field of political philosophy where he ceases to describe merely what the state actually is and raises the question as to what it ought to be. An evaluation of law is carried out on the basis of postulates which are derived, not from the pure theory of law, but from ethics. It is in the field of ethics that all social questions must be judged, but because of the difficulty about values, Laski confines himself, he says, to a single value judgment. Referring to the difficulties which value judgments present, he declares:

That is why I assume in this book only that the object of the state must be to fulfil, at the maximum possible, the desires of its citizens. From this we may logically infer the bewildering of desires that we meet in the societies we know. We may infer, also that the reason why, in the context a state-action
some desires go unsatisfied is that, on balance, the end of the state is best served by the result which then occurs. 4. The state will defend its purposes in terms of some criteria of good which it holds, and this defence will be in terms of reason, for a defence on any other basis such as revelation or force, will have no meaning to those who do not accept the revelation or force.

(4) Laski, Op. cit. p. 34. This statement will repay examination. In the first place it should be observed that the first sentence expresses Laski's criteria of state ethics. This judgement could scarcely be descriptive for Laski would be the first to point out that the state does not fulfil the desires of the citizen in anything like the "maximum possible". In the second place the second sentence is somewhat tautological for the only way that the leading sentence infers a variety of desires is by assuming that there are a plurality of desires. The third statement is undoubtedly a statement of affairs. He is saying that the actual state, and one may have in mind his identification of state and government, satisfies itself by ignoring the fulfillment of some desires. If this is an observation as to a state of affairs, it is hard to see how it is inferred from the preceding value judgment, but if the third statement is a statement of value, it is difficult to see how the service of the end of the state can be an inference from the demand for the maximum satisfaction of the citizens.

(5) The same criticism can be applied to a reasoned argument for it means nothing to the person who refuses to accept the terms of the argument. The point is that reason provides the most universal means of persuasion.
it follows that the state must aim to satisfy the desires of all its citizens, and that if it excludes one group of citizens from satisfying its desires more than another, the state must convince the excluded group that their exclusion is for their own good. If the state cannot show that this is the case its action is biased. It is not enough to convince those who benefit from inequality that their privilege is for the good of the state, for the judgement of such persons is bound to be distorted by their personal relation to the issue. This distortion is not necessarily a matter of conscious choice, for all of us are in a very real sense "the prisoners of our experience". On this account it is difficult to be scientific about cause and effect in human affairs, not only because of the observer's personal relationship with the subject, but also, "because the world of affairs is a seemless web in which we can never, as in the realm of science, isolate the factors in such a fashion as to make cause and effect a pure or absolute relation." Throughout every investigation, furthermore, it must be made quite certain what the problem is and whether it is a problem of the ideal or the actual. Constant

care must be exercised in transferring the assumptions of the ideal world to the world as it is. There is no justification for the practice of regarding the ideal order as "natural" and then assuming that everything in the actual world which contravenes the ideal, is in some way "unnatural". What we call "natural" and "unnatural" will depend upon the postulates with which we begin our investigation. These postulates, in turn, are "born of the experience of the individual thinker who makes them".

Hobbes' political theory, for example, was built on the assumption that human nature is evil and that an all powerful sovereign is absolutely necessary to the maintenance of order. Locke, on the other hand, assumed that human nature is fundamentally good and argued that governments should be constantly checked by the wishes of their subjects. Nothing is said here to imply that the assumptions which the investigator makes are wrong; it is simply asserted that there is present in them a personal bias.

Laski contends that the historical procedure of political philosophy has been to take the jurist's theory of the state and justify it in ethical terms. The idealist theory of the state is a good example of this tendency. When the idealist defines the

state as the organization of the community with the function of "maintaining the external conditions necessary to the best life," He puts himself in a position where he would be forced to argue that the state was a state only when it was maintaining those conditions. The theory is ambiguous from the start for it never says who are to be the judges of the state's action. Bosanquet's definition of the state as a unit lawfully exercising force is also open to the accusation of ambiguity. If "lawfully" refers only to the formal legal competence of the state's action the definition corresponds to the state's of our experience. If "lawfully" means more than this, it either assumes that the ideal is identical with the actual, or that there are certain purposes to which the law should always devote itself. In the latter case the problem becomes one as to what the purposes are and who is to judge of their fulfillment. The idealists escaped this difficulty by revising the historical meaning of freedom.

Examining the historical idea of freedom Laski points out that up until Rousseau's time Freedom was defined as absence of constraint. The experience which underlay this view is easily understood when we

recall that men have been struggling to free themselves from religious and civil tyranny. After the sixteenth and seventeenth century, thinking of the state as an organization for the promotion of human happiness, writers regarded men as having certain fundamental or "natural" rights, meaning by "rights" ways of behaviour without which happiness was unattainable. The general direction of their argument took the view that unlimited power is always poisonous and hence that sovereign power ought to be limited to certain kinds of action. In this period of development of the theory of the state, the state was never regarded as an end but always as a means to an end. The individual's happiness and not the well-being of the state was the criterion by which the state was to be judged. It thus argues that in practice this theory was used by the growing propertied class of the seventeenth and eighteenth century as a means of shaking off the restrictions of the feudal age. In spite of this, and in spite of the fact that the "rights of man" came to mean the rights of the men who owned the instruments of production, the liberal theory stands as a perpetual challenge to the state.

The idealist theory of the state came to counteract the liberal view that the state could not legitimately claim the complete obedience of the individual.
The idealist theory, denying that freedom meant absence of constraint, argued that freedom was self determination. It contended that a man was free when he was controlled by the permanent system of desires which the theory referred to as his real self. The idealist theory identified this real self with the general tradition of society and asserted that the individual was free when he conformed to that tradition. Recognizing, however, that every individual was a member of countless associations the idealists narrowed their definitions of the real self or will to its equation with the will of the state. In fairness to the idealist theory it must be said that it did not say that the state was master of the individual conscience, but admitted that, if the individual believed he ought to rebel, he had a duty to do so. It was this admission that undermines the whole theory, for once it is agreed that there can be a duty of rebellion, it follows that the individual's allegiance is not to the institution but to purposes which the institution exists to fulfill. That is, the individual's real will can be identified with the will of the state only when the state is operating as the guardian of moral values. If this identity is to be maintained it would have to be shown, either that the state automatically acts as the guardian of moral values, or that those who possess the sovereign
power and yet do not so act are not the state.

The truth of the matter is that the idealists did not give a satisfactory solution of the relation between the ideal and the actual. Hegel, of course, went to the extreme of identifying the real with the rational but in doing this he was denying the "patent experience" of mankind. Furthermore, the idealist theory is psychologically inadequate in its analysis of the nature of the will, for to call the part of the will which is free from imperfections "real" and to regard the rest of the will as "unreal" is merely a rhetorical device. The idealist view of individuality is inadequate, for it finds the essence of individuality in the contribution the individual makes to the whole and not in the ultimate isolation which everyone knows in his everyday experience. The idealist is able to argue from his definition that the individual's isolation is unreal and that the individual is part of a unity of selves. Experience, however, does not present itself to one individual in the same way as it does to another. Unity of individuals does not arise from sharing in a common world, but from seeking similar ends. The recognition of the separateness of individuals

(9) To make this clearer we may say that unity arises as men share a common world in seeking similar ends. When they seek the same end they have essentially the same world.
enables Laski to reject the idealist view that freedom is the individual's acceptance of the real will of the state. Nor does he accept Bosanquet's assertion that the individualist can give no satisfactory account of the paradox of self-government. The fact that an individual may accept the will of society does not mean that he welcomes the compulsion of society. He conforms to the law because he feels that in the long run the results of his conformity are a good thing. The decision to conform does not make him free in the act of conformity.

Taking up the idealist notion of the common good, Laski points out the ambiguity of the concept. It may be, by definition the good which is achieved in the state. Again, the common good may be defined as the well-being at which the state ought to aim, or it may mean the traditions and purposes which a given society, seen from its history, does aim at preserving. Each of these three meanings of the term "common good" is the expression of someone's attitude to the common good. Men however, in their important decisions, usually judge the

(10) While the idealist view of the identity of state and self is certainly not acceptable, it should be repeated here that the view of individuality as "ultimate isolation," which Laski holds, gives no possible account of how there ever came to be a self. This much must be said for the idealists, that they did give an account which partially explained the genesis of the self.
state in terms of its import for their own lives and not in terms of the good purposes which it professes to fulfil. Rousseau and T.H. Green, who have both been associated with the idealist theory, recognized that the individual must be able to see the state actually realizing the common good which it professes. Rousseau had ever before him the necessity of establishing principles which would prevent the perversion of the state's purposes. It was for that reason he stressed the principle of equality and insisted that the sovereign can claim obedience only when it is the community itself. T.H. Green likewise recognized that the claim of both individual and society rested on the fact that these rights were necessary to the achievement of man's moral vocation. A state which failed to recognize these rights was "ipso facto" not a state. Both Rousseau and Green agreed that a man's title to rights rested on his status as a moral being.

A different temper is found in Hegel. For Hegel the state recognized no abstract rules of good and bad and admitted no authority but its own. For Hegel the state was closely identified with the nobility. Manufacturer and industrialist were too absorbed in selfish interests to be capable of citizenship while the peasant was loyal but unintelligent and hence unfit to rule. The
nobility alone had the capacity to rise above private interest and the intelligence to rule. The source of Hegel's attitude, Laski says, is the Greek denial of capacity for citizenship to all those who depended upon effort for their livelihood. This Greek bias coupled with his own passionately reaction to the excesses of a revolutionary age are the explanation of Hegel's narrowness. The result of Hegel's approach is the denial of the capacity for citizenship to all except a small minority. The reason for this denial are that men's vocation makes them unfit for government. In this Hegel assumed first that the major part of the human race had not the capacity to be moral beings, and secondly, that the aristocracy can be trusted to distinguish private welfare and public good. He made both these assumptions in the face of the testimony of history that neither was true.

The basic assumption of Hegel's view, Laski goes on, is the principle that the whole is greater than its parts. It is this assumption which led him to argue that the interest of the nationstate was greater than the interest of any of its members. Hegel's assumption is heavy with problems. In the first place, unless the state and society are identical the interests of the nation do not correspond to the interests of the state. Hegel, of course assumed, without any attempt at
proof, that the state was the same as the body of traditions and purposes which make up society. Furthermore, Laski argues, the statement that the whole is greater than the sum of its parts does not decide anything for it is equally applicable to all human associations. Throughout Hegel's theory of the state, Laski goes on, there is continuous confusion between the state and the government. It should be remembered in practice that the actions of the state are always actions of the body of men who make up the government. The actions of these men are given by Hegel the "majestic penumbra" with which he surrounds the ideal purposes of the state.

The actual unity of the state is a far different unity than that which Hegel attributed to it, for the state becomes a real unity only as men will to make it so. This unity is always a function of the satisfaction the state gives to the established expectations of its citizens. To deprive a people of their freedom or to lower the living standards without some acceptable reason is a sure method by which the government can promote disunity in the state. As a matter of fact the unity of the state, as it is seen in the historical form which the state has taken, is a constantly changing thing. There is nothing about the fixity of the state that Hegel's view would lead one to expect. The members of a state
are not interested in the unity of the state for the mere sake of unity but for what they believe that unity makes possible. Historically the unity of the state is always breaking down but the classical theories of the state provide no adequate explanation of the phenomenon of change.

Laski explains this phenomenon on the basis that there is a constant drive among human beings for the establishment of equality. Men assume that differences in the state require justification, and when that justification is not forthcoming they begin to question the whole institution. Referring to the contemporary situation Laski declares that the state, that is, the government, attempts to persuade its citizens that its actions are unbiased by organizing such material conditions of life as housing, social insurance, and wages. Some have explained this latter form of government activity on the ground that it is the expression of a more profound social conscience, but, regardless of whether we take this view or the view that it is an attempt on the part of the state to atone for a deeper inequality, the extension of material advantage by the state illustrates the basic drive toward equality. A political philosophy should start from the assumption that the state should be unbiased in its actions toward its citizens. Philosophers who have not taken this view, and there are many of them,
betray an emotional prejudice which seeks to defend some transient social situation as ultimate. The analysis of the system of any philosopher shows him to be historically conditioned. When, therefore, the philosopher declares the state should secure the conditions under which the citizen can realize the best life, he should recognize that those conditions are constantly changing. His theory provides nothing more than a measuring rod by which to evaluate the conduct of the actual states which he knows.

There are three different senses in which the idea of law can be used. In the formal sense law is simply an announcement by the sovereign authority of these decisions which it is prepared to enforce. In the political sense the formal announcement of the law becomes valid through the acceptance of it by those to whom it applies. In neither of these senses has the citizen any inherent duty to obey. The roots of valid law, Laski

\[11\] We may observe at this point a fundamental difference between Laski's attitude to philosophy and that which characterized the other writers we have been considering. Laski is unwilling to examine any system of thought as he finds it, raising always the further question as to the thinker's environment. While this procedure may throw light on the system of thought in question, it must of course, he insisted that any idea may be true or false regardless of its genesis. The truth of a system is to be estimated in terms of its consistency, its correspondence with reality, and its value as a basis of prediction, and not on the basis of its origin.
infers, are in the individual conscience. In reply to the view that making conscience the foundation of law opens the door to anarchy, Laski agrees that it does, but asserts that the individual conscience is likely to be wrong, he says it is true that the citizen may be wrong but that if he refuses to listen to his conscience he soon ceases to be a citizen at all. The authority of conscience provides the greatest check on the abuses of state power. Unless men are prepared to act on the insights they have they will become, "no more than the passive recipients of orders to whose moral quality they are indifferent." "To abdicate the duty of moral judgment is to sell oneself into slavery."

The fact that an individual's assertion of his own conscience may appear to be wasted effort does not make his moral obligation any less compelling. The man who protests against injustice is not nearly so powerless as he might feel, for his own recognition of injustice is likely to be supported by a similar attitude in the minds of others who share his experience. There is no escaping the obligation that a man has to fight for the philosophy he believes in. Two considerations of

(13) Ibid. p. 82.
of considerable weight have been urged against the moral obligation to rebellion. T.H. Green's view stressed the fact that any challenge to government weakened the force of all law. Regardless of this objection, Laski repeats that the individual must act on the basis of his judgement. If he does not so act he is placing the duty to maintain order above all other moral duties. The second criticism claims that this freedom of conscience admits the right of any doctrine to support itself by force. Laski's answer to this is that no doctrine resorts to the use of force unless it is rooted in some deep seated grievance which finds no other remedy. The truth of the matter is that men are so accustomed to obedience that any movement in the direction of disobedience is an indication of a serious disease of the state. Violence is unlikely in any state where there is a widespread conviction that the state is doing its best to fulfil its obligations.

In cases where there is an irreconcilable clash of values Laski declares that it is no use to argue that the duty of minority is the simple one of becoming a majority so that it can make its will effective. When the state is a constitutional democracy the case is somewhat different, and in general it is safe to say that in such a state it is impossible to condone to use of violence. Even in a constitutional democracy,
however, there must be certain conditions fulfilled before this generalization is applicable. Citizens have a right to expect that the actions of state institutions will be unbiased and that neither conflicting group will resort to the use of force. The first of these conditions is not fulfilled, even in Great Britain where the House of Lords is in the hands of a single political party. The second condition requires that the majority shall actually rule. The government must be strong enough to enforce its will regardless of the "outrage" of any particular interest. The government cannot carry on constitutionally unless it is strong enough not to be intimidated by any one group, for, "It is a primary thesis of constitutional democracy that it can be overthrown only in ways specifically provided for by law." The fact that emerges from history, however, is that a constitutional government can continue to function only so long as there is a general agreement among its citizens. A "deep fissure" rapidly opens the way for the collapse of the constitution itself and the development of dictatorship.

It follows from the foregoing observations that political philosophy must assert that

the limits of legal action are dependent on the consent of citizens. The law receives its title to acceptance from the citizens themselves and not from the fact that it emanates from the sovereign power. In the face of the argument that individual judgment is inadequate, Laski declares that individual judgement is the only judgment there is. If the right of the individuals to make decisions is rejected several conclusions follow. Either it must be held that order is the highest good, or that positive law should be obeyed on account of its professed purposes, or that the law is just, simply because it is the decree of the sovereign. The skeptical position is no more tenable than these other views, for, while it is argued that men's views are conditioned by their position in society, the more men live on an equal plane, the more their differences are eliminated and the more just the law will appear to them. It is in periods of expansion that the law appears more just to man, for at that time opportunities are offered which give the individual the greatest chance of fulfilling his possibilities. At such time too, it may be added, a degree of security is offered which gives reason its greatest chance to function.

The attempt on the part of the makers of law to equate the law with justice is and admission
of the distinction between that which is and that which ought to be. The notion of a law which ought to be is the same as the concept of natural law and this latter concept is one which Laski feels is an essential postulate of a philosophy of political obligation. The concept of natural law was attacked by the positive lawyers but their criticism broke down because they could not devise a system of positive law which covered all possible cases without appealing to the notion of justice in exceptional cases. The metaphysical attack on the conception of natural law argued that all questions of justice were relative, being often a matter of nothing more than a matter of individual opinion. Laski replies to this criticism with the observation that the variety of opinions about justice no more renders a science of justice impossible than the variety of opinions about farming no more makes the science of agriculture impossible. The differences of opinion we do encounter should not be exaggerated, for these differences in value judgements are, in the main, functions of different social conditions. The difficulties in the way of a science of pure law are, of course, enormous. The naturally just must be "sociologically possible". The choice of postulates is a complicated adventure and the universal proposition to which the postulates lead are never applicable to all particular cases. Another difficulty arises from the fact that
we do not know what the application of our proposals will do. Finally because the principles of natural law are built on an abstract uniformity, they need correction in terms of equity. The very idea of equity being an adjustment to the individual case, falls outside the legal grounds of natural law. In spite of these difficulties, if people will it so, man's increased knowledge can lead to a more rational adjustment of human affairs. Above all, we must recognize the vast importance of equality. Men think differently who live differently, and political speculation only approaches adequacy when it recognizes the importance of equality, and the primary condition of equality, economic status.

2. STATE AND GOVERNMENT IN THE REAL WORLD.

Opening his examination of the actual behaviour of states, Laski points out that there is a bias in the operation of the state, and that this bias indicates a fundamental conflict in the state itself. The state's claim to obedience rests upon its effort to secure for its citizens the maximum possible satisfaction of their wants. Where the state's effort in this direction is seriously questioned revolution, the attempt to use force against the government is likely to occur. An examination of the states of history, whether they be Grecian, Roman, Medieval, or modern, reveals
a bias in their operation in favour of one particular class. While the details of this bias are complicated, its existence is indicated by the presence of groups within the state which periodically withdraw their allegiance from it. Both Rousseau and Montesquieu recognized that governments have a tendency to degenerate. Many philosophers have observed that power a poisonous effect upon those who held governmental power, and they have sought to counteract this danger to the state by inventing many constitutional safeguards. The problem, however lies deeper than matters of constitution, and requires for its solution a knowledge of what causes governments to abuse their power. There have been many attempts to explain the causation of such historical events. Some have pictured history as the unfolding of the will of God, others as the march of the Absolute through the world, others as, the result of climatic conditions, while others have pictured history as the product of the lives of great men. All such theories fail because they do not enable us to predict the probable events of the future. Laski attempts to outline a theory which not only provides an explanation of the degeneration of governments, but also gives a basis for the prediction of future events. An understanding of the institutions of any society is to be had by an examination of that society's economic foundation. All social relations,
he says, are based upon provision for these primary appetites, whose satisfaction is indispensable to life. Changes in the pattern of social life may, for the most part, be attributed to changes in the methods of economic production. This principle provides an explanation to such various social creations as law and religious doctrines. The social superstructure, in all its aspects, is rooted in economic foundations and that superstructure, which includes the political and legal forms of society, is the necessary correlate of the system of production. A society needs some method of maintaining a stable basis of production, and it devises a coercive instrument to meet that need. This instrument, whose purpose it is to insure peaceful processes of production, is the state.

Going on to examine the state in the light of the idea that it is the instrument of the owners of the means of production, Laski repeats his proposition that the state always acts through a body of men called the government. These same men are also able to control the legal relations which exist in their society and they are able to determine how the products of society shall be distributed. If any group wishes to change the character of the processes of distribution, or to alter the legal foundations of society, it must first get control of the state-power. The group which possesses sovereign power is
guided in the use of its power by the satisfaction of wants which it can secure for society, but its interpretation of these wants is coloured by its own relation to them. In a society where there is a fundamental difference in the relationship which two groups have to the means of production there is bound to be a conflict. The conflicting groups will always produce value systems which are limited to their own experience. This does not mean that any group, say the group which dominates society, consciously identifies its own interest with the total well-being of society. It does mean however, that men naturally take on the colour of their own environment, and that a government will see its duty in the light of a system of production which it exists to maintain.

Men can transcend the social pattern to which they are normally habituated Laski declares, and he claims for his theory the distinction that it is a method by which this transcendence can take place. His thesis is that changes in social relationship are caused by changes in the material forces of production. It follows from this thesis that epochs of rapid change in social affairs are epochs in which there are rapid changes in the methods of production. An epoch is a stable one when men are able to satisfy their wants by the established method of production and distribution; but when the methods of production change and render inadequate the established system of property relations, the epoch is unstable.
In such a period a group which stands to gain by a change in social relationships will take on a military character. In the struggle which ensues both groups will attempt to give a justification to their particular system in universal terms. The contesting groups express the fundamental contradiction which exists in the economic foundation of the society. In this struggle, further, the state is not neutral but uses its supreme coercive power to support the dominant class.

Proceeding to consider, by way of precaution, what his theory does not mean, Laski points out that he is not arguing that technological development is the cause of social change. He is not arguing that "the state is always subordinated to the private advantage of the class which dominates it," for statesmen are likely to be sincere in their attempt to realize the professed purposes of the state. His point is, rather, that the purposes which the state maintains is set for them by the economic relationships which the state maintains. He does not mean, further, he says, that history is necessarily determined by the economic factor, even though that economic factor is the predominant element and enters into, and effects all the other forms of cultural life.

Since the economic factor is the

important one. Laski states, classes which have a different relationship to the process of production are likely to come into conflict with one another. This conflict becomes acute when the existing system of relationships prevents the logical expansion of the forces of production. A point is reached when the existing system must be either surrender or be overthrown. At this point authority attempts to use force to prevent the growth of the critical spirit. Failing in this attempt it makes concessions; but the concessions come too late and force is resorted to again. In this process the foundations of the state are seriously undermined and the time is ripe for radical change. The class struggle he contends is marked by two features, the division of labour and the private ownership of the means of production, and the proletariat who offer their labour for sale. Now we must ask if this antagonism of classes is a reality. Some have said that it was the outcome of erroneous governmental policy, while others have said that it was the result of the failure to perceive the real unity which pervades society. Laski feels that these are superficial interpretations and argues that in a society where a small class holds the instruments of production that group will have a different interest in the distribution of the social product from the group in society which is excluded from ownership.
The owner-group's interest in production rests on the possibility of making a profit and, given the postulates of capitalism, the failure to make a profit will result either in unemployment or reduced wages for the laboring class. If it is argued that there are other social antagonisms which do not lead to political division, Laski's answer is that, since the private ownership of the means of production necessarily involves the continuous disadvantage of the laboring class political division and antagonism necessarily develops. This antagonism can be eliminated only by a change in the postulates on which the society rests.

Continuing his discussion of the results of class antagonism, Laski observes that many incidental factors such as political maturity, quality of government and existence of religious organizations, makes a difference in the form which the antagonism takes. In a country which is expanding economically the conflict is not so likely to become acute, for the system of private ownership in an expanding economy may produce continuous improvement in the conditions under which the working class lives. When this improvement fails the workers begin to develop a revolutionary consciousness. It follows from this that a critic of Laski's thesis must be able to show that the capitalist system, as it functions in the actual world,
must be able to expand indefinitely. The critic must show that this can take place in a society where economic control is concentrated in the hands of a very small group and the government is built upon the basis of universal suffrage. In a capitalist democracy there is the possibility that sooner or later the government will come into office on the basis of a pledge to increase the material well being of the citizens. If capitalism is then in a phase of contraction, the demands of democracy seem to be impossible and it is necessary either to change the democratic process or to revise the postulates of the economic system. Historically such a change took place in the development of fascism, for in that development, democracy gave way to capitalism. The profit making motive of the capitalist system demanded lower wages, while the assumptions of democracy lead the masses to expect an increase in their material standard of living. Fascism abrogated democracy by intrusting unlimited political power to a group pledged to the support of the owners of the means of production. In fascist countries the characteristic features of democracy have disappeared; political parties, trade unions, and the right of free criticism have been suppressed, the neutrality of the civil service and of the judiciary has been subordinated to the service of fascist ideals. In short the assumptions of democracy with their recognition of the rights of the
workers have been sacrificed to the capitalist need for profit. It is significant in this regard that the suppression of democratic institutions in Italy and Germany took place without any change in the economic relationships of the social classes of these countries.

Turning his attention to the question of the neutrality of the state power Laski insists that in a fascist country the denial of the state's neutrality is apparent there, even more than in other states. Coercive power is used to protect the stability of the existing system of class relations. The state, by the law of its being, cannot remain neutral to any social institution which moves to threaten the stability of the system. The San Francisco strike of 1933 illustrates this, for at that time the National Industrial Recovery Act allowed that in each industry labor had the right to choose its own representatives. Certain dock and shipping companies refused to "recognize" the democratically chosen representatives of labor. A general strike was called on this issue but it collapsed in four days because the state government devoted its energies to defeating the strike. The state power did this because the strike threatened the life of the community. The labor group was faced with the alternative of surrender or conflict with the government, and naturally enough it surrendered. The inference which Laski draws from this is
that in any community where essential services are privately owned the state power will intervene to resist a threat to the continuity of those services.

Laski proceeds to consider, what we might call the inevitability of revolution. This prospect is disturbing, he says, to generous minds, and it is asked if men cannot settle their differences in terms of reason. Laski's answer is that throughout history, where important changes have been made without the use of violence, these changes have been made in an expanding economic system. Men, he says, are willing to abdicate positions which they do not feel to be fundamental, but, they will not abdicate as a class from a position which seems vital to their well-being. It is quite obvious that a rational solution is preferable to one elicited by force, but, he insists a rational solution is not a possibility in a conflict between the two opposing classes in the capitalistic system. The reason for this is that the maintenance of political democracy as such is not under a system of capitalism the inherent purpose of the state. The state exists to protect the established system of class relationships.

(16) In the light of Laski's definition of the state as it ought to be it might be argued that it was as legitimate a purpose to maintain political democracy as to maintain the capitalistic system. His argument throughout however is that the state, as it is, exists to maintain
It is certainly true, Laski asserts, that men should accept the assumptions of democratic government, but we are faced with the fact that they do not always accept these assumptions. In the case of Italy, Germany and Austria there was an erosion of belief in democracy co-incident with a crisis in capitalism. If it is argued that political democracy has broken down only in countries where democratic institutions have not been firmly established we are faced with the fact that there has been a decline of faith in a democracy and a curtailment of liberty even in Great Britain. Great Britain has never seen a conflict between the assumptions of democracy and those of capitalism. In Great Britain, with the growth of the socialist party, there has been a growing tendency of conservatives to question the basic assumptions of the constitution. If the owners of the instruments of production would accept the postulates of democracy, there is no doubt that a change in class relationships could be accomplished peacefully. Only the most optimistic person however, would assume that the group of owners will accept these postulates.

Professor Gregory, the English economist, Laski declares, is such an optimist. He puts forward three the class relationships pre-supposed in the capitalistic system.
arguments in defence of the proposition that there is no identity between capitalism and fascism. Gregory said in the first place that fascism is authoritarian and that the essence of capitalism is freedom. He held further that the program of the National Socialist party of Germany has more in common with the program of the Russian Communists than either has with the capitalistic theory. Finally, he contended that, if capitalism is breaking down, we should look for its breakdown in countries where it is fully developed. He made the revealing statement that if a "snatch" labor majority attempted to turn the country's economic institutions upside down, there might be resistance. In answer to the first contention, Laski declares that, while fascism is authoritarian, it uses its authority to support the capitalist system. In answer to the second point, regarding the identity of fascist and socialist creeds, Laski argues that Hitler used the verbal slogans of socialism in order to deceive his prospective followers. In answer to the third proposition, regarding the breakdown of capitalism, he asserts

(17) Laski has elsewhere pointed out that capitalism is to be understood in terms of the way it works rather than in terms of a pure theory which never applied strictly to any state of affairs. Its fundamental characteristic he assumes to be the system of class relationships which it presupposes.
that the test of a system is everywhere the same, and that there is plenty of evidence to show that capitalism is in a state of break-down both in Great Britain and in the United States. Regarding Professor Gregory's attitude to a labor victory, Laski claims that it is a good illustration of his own thesis that an attempt at socialism would be resisted by the owners of the instruments of production. An electoral victory always appears to be "snatched", to the defeated party. This would be particularly true of the capitalist attitude to a labor victory, and would indicate the capitalist's tendency to refuse to take such an electoral victory seriously, and to resort to force.

Turning his attention to the historical improvement of the conditions of the non-possessing class, Laski examines what has been called the "melioristic view" of social changes. History has been held to be the record of changes made by men pursuing ideals. It has been pointed out that the state has invaded, on the community's behalf, the sphere of private enterprise. Laski replies to this view, by saying that it does not explain why men's ideas of social justice should vary from age to age, and by stressing the fact that the gains which have been made have been made

(17) Regardless of Laski's admission of pluralism in the causation of history, he seems at this point to reject the possibility of any development of ethical ideas independently of economic environment.
have been made because men fought for them. He explains that growth of social conscience, which others have held to be the cause of social improvements, in terms of a changed idea of established expectation resulting from the class struggle. The class struggle permeates legal ideas at every important point. The law provides a good illustration of the way in which a principle of universality is narrowed in application to the support of a particular section of society. The attitude of British Courts in trade union cases cannot be understood except as an expression of the belief that trade unions are organizations threatening the stability of society. The cost of court action still gives an unequal advantage to the wealthy and in such action the phrase "Equality before the law" is practically meaningless. While not challenging the sincerity of either lawyer or legal system, Laski points out that judges are drawn from the legal professions and that a lawyer who has spent his life ministering to the dominant class of society is not likely to make an unbiased judge of any dispute between that class and the class which it dominates. Liberal thinkers have argued that the modern state is a "rechtstaat", but this is a purely conceptual notion and belongs to the category of essence and not of reality. The functioning of Law is never impartial in a sense that it is above the battle. It is always of a texture with the society in which it is
found. The courts rather than being agencies of impartial judgement are the instruments of a great battle.

Laski declares that a successful denial of his theory must show that the present phase of class relationships is no hindrance to the full use of the productive power of society. In attempting this denial one school interprets the depression as a result of the failure to act upon the principles implied in capitalism. Laski answers that this argument is defective because of its completely abstract character. It postulates an ideal kind of capitalism which has never existed at any time in our generation.

Another group of the defenders of the capitalist system point to the growth of new forms of association in which the small private owner of property becomes a capitalist in a small way by being a debenture-holder. It argues that this tendency, coupled with an extension of the state-regulation of economic affairs, will lead to a new phase of economic well-being. Laski, however, asserts that this point of view makes the erroneous assumption that the state is neutral in the class struggle. It assumes that the inherent logic of the capitalist system's desire for profit can be mitigated by ethical considerations. It hopes to find a middle way between capitalism and socialism, a hope which Laski regards as vain. Laski stresses the fact that no solution short of a change in the class relationships of society
will meet the situation. Men whose expectations of material benefit from the productive process are continually disappointed will invariably seek to change the basis of those relationships.

The implications of his position are revolutionary. Capitalism is in a period of crisis, and the only way it can maintain itself is by developing some ideology capable of reconciling men to the results of its system. Fascism is such an ideology, but, fascist theory is nothing more than an "ill-sorted rag bag of remanats of various philosophies. The ideology of fascism is not very successful in hiding the fact that the state uses its coercive power to maintain the existing system of class relations. Fascism does make a change in the form of the state, but this involves little more than the substitution of naked dictatorship for parliamentary democracy. There is nothing new about this substitution, for "the use of force to repress oppression to government is as old a technique as anything in the history of the world.  

Summing up his conclusions as to the nature of the state in the real world, Laski sets forward a number of negative considerations. The state is not above classes, and its first aim is not the fulfillment of its

citizens' possibilities as moral beings. It does not maintain law and order for the sake of a moral purpose. "It is a supreme coercive power used to protect the consequences inherent in the postulates of any given society". Should the postulates of this society be capitalist the state will maintain this capitalist system. It also follows that any group which wishes to change the economic bases of society must capture the state, using force if necessary. In a modern world such a capture of state power will depend for its success on the attitude of the army. This proposition, of course, is true in both a capitalist and a communist state, for any state requires that its armed forces should be loyal to it and not open to any passing disaffection.

The meaning of the Marxist argument that the development of a classless society will involve the withering away of the state rests upon the fact that the state as we know it has always had the function of preserving a particular class-society. If the instruments of production were owned in common, the state power would then protect the interests of the whole society and not merely of one particular class in it. While some common administrative ordering would still be necessary, a supreme coercive

power would not have the function of maintaining the interest of a single class. Unlike the state in a socialist society, the state in a society where property is privately owned must always be biased in favour of the owners of the property.

Any attempt to change the foundations of the social structure is an adventure of a special kind. It is quite clear that in a dictatorship the method must be revolutionary, but the situation is different in a democracy for there it may be possible to transform "dissent" into "orthodoxy" by a process of education. In spite of this possibility, the scales in a capitalist democracy, are weighted against the reformer. While the argument which insists upon the use of slow-moving constitutional methods is one of expediency rather than moral right, it is true that the methods of constitutionalism are more profound than the methods of revolution.

In considering the relative merits of constitutional and revolutionary change the opinions of those who feel that constitutionalism is inadequate is at least as valid as those who accept it. The fact that the owners of property

(20) In saying that the method by which change is attempted is a question of expediency rather than moral right, Laski seems to take an unusually formalistic view of ethics. From what he has already said one would expect him to take the more empirical view that a method which had more "profound" results would therefore be morally better.
rarely yield except when they have to, is a strong argument for the position that revolution is necessary. On the other hand, says Laski, it must be remembered that a "democratic constitution", is always a living thing which depends as much, perhaps more, upon the spirit in which it is applied as upon which it rests. There is however a great deal of evidence to suggest that every propertied class has been willing to sacrifice the spirit of the constitution to its own private interest in the "status quo". The observance of a constitutional rule rests upon a certain identity between those who made the constitution and the class which holds power through it. The evolution of the democratic method has been long and difficult when any class threatens or attempts "constitutional sabotage", it is threatening the democratic process, a process through which most of the gains of civilized life have been made.

3. THE STATE AND THE INTERNATIONAL COMMUNITY.

Every state is involved in a network of international relationships, and a complete theory of the


(22) This seems like very high praise for the democratic process. He may be thinking of it in a broad sense as including the basic economic processes.
state must give some account of this international community. Building itself upon postulates which fit the world we know, a theory must "explain why states should regard themselves as bound by the rules of international intercourse." Traditional theories of international law have given a central place to the conception of the sovereign state. This has made the establishment of international law a difficult task, for the state can never, as a sovereign state be bound against its will. As a result of this, the ultimate arbiter of international disputes is victory in war. The idea of state sovereignty may rest upon the purely formal basis that all rules of international law are derived from customs and treatise that represent the wills of the state.

The philosophical theory of sovereignty has had the effect of justifying the formal view of international law, by arguing that the state is the ultimate moral value, which cannot be transcended. That is, the state stands above international law. It is impossible on this basis to conceive of an international order of which the states are nothing more than constituent parts. Once it is agreed that the state is sovereign, it follows that no state can agree to limitations which are incompatible with its own self interest. The formal, or positive doctrine of international law, in

assuming that states are bound by international law regardless of whether they will or not, conflicts with the notion of state sovereignty. Neither the postulates of an international legal order, nor the idea of the Permanent Court of International Justice, nor the practice of international tribunals, is compatible with the notion of state sovereignty.

Going on to outline to him what seems to be a more realistic view of international law, Laski declares that we must start with the conception of an international community in which the state has the status of a province. He declares that the sovereign state and the maintenance of civilization are irreconcilable. He claims, however, that modern writers have been unduly optimistic in assuming the possibility of a genuine international order in which the component states retained their present internal structure. All peace proposals of our time seem to be signed with the reservation that each signatory state shall be its own judge. Every attempt to make the use of war and impossible instrument of state policy is faced with a grave difficulty, for every move to limit sovereignty seems to be checked at some pivotal point. Laski finds that the reason for this unwillingness to give up state sovereignty lies in the fact that every state exists in order to maintain some system of class-relations. Regardless of the professed purposes for which nations
have gone to war, an examination of the factors leading to war always reveals that the dominant class of the belligerent state stands to gain some tangible economic good. This proposition stands regardless of the fact that the immediate causes of war may not be obviously economic ones. Laski sums up his view by saying that the capitalist society needs to remain sovereign in order that the interests of capitalism may be protected, even by war if it is necessary. It follows that the present class structure of the state and an effective world order are incompatible.

Laski's analysis is opposed by the upholders of capitalism. He points out that Professor Gregory argued that the nineteenth century was an era of capitalist supremacy and also was a century comparatively free from war. Gregory also asserted that there were many wars before the beginnings of capitalism in the middle of the eighteenth century. Laski replies to Gregory by declaring that Gregory has in mind only the pure theory of capitalism. We must, however, define capitalism in terms of the actions of capitalists, and it is clear that the capitalism we know has always sought the protection of the state. Gregory seems to have implied that capitalism means only the assumption of "laissez-faire" economy in its classical period. In this way, he disregarded the actual workings of capitalism, for by definition, wherever there is any form
of state-intervention, the system is not capitalistic. Laski insists that this ideal form of capitalism never existed except in a partially realized form for a very short time in the nineteenth century. Even in wars which occurred before the nineteenth century, that is, in the wars of dynasties and religions, there was always present a search by the state for economic power. The danger from war is increased today by the improvement of the state's administrative technique and by the association of national feeling with statehood. These dangers, contrary to the view of the protagonists of capitalism, are directly associated with the attempt of the owners of the means of production to use the machinery of the state in the interests of their private profit. Laski sums up his attitude to imperialism in the following words:

Now what the state is in its internal, that, also in my view, it is in the external relations. Exactly as it uses its force to protect the interests of the capitalists at home, so it uses force to protect his interest abroad."

If the state surrendered its sovereignty, as a system like that of the League of Nations implies that it should, the interests of capitalism would be jeopardized. In our day we find a situation in which more capital is accumulated than can be profitably invested at home, and capitalists look abroad for a place of profitable investment. The root fact lying behind this movement of

capital is the existence of an unequal society at home. Were there a higher wage level at home, domestic demand for commodities would create a demand for the investment of capital. The risks of foreign investment, furthermore, require the guarantee of military security and even in some cases, military occupation of the country in which the capital is invested. It is interesting to note, also, that economic imperialism is an occupied country, as for example, in India, provides a number of financially adequate careers in the civil service for some of the middle and upper classes of the investing countries.

The entrance of the far east into the field of economic competition has created new problems for western industrial nations. The growing nationalism of these countries results in protective tariffs which in turn cause unemployment in the western nations that formerly supplied them with manufactured commodities. The defeated competitor is faced either with unemployment or with intervention on its behalf by the state power. This latter threat of force leads the new competitor of the east to take steps in the direction of its own defence by both military and economic measures. The resulting "autarchy" prevents the free flow of international trade and the whole economic machine "gets out of gear". The profits of foreign investment in the latter part of the
nineteenth century led to the state's attempt to protect investments by increasing armaments, by making alliances and by following the politics of prestige. The politics of prestige, of course, means nothing more than a capitalist's power to call upon his state for protection of his investment, for attack on the capitalist's interest comes to be represented as an attack on the national honor. No system of international relations is possible under the present economic system if it defies the sovereignty of the state. The League of Nations has failed because the states united in it had to retain their sovereignty in order to protect the interests of their capitalist masters. The failure of the international system of arbitration rapidly leads to war. Laski declares: "The postulates of the imperialist phase of capitalist development necessarily involves war; and—-an effective international order is"a priori" incompatible with it." 24

Laski proceeds to illustrate his thesis from the events of the post war era. He points out that fascist and semi-fascist states are all searching for colonial markets. Policies, like the policies of Germany and Japan, and Italy, are determined by their internal

condition, and these policies ultimately lead to war. Capitalism must find a place to expand if it is to avoid disaster. The development of economic nationalism in Great Britain illustrates the way the internal economic situation determines state policy. Great Britain was the first country to industrialize in the industrial revolution. At a time when she depended on the export of her manufactured goods for her existence, it was economic suicide to exclude the economic products of other countries. With the loss of export trade that resulted from the industrialization of other nations, the country was driven to sacrifice her free trade policy. It is interesting to note that men accepted this new position with scarcely an argument, for the logic of the economic situation at the time compelled them to accept the revision of trade policy. Economists have agreed upon policies such as a world monetary system and international accord regarding the practice of dumping commodities, but it is impossible to apply these suggestions within the framework of the competitive capitalist structure, for the simple reason that the property interests will not make the necessary sacrifice.

It is obvious that the international situation demands the subjection of each individual state to the common good, but also that this subjection is impossible so long as state policy exists to preserve and extend the power of vested interests. We are faced with the fact
that in the long run, disarmament and the present deconomic system are incompatible. This incompatability expresses the contradiction inherent in the external relations of the modern state, For in order to maintain its sovereignty the state must deny the preced nts of reason. "Organized privelege" appeals from reason to passion in order to defend its interests, since, when reason threatens the institutional foundations of privelege, either reason or the foundations of privelege must be sacrificed. Laski declares that the record of history leads one to believe that it is reason which is sacrificed first. The trouble with the approach of the League of Nations to world peace is that it is such an Abstract "reasoned" approach, and that it does not recognize the vital contradiction between the reasonable economic order which is struggling to emerge and the political order which stands in the way of its emergence.

Laski affirms that "The highroad to an effective international order lies through the reconstruction of the class-relations of modern society." 25. It is only in a socialist society that life can be planned in a coherent way. Some have said that it is impossible to change the class relations of society without first

an effective international order. This argument, however, assumes that a genuine international order is possible within the framework of the existing economic system. The task of the sincere advocate of international peace is to seek the transformation of capitalist society. Such transformation only can make possible the abandonment of state sovereignty, and it alone can lead to due respect for the interests of the international community. "A world order of socialist societies, by the logic of its equal interest in the result of planning, is able to approach their solution with a real determination that reason shall prevail". It is obvious, of course, that socialism and economic imperialism are contradictory ideas. Economic imperialism is possible only by virtue of expensive military power, and this has been the chief barrier of internal social reform. Imperialism has tended to take the mind of the people off domestic problems, and has always moved out of the realm of popular control. In colonial matters, for example, it is necessary to have a continuous and consistent system of administration, and a socialist government which did not accept the presuppositions of imperialism would be compelled by the logic of its own nature, to contemplate the end of imperialism. The reverse of course, is also true, and imperial interests readily question the assumption of social democracy.

Imperialism requires militarism to protect its foreign conquests. The preservation of these conquests tend to fall outside the sphere of democratic control. The application of democracy calls out an imperialist reaction which challenges democracy and sets up autocracy. As the aims of imperialism extend themselves, a clash with competing imperialism results and the whole atmosphere of international relations is poisoned. Defenders of the existing system do not give sufficient weight to the practical considerations involved in international relations, and they place reliance upon such vague conditions as the good faith of statesmen, 'good faith' implies reliance upon reason, whereas, the conditions in which statesmen have to make their decisions are not conditions conducive to the use of reason. The scope of reason in its influence upon practical affairs is limited by the purposes of class-society. The place that is given to reason in practice is always justified by the passion with which men seek their objects which they use to justify. It is not so much that they deliberately turn their back on the use of reason, but that they live in a society which makes thoughtful planning impossible.

4. THE OUTLOOK FOR OUR GENERATION.

An external view of every state sees

(27) Written in 1934.
it is an association of persons seeking a common purpose, sharing a common tradition, enjoying social services, using its law courts and acting in its legislative assembly. This, Laski contends, is an obvious conclusion, but a wholly mistaken one. The unity of society is not one of consent but of coercion, and the essential feature of the state is its purpose, not to attain the common welfare, but to maintain a system of class relationships. The end of the legal system is to maintain principles which secure the predominance of the owners of the instruments of production. Social legislation, rather than being the expression of an enlightened social conscience, is the price the owners of property pay for their predominance. While Laski admits that this is an unduly simplified statement, he claims that it emphasizes the essential features of the modern state. It also suggests the fact that change in the class structure of society cannot be accomplished without revolution. The change from feudalism to bourgeois society was not accomplished without the use of violence. It was only the happy condition of the nineteenth century which led to the liberal atmosphere of tolerance and the union of capitalism and democracy. The union of capitalism and democracy must be regarded as essentially an accident made possible by a period of expanding economy. The outstanding feature of present day political life is the inherent contradiction between capitalism and democracy. It becomes apparent that capitalism in a time of distress is unable to accept the luxury of a liberal policy, and as political democracy is seen to be the enemy of capitalism, dissatis-
faction with the implication of democracy grows. We face a battle between the forces of democracy and the forces of capitalism for the possession of the state power.

In none of the countries where political democracy is enthroned can the state make a pretence of impartiality. In Great Britain, for example, Mr. Asquith in 1909 warned the electorate that the attitude of the House of Lords was nothing short of revolutionary. While the owners of property are not willing to share the benefits of prosperity with the masses it is quite clear that they will allow no infringement upon their legal privileges. The situation is characteristic of both Great Britain and the United States, and it expresses the danger present in a situation where it seems necessary to go beyond the postulates of capitalism. Marx predicted the intensification of conflict which inevitably takes place in the capitalist system as capital becomes more concentrated in the hands of a few, and as workers are left unemployed. It is not a moral condemnation of the capitalists, that they thus intensify the conflict by their inability to accept the postulates of socialism, for their attitude is born of the situation in which they find themselves. We have to remember, Laski goes on, how great are the benefits which the owning class receives from its privileged position. In the light of their favored position, and in
the light of the fact that their opponents cannot even expect the sanction of religion, it is too much to hope that the possessors of property can be persuaded to surrender their position without fighting for it.

If it is argued that the program of reform has numbers on its side, a number of difficulties must be taken into account of. First of all, there is little assurance that a large majority would be allowed to have its way, for the democratic process would be likely to be abrogated by its opponents. Even if a socialist government were put into office in a country having the form of a political democracy, it would be faced with a serious difficulty, for if it proceeded slowly, it would irritate its opponents, without attracting its supporters; while if it proceeded rapidly it would likely meet with armed resistance. At the time when Marx and Engels published their "manifesto", it was easy to treat the lower middle class as relatively unimportant. Economic development since their time, however, has complicated the situation by the "Embourgeoisement" of a large part of the working class. There have developed large groups of employees who are little susceptible to unionization and who along with large numbers of unemployed, prove very receptive to fascist ideas. The actual situation is thus one in which the working class itself is divided. While the alliance of "grande and petite bourgeoisie" is not lasting, the division is
great enough to permit the owners of capital to gain control. The psychological affiliations of the "petite bourgeoisie" are likely in the first place to be with capitalism and unless the workers can win this group's allegiance, it is not likely to be able to conquer the state constitutionally. If, on the other hand, the working class attempts a military conquest it is likely to do nothing more than antagonize this middle group. A military attempt upon the state without the support of the army is likely to end in failure with the resulting abrogation of democratic institutions. With the development of fascism, the "petite bourgeoisie" will be pushed to the side of the working class, for their interests will be subordinated in a fascist state, to the interests of large-scale capital. In these circumstances, granted effective leadership, there is the possibility of a proletarian victory.

The foregoing analysis has not considered the possibility of war. There is considerable hope, Laski says, that defeat in war would lead the way to successful revolution, for in such a situation the morals of the army would be broken and the civil authority would be unable to maintain control. The relative possibility of victory in such a situation may be illustrated by the history of Russia and Germany. In the Russian revolution the Bolsheviks consolidated their seizure of power by
overthrowing the legal principles of the church which they conquered. The leaders of the German revolution in 1918 and 1919, however, seemed quite unprepared to deal with the situation that confronted them. Rather than being leaders of the masses they had to be pushed by the latter at every point. The history of the Weimar Republic is a history of a socialist government which was so anxious to win the good-will of its enemies that it neglected its friends. The opportunity for establishing a vigorous socialist state was never taken, and it is safe to say that German democracy was defeated long before the seizure of power by Hitler in 1933.

It is not easy to overemphasize the importance of the "favourable moment" to successful revolution. The forces in society are always dynamic and it is only the pressure of climatic events which enables the working class to realize their basic unity. The proletarian in comparatively Anglo-Saxon countries still has a comparatively high standard of living and still has great faith in the democratic process. "The tradition of the workers with the millionaire's baton in his knapsack" still exercises such a great influence in America that

only a serious catastrophe could produce a change of outlook. A successful revolution depends upon the support of the masses. It is apparent that as this support is lacking in both England and America, and as the working class in these countries has a profound faith in democracy, the strategy of those who wish to change the class structure lies in the fullest use of the existing constitutional opportunities. Any other policy would be disastrous. Even if the working class were united it would have no access to the arms necessary for successful revolution, except through the state power itself. Furthermore, if it is true that a constitutional victory would prove illusory, the best way of showing it illusory would be to gain that victory.

The effort of Communist revolutionaries to secure a united front during post war years has proved, Laski asserts, a definite failure. The success of the Russian revolution produced an excessive optimism, which in part was responsible for communist hostility to social democracy. This was expressed in the famous theory that social democracy was equivalent to social fascism. The fact of the matter is, Laski urges, that all that can be said against such democracy is "that its zeal for legality weakens the chance of using those whom it influences for revolutionary purposes."

On the other hand, the social democratic parties provide means of control over the masses who are not yet willing to follow revolutionary leaderships. The error of Communist policy is clearly revealed by the German experience. There the Communist party acting on the assumption that social democracy was social fascism, attacked the Social Democratic party with a vigor as great as the vigor of the attack on Capitalism itself. The Communist analysis was false and the Communist action had the effect of making a united front impossible. Under fascism the protective working class institutions, which exist in capitalist democracy, are destroyed. With these institutions gone, the revolutionary party must wait for some crisis in the state such as defeat in war, before it has any chance to seize power. It seems clear that, unless the organization of the state has broken down, the effective strategy of the working class is to maintain their institutions, to work for unity, and wait for the psychological moment to strike.

In our time the conditions of change are present but there is danger that they will not be utilized because of the disunity of method of those who seek change. The potentialities of production are not fully utilized, our literature has a critical temper, our governing classes lack confidence in themselves and we have discovered
that the masses will not accept inequality as justice. The privilege classes can only maintain their authority by force or consent. They can maintain it by consent only when they offer those excluded from privilege the hope of continuously improving their standing. This improvement is possible in an expanding economy but not in such an economy as that of the present day. The working class grows discontented and fear pervades the ranks of the upper class. The working class can only be satisfied by grants whose extent strikes at the power of the privileged class, and society is confronted with the dilemma of either moving forward to a true commonwealth or moving backward "to a social order in which the mass of men is no longer entitled, as in the theory of political democracy, to affirm its own essence." In this dilemma, the owners of property call upon the powers of the state for protection, believing that this is their right, and not recognizing the seriousness of the situation. To the owners of capital the well-being of the societies which they control seem to be threatened. Their possession of the State-power enable them to arrest the leaders of the strikes; to control the press, which they largely own,

and in other ways to prevent adverse criticism of their social order.

There are two conditions in such a situation which give a challenge to the "status quo" a possibility of success. One of these conditions is present after an unsuccessful war when the prestige of the state is undermined. The other condition is present when "Tyranny violates expectation so deep seated that the state cannot rely upon the traditional loyalty of the instruments upon which it depends." Apart from these conditions, the government which is determined to maintain the power of the state, is able to do so. The controlling class will reform only when reform does not challenge what it regards as essential; and Laski insists, the holders of economic power will seek to suppress democracy if democracy challenges the foundations of capitalism. The outcome of unsuccessful war need not be democracy or proletarian dictatorship for neither are necessary results of social revolution. They depend not merely upon special economic conditions but also upon the leadership of great men.

The implication of his analysis, Laski maintains, is that successful revolution is seldom possible in the modern state. While it is improbable that the class structure of society can be changed by the classical...

technique of democracy, it is essential that the constitutional order should be preserved as long as possible. Since liberty itself depends upon security, those who are seeking change must pay the price of liberty by refraining from threatening the property class until the propertied class are reconciled to the new social order. While this means the postponement of improvement in the condition of the worker there is everything to be said against the type of confiscation which might provoke a possessing class to conflict. Laski believes that we must anticipate an epoch in which liberty is at a discount. A new barbarism has already made its appearance in a large area of the world and we may expect that the rulers of the Western states will use methods of government which historically have been associated with only oriental despots. At such a time, when ideas are armed for conflict, there is little chance that reason will be heard. Those will conquer who have the weapons on their side.

Men do not fight for the power of their class from wantonness or insincerity but because their ideas of good or evil are conditioned by their environment. The dominant feature of their environment is the habitual class relationships which they know. This is why the power of the state has always been used to exclude one class from a privilege which the state secures for another.
5. CRITICISM

We may conclude this exposition of Laski's theory of the state by considering two possible criticisms, both of which are related to his economic interpretations of history. We shall mention in the first place, the relation between his admission of a pluralism or causal factors in the determination of history, and the actual account he gives of the forces at work in society. In the second place we shall relate Laski's analysis of the state to what Hobhouse calls the tendency to make "confident predictions" which themselves subsequently influence the society which is the subject of consideration.

Laski makes his position regarding the causal forces of history plain in the following words:

"It is no part of my ease to agree, either, that all historical change is necessarily determined by the economic factors whose significance I have been discussing; I argue only that the economic factor is the predominant element in that determination. I fully admit the influence of personality, tradition, logic, as factors in the making of change." 32.

He clarifies his interpretation further by saying: "But the admission of pluralism in historical causation is not the same thing as a denial of the economic factor."

(32) Laski. Op. cit. p. 120.

(33) Ibid. p. 121.
Laski maintains this broad position rather consistently through his analysis by frequently interpolating qualifying statements. He says, for example "nothing in this analysis assumes that non-economic factors have contributed to the growth of the fascist doctrines in Germany".

On the other hand his argument seems to assume a rigorous identity between the ideas men hold and their position in the class structure of society. He says, for example: "The inability of capitalists to accept postulates different from their own is born of the situation in which they find themselves". The context of this assertion is the statement that the inability of one class to take the point of view of another class cannot be used as a basis for moral condemnation. He then goes on to elaborate what the capitalist's privileged position means to them in terms of material and cultural advantages of life. One feels that if there is no ground for moral condemnation in such a situation, then environment must condition a person's ideas and value-judgments so completely that there is no basis for morality at all. While Laski theoretically accepts the pluralist position the emphasis of his interpretation consistently tends to deny it.


(35) Ibid. p. 280.
The importance of the economic factor in the determination of social affairs deserves something of the emphasis which Laski gives it. The difficulty of social analysis arises from the fact that all the forces are interrelated in such a way that an apparently unimportant factor may have gigantic effects. Laski recognizes this quite clearly and indicates it is his interpretation of the position of Lenin in the Russian Revolution. The credibility of the economic interpretation lies in the fact that every social situation is also an economic situation. An investigator, who observes the fact that the economic factor is operative in every situation which he seeks to explain, is tempted to take the view that the economic factor is the causal factor. It might be safe to make the generalization that the more conflict there is in the economic field, the greater is the likelihood that men will be determined by their ideas and behaviour by economic situations. This means simply that where men are engaged in a conflict of classes, their whole life will be influenced by their relation to the struggle. In a society where there was no economic conflict men would be freer to shape their lives in the light of quite different forces.

Laski's book "The State in Theory and Practice" must be regarded as an element in the struggle it describes. The fact that it is polemical in and
attempts to influence social affairs does not, of course, necessarily imply that the analysis it contains is incorrect. It does suggest, however, that weight will likely be given to those doctrines which favour its bias. It has the character of that type of study which Hobhouse condemned as influencing the society it describes. There is, throughout, that union of judgements of fact with judgements of value which adds to its interest but mars its impartiality.

(36) This same criticism could, of course be applied to all the books we have discussed.
CHAPTER IX

AN EVALUATION OF THE SOCIAL CONTRACT THEORY

OF POLITICAL OBLIGATION.
CHAPTER IX. AN EVALUATION OF THE SOCIAL CONTRACT
THEORY OF POLITICAL OBLIGATION.

1. THE AIM OF THE EVALUATION.

In the preceding chapters of this thesis we have first of all set forth the views of the more important writers who have held the social contract theory or been significantly influenced by it. In addition we have analyzed the views of four modern writers whose theories have provided a larger context which have served to reveal a number of weaknesses in the earlier theory. In the following chapter we shall outline and estimate the validity of the social contract theory.

The work of Hobbes, Locke, Spinoza and Rousseau will be evaluated under five general headings which embody the essential features of the social contract theory. We shall consider, first, the theory of the nature of the individual implied in the political philosophies of these writers. It will be seen that their conception of the individual is intimately related to the ideas of the "state of nature", "natural right" and "natural law". These three views will be considered, secondly, in the treatment of the concept "natural". We shall criticize in
the third place, the relevance and irrelevance of the concept of contract to a theory of political obligation. The consideration of the notion of contract leads to the fourth topic which is an investigation of the source and residence of political authority. We shall seek in the fifth and concluding section to evaluate and supplement the theory of political obligation implied in the social contract philosophy. A consideration of this latter topic will lead us to make a radical departure from the doctrines of the seventeenth and eighteenth century writers. Central in the theory we shall put forward will be the idea of an ongoing evolutionary process. This process we shall not interpret as an inevitable development but rather as a possibility which may, or may not, be fulfilled depending upon the use mankind as a whole makes of its capacities for growth.

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2. THE CONCEPT OF THE INDIVIDUAL IN THE SOCIAL CONTRACT THEORY.

Every political philosophy assumes, either explicitly or implicitly, some theory as to the nature of the individual. While we may not agree with the psychology of Hobbes, his method was above reproach for he proceeded to develop his theory of the state by first
defining the material with which the state was to be constructed. Other writers have proceeded without this preliminary definition but they have nevertheless embodied in their completed theory some theory of the individual. It was Laski's contention that every writer develop his theory in the light of certain basic presuppositions from which he starts. These presuppositions are, Locke argued the reflection of the author's environment. It was for that reason, he said, that Hobbes who lived in a revolutionary era, assumed that the basic tendency of human nature was the tendency to strife, and as a result devised a system of government in which the authority of the state was absolute. If the psychological assumptions of an author are as important as Laski suggested, it is incumbent upon us that we should know what, and how true those assumptions are. It does not follow that a mature political philosophy must embody a detailed psychology, for the details of such a system may be quite irrelevant to the purposes of such a philosophy. Many of the psychological speculations of Hobbes, or of a system such as Physiological Behaviourism, have no direct bearing upon political matters at all. On the other hand, we cannot proceed without making some assumptions as to the primary characteristics of human nature. From the point of view of political philosophy, we must have some theory which will enable
us to predict the response of an individual in a given situation. A political theorist who has no knowledge of the common expectations of people, who has in short, no knowledge of the relationship between behaviour and environment, is quite unfitted for his task. It is significant that the writers who held the social contract theory all had very definite ideas as to the nature of the personality. These we shall now examine.

A striking feature of the theories of Hobbes, Locke and Rousseau was their emphasis on the fundamental similarity of all men. Hobbes went so far as to say that all men had an equal mental endowment. He used the rather specious argument that the truth of this contention was shown by the fact that everyone was satisfied with his own share of intellectual capacity. Locke insisted, in asserting that no man should harm another, that all men were equal and independent. Rousseau, who made no specific statement regarding the quality of men, implied in a number of places that they were equal. He could not have assumed for example, that the ideal form of government was an assembly in which every citizen had an equal place, if he had not believed that men were, for the most part, equal. He did not, of course, go as far as Hobbes in his assertion of equality, for he definitely recognized the place of genius in political
affairs. His legislator was not to be a man of such superior capacity that he would not only know all the passions of men and never experience them himself, but also know men so thoroughly that he could establish rules of government which would be eternally valid. Spinoza, who did not hold the social contract theory of government, differed from these other writers by insisting that only one or two men in a hundred deserved to be called "excellent." He seems to have felt that there was a sort of gradation from the best men to the worst. While he was thinking of "best" and "worst" in terms of ability to rule, his point of view would be more acceptable in the twentieth century than Hobbes assertion of equal mental capacity. If any reliance is to be placed on the modern "intelligence" test, and there is a good deal of evidence to show that it does succeed in establishing a basis of comparison between individuals, we must conclude that Hobbes and Locke were in error in their assertion of equality. "he remark may be interpolated at this point that "equality" is a decidedly ambiguous word. We do not say anything here about equal rights, or equality before the law, but would simply point out that individuals differ and that they do not have equal abilities as Hobbes and Locke seem to have implied.

Somewhat closely connected to the
notion of equality is the ideal of the rationality of human nature. The seventeenth and eighteenth century writers have been rather unjustly accused of giving too large a place to reason. To some extent, of course, the accusation does have ground. The writers we have considered were among the thinking men of their day and they lived moreover, in a period which was outstanding for its extension of knowledge in such peculiarly rationalistic fields as mathematics, physics and philosophy. It is an inevitable tendency of human thought to interpret the subject matter under consideration in terms of what is known. The writers we are discussing may have tended to generalize their own experience and to have attributed a rationality to mankind as a whole which rightly was only applicable to a certain limited fraction of men. If that was their method we must give them credit for having sufficient insight to have generalized the emotions and "blind desires" which they also found to be part of their experiences. Locke was the least successful in this regard and we may attribute the fact that he tended to ignore the un-social passions of men to his desire to establish the principle that men were capable of governing themselves. Hobbes, Spinoza and Rousseau go to great lengths to show that men are more than emotionless thinking machines. Even Hobbes, who emphasized that man's mind was a kind of human comptometer stressed also the fact that great care had to be taken lest the passions
should enter and distort the clear and distinct chain of thought. Spinoza, especially, warned that men were more led by blind desire than they were by the use of reason. Indeed that rare type of life in which man was led by reason was blessedness itself.

Another concept which assumed important proportions as a working idea in the political philosophy of the social contract writers was the conception of power. Hobbes argued that the primary human desire was the desire for power. It was that desire which set men continuously at war with one another and made life a hazardous adventure. It was Hobbes' view of the overmastering desire for power that led him to declare that the only feasible form of government was one in which a sovereign held absolute sway over citizens whom he had beaten into submission. In Spinoza's philosophy the concept of power achieved cosmic proportions. Not only was it an all pervading characteristic of the natural world but it was also the basis of right and the reason why men combined to form the state. Locke recognized how governments became corrupt when no check was placed upon their power, and, accordingly, he devised a system in which the people could depose their government if at any time it ceased to do their will. Rousseau began his thesis with the avowed purpose of finding a system in which the power exercised over the individual by the
state might be made legitimate. We must give these writers credit for their discovery, in their observation of society, of the importance of this human trait. It is doubtful if any other concept provides a more penetrating instrument with which to analyze behaviour in western civilization. The basic desire for power lies deeply seated in the human personality resting, it seems, on the basic distinction between oneself and others. As a form of motivation in our society the desire for power is more important than the desire for material well being; material well being, in fact, is but one phase of man's egocentric desire for power.

Related to the desire for power is the desire for self-preservation. This desire, has been held, by a great many writers to be the primary desire of all life. One feels, however, that in giving the desire for self-preservation this important place writers have taken a concept, logically more important, and referred its logical importance to a biological state of affairs. It seems obvious enough that, because a person could not live without the preservation of his life, the desire to preserve himself should have first place. If one considers the willingness of men to embark upon comparatively dangerous tasks from which there is only a comparatively minor chance of returning alive, one is forced to conclude that
the desire for self-preservation does not play quite the role which theorists have given it. If the motive is as powerful as they have said, how could we explain such behaviour as is readily observable in war time when men follow a leader to almost certain death? This latter fact, moreover is adequately explainable in other terms, for instance, that, a man is unwilling to break away from a closely knit group to which he belongs. It is readily understood why a psychologist or a philosopher would give an important place to the motive of self-preservation, for he, in the nature of the case, has analyzed his motives and become self-conscious about his loyalties. He possibly sees the connection between his immediate desires, such as willingness to be one of a group and the consequence of that desire. Knowing that there can be the satisfaction of no other desires, if he is dead, the thoughtful man emphasizes the importance of self-preservation. Of course, all men are thoughtful in some degree but we still must hold that Hobbes, Locke, Spinoza and Rousseau were making logical rather than psychological observations, in asserting the primacy of the motive of self-preservation.

The emphasis given to the independence of the individual by the social contract theorists seems excessive in the light of modern sociological study. Hobbes presented a psychology which could be almost as well applied
to a man living on a desert island as to a man living on
a desert island as to a man making his home among other men. It was, indeed the fallacy of the concept of the state of
to a man living on a desert island as to a man making his home among other men. It was, indeed the fallacy of the concept of the state of
nature, to presuppose that men could live as men apart from
a society of human beings. Although there is a social
basis for strife and envy, in so far as they depend
upon competition with other individuals, Hobbes theory was
dominated by man as an independent being having no essential
relationships with other persons. Even in the highly
centralized state which he outlined the relationships
between individuals were of a negative type. He did not
consider that anything was added to the personality of the
individual through his participation in society. A man was,
of course, freed from the state of continuous war, but that
freedom did not make any important change in what Hobbes
called"the internal beginnings of voluntary motions", or
the passions.

It was somewhat different with other
writers. Spinoza, for example, saw in the combination of
men in political society the establishment of a condition
without which there could be no effective development of
the mind. On the other hand, the stress he placed upon the
nature of man as a centre of a quantity of power; and the
conception of the state as the combination of these individual
powers, shows his belief in the inherent separateness of
each individual. Locke regarded the individual human being as one having some ties binding him to others even in the state of nature, but he, nevertheless, insisted that men were "equal and independent". If anyone were to suggest that the reason Locke was insisting on the independence of human beings was his desire to shake off the authority of absolute monarchy we should have to agree that that might possibly have been his motive. If that was Locke's motive the same reasoning cannot be applied to Hobbes, for Hobbes assumed the "natural" independence of individuals and united that notion with the argument for absolute monarchy.

Turning to Rousseau we find a more positive conception of the relation between individual and society, for Rousseau granted the possibility of a society in which the individual could be freer than he was in the state of nature. Rousseau's point of view regarding the state of men is rather equivocal, for in one place he denied that men were naturally enemies, while in another he implied that the natural state was one of insecurity. His conception of the individual in the dual relationship of sovereign and individual showed that he was thinking of the individual as an essential part of

(1) Cf. My discussion of Rousseau. P. 139. Foot-
society. His ideal state was one in which the individual was in face to face relations with all other individuals. While this ideal state was, in some respects, unrelated to the needs and possibilities of his day, the conception shows that Rousseau had seen something of the importance of intimate social relationships in the development of mature personality. In contrast to Rousseau's social emphasis was the individualism implied in his notion of the social contract, for the contract presupposes independent, developed individuals. Perhaps the chief defect of the psychology of the writers we have been discussing was their failure to recognize the fact that personality is a dynamic development of social life. We must observe their view of the individual emerged long before the theory of evolution and that the fault which we are stressing here is their failure to take a developmental view of the individual. The theory they adopted was the result of their method. Hobbes, for example, said that he was examining his own person in order that he might show what was involved in human nature. His method, which is the method unsophisticated people use to derive their knowledge of human nature, naturally led him to regard the individual as separate from society and already developed. It was not until men became interested in the effect of environment on the individual that they were able to see that the apparent separateness of the individual was
a decidedly partial view. The idealist philosopher developed the "social" point of view in metaphysical terms. Since their time a somewhat similar view has been advanced by the American pragmatist, G.H. Mead in terms of what he called "social behaviourism". The point which Mead made was that individualistic theories of the self explain society as the product of individual effort, but give no account of how individual selves came to exist. Mead argued that the individuals were an emergent of the social process, and that, having reached a certain stage of development, they were, in turn, able to mold the society in which they lived. He claimed for his theory that it had the virtue of giving an account both of the individual and of society.

Were it not for the fact that we live in a world where society is constantly changing, the point of view which has just been briefly outlined would have little bearing on political philosophy. If we lived, for example, in a static society like Imperial China we would not need to concern ourselves with development. An analysis of human nature at one time would be valid for centuries. Rousseau saw more clearly than Hobbes, Locke or Spinoza that society changes and for that reason he stressed the fact that the

possibility of establishing his model state rested upon the utilization of what Laski has called the "favourable moment" in history. He also recognized as the other writers did, that governments and societies degenerate, but he never carried the latent principle through to the place where it could be a guiding concept in political philosophy. The value of the work of any political philosopher is likely to be limited to his own time if he so far fails to recognize the nature of that he does not see that it is constantly changing. His theory may, of course, be useful, in his own day, but it will fail to attain the universality philosophy seeks if it is thus limited. Locke's philosophy in some of its aspects illustrates this defect, for Locke, in attempting to break the feudal union of political and economic power, hypostasized the right of property. His emphasis may have been necessary to the development of his own day, but the principle which he helped to establish has become the source of a perilous division of the state. In our day the economic power which he freed from the slavery of the feudal age now threatens the authority of the state itself. Our point is not that the political theorist

...(3) In illustration of this tendency we may cite the explanation given by Senator Dandurand in answer to the question as to why the Canadian armament industry was slow in production of arms for Great Britain in the war of 1919. Senator Dandurand's answer was that British industrialists would not turn over the necessary plans for armaments for
should attempt to legislate for all time, but that he should recognize the relation between the society of his age and his political theory, in order that through that recognition he should establish principles which would allow the free development of later ages.

In opposition to the individualistic theory of the person put forward by the social contract theorist we may summarize the main points of a theory which seems more closely related to the facts that have to be dealt with. The individual does not emerge from his loneliness and enter society as a developed adult. On the contrary the personality develops hand in hand with the society to which it belongs. In the development of society and personality, personality may be the moulding factor at one time, and society at another. If on the other hand society refuses to follow the insights of its leaders, it becomes static and unproductive with the bitterness of old age in a world it hates; on the other hand, if an individual refuses to be a partner of society, he becomes a solitary individual who is something less than a person. The individual

for fear of establishing an industry in Canada that would later compete with their own. It was only after the threat of imminent defeat in war led the British Government to bring severe pressure on the industrialists that the Canadian Arms Industry could extend.

Cf. The Vancouver Daily Province, March 28, 1941.
who develops in society takes on the colour of his environment and his every social experience becomes a part of him. He is never the expression of the whole society—the view which says he is gives no explanation of individual differences and social conflicts—but is the expression of those aspects of society, those traditions and institutions, which he has taken to himself and recognized as his own. Thus, in one sense the individual person is something less than his society, for, as Bosanquet has argued, he never succeeds in apprehending all that there is in the world about him. And yet, in another very real sense, every person is a great deal more than his society because it is always through him that action and creation take place. It is with such variables as these, and not with substances with a fixed number of attributes, that political philosophy must deal.

2. THE CONCEPT "NATURAL" IN THE SOCIAL CONTRACT THEORY?

The concept of the "state of nature" was closely connected with the idea of the individual implied in the social contract theory, for the theory attempted to give a naturalistic account of both individual and society. If one does not enquire into the way in which individuals develop, but simply accepts them as he finds them, the genesis of the person does not present any great problem
It was an easily made inference of the social contract theorists which led them to conclude that, if men did not live in a society, they must have lived in a state of nature. As we pointed out in discussing Hobbes the idea of the savage had made a marked impression upon the minds of the European writers. If anyone inquired as to the condition which came before the civil state the answer that the antecedent state was a "state of nature" seemed obvious enough. It was a state where, by definition men had established no social order. There may even have been in the emphasis of the state of nature, the attempt to shake off the theory of the divine right of kings. Whatever the reason for the development of the concept it seemed to provide an explanation both of the history which led up to the formation of states and of those traces of unsocial behaviour left within the state itself.

The concept of the "state of nature" has a similar function in Hobbes, Locke and Rousseau. Spinoza alone gave a different tune to the notion of "nature" when he harmonized it with his whole system. He asserted that the state of nature was not a temporary state which ceased with the foundation of society, but rather a state continuous with society itself. He did not think that men ceased to be in a state of nature when they formed a civil state, but he argued that the civil state was a combination of men's natural
powers in such a way that they did not cease to function but were continued as elements in a larger whole. In the theories of Hobbes, Locke and Rousseau on the other hand, the state of nature was transcended in the creation of political society. It seemed inevitable to Hobbes that the state of nature should be one of constant strife, for competition and desire for glory were, he held, the natural consequences of human equality. In a condition where there was no authority to compel obedience men would naturally fall to fighting, for in such a state there was no such thing as justice. Hobbes held that in such a state there could be no development of any resources, not even the resources of the mind, and yet insisted, in contradiction to this that reason could suggest "convenient articles of peace." Locke and Rousseau agreed that the situation was not quite as serious as Hobbes thought, and they pictured the state of nature as a state of liberty and equality but not necessarily of strife. Locke said that this primitive free condition of mankind was not one of war because of the operation of the law of nature which tended to guide men to more social action. Both Rousseau and Locke stressed the view that the natural state was a state of liberty, but, that it was a state of insecurity, men abandoned it for civil society.

Regarding the historicity of a primitive state of nature we may say with assurance that there
never was such a state. With one or two exceptions no society has been discovered in which there is no state, and most writers, certainly Locke and Rousseau would agree that there might be a society without there being a state. MacIver has suggested that possibly before the existence of the state, as such, there existed certain state institutions. In any case the society of the family must have existed ever since the time when human offspring had a long period of helpless childhood. There is certainly no anthropological evidence to show that a large number of men ever lived together except as a society in which they were interdependent. Finally, of course, there can be no truth in the social theory of the self if it is true that human beings ever attained the characteristics of humanity apart from society.

In spite of the fact that the idea of a state of nature turns out to be a myth, the theory that there was such a state, like many other myths, had an important effect on the history of the period in which it was held. For one thing it gave the theory of contract support which was essential, for there could be no establishment of society by convention if men did not already exist in an unsociable state. In supporting the theory of contract the

the doctrine of the state of nature was strengthening the idea of government by consent, an idea which has become an integral part of the modern state. The theory of an unsocial primitive state also acted as a background against which the order of the state could be contrasted. Locke used it in somewhat this manner when he pointed out the state of nature existed between independent princes. Perhaps the most important function of all was the support the theory gave to the notion that men had rights, and not because a king granted them, but because they were a natural characteristic of humanity.

Before discussing "natural rights" we shall take up the question of "natural law". A natural law according to Hobbes, was a rule forbidding a man to destroy his life. He outlined a number of such laws all of which have the characteristic of being rules of expediency for living. Locke outlined a single law to the effect that one ought not to harm another because all men were equally the workmanship of God. Rousseau was somewhat less sure of the effectiveness of natural law than Hobbes and Locke, and asserted that while it was no doubt true that there was a universal justice which emanated from reason, it was necessary that any law to be effective should be observed universally. He accordingly insisted that law to be of any use must be sanctioned by the civil state. Spinoza's conception of natural
law disregarded the normative emphasis made by Hobbes Locke and Rousseau, and he attempted to interpret all laws as an aspect of universal nature.

We must enquire what Hobbes and Locke were referring to in their concept of natural law and what justification there was for using the concept in that connection. The procedure of Spinoza is clear enough, for, as Green has pointed out, Spinoza attempted to deny final causes and to explain human behaviour in the same way that he explained the behaviour of other objects in nature.

Hobbes likely drew his conception of the law of nature from Roman Jurisprudence. The Roman lawyers in turn derived their idea from the stoic philosophy in which the law of nature was an expression of the *σπερματικός λόγος*, the world germinating reason. A parallel, though not very helpful analogy as it stands, for the stoic conception of a law emanating from divine reason is the conception of the will of God.

Hobbes and Locke seem to have regarded the law of nature as forbidding certain kinds of action. We derive the notion of forbidding from human affairs and it is used figuratively when it is applied to nature. Nature does not forbid actions; it merely presents a system of cause and effect relations from which we can infer the result of any given action. Hobbes notion of a law of nature might be interpreted as such a deduction drawn from the observation of natural
events, except for the fact that he adds that this rule forbids a man to do whatever is destructive of his life. We do not however, discover any such rule by examining nature. What we do discover is that there are certain kinds of action which will lead to the destruction of life if we follow them. The inference that we should not destroy our life is derived from a judgement of someone, oneself or another, has placed upon life. Hobbes' rule that one should not destroy himself and Locke's rule that one should not injure others both rest upon very necessary value-judgements which the race makes about life. To call them "natural laws" is confusing, for in the first place they are not natural in the sense that the law of the pendulum is natural, and further, they are not laws in the sense of being observed uniformities of nature or in the sense of being decrees of a civil authority.

The idea of natural law has been reinterpreted in a way that gives it a more respectable position. T.H. Green who rejected the notion of natural law in its stoic sense, suggested that a law which was indispensable to the state's moral purpose should be regarded as natural. He did not equate natural law with moral law, since he insisted that moral law could not be enforced; but he urged that natural law was relative to moral law, in that it was the system which ought to be enforced by law. Laski agreed with Green in this respect. He declared that, although
there were many difficulties in the way of defining natural law, some such concept was necessary. We may regard natural law in this sense as a standard by which civil law ought to be judged. While such a concept is helpful it is confusing to call it "natural", for "natural" generally connotes that which actually exists.

Closely associated with the doctrine of natural law is the doctrine of natural rights. Hobbes pointed out that natural right was just the reverse of law, for law implied that a person was constrained or forbidden to a certain kind of action whereas a right implied a liberty. Hobbes contended that in a state of nature man's right to self preservation implied that he was at liberty to use everything as he wished. In this respect Hobbes and Spinoza are very similar, for Spinoza identified right and power, declaring that a man's right was as great as his power. The two also differ, however, for Hobbes held that men laid down their rights to everything when they made the social contract, whereas Spinoza attempted to carry the identity of right and power throughout his system. Locke held that men were created with certain "rights", such as the right of self-preservation the right to propagate the species and the right to be free and equal. Rousseau disagreed with Hobbes and Spinoza in their identification of right and power. In his discussion of the "right" of the strongest he showed conclusively that right did not mean the power of the strongest.
He seems to have felt that rights only came into their own when the social pact was made, for in making the pact each individual gave up everything to the community, in order that they might receive the protection of the whole force of the community. We can best approach the type of rights by an examination of the type of reality to which they refer.

If "right" means nothing more than "power" it would save a great deal of confusion to drop the term altogether and simply replace it by "power". The truth is that "right" conveys a meaning not embodied in "power"; it suggests, that is to say, the notion of a power which has a moral sanction. Rights refer to a particular kind of relationship existing between individuals. If we ask what kind of relationship these should be we may be tempted to answer in terms of specific acts which we consider good. Our answer, however, must be framed in more enduring terms if it is to have any enduring significance to political philosophy. Green has pointed out that there can be no right except in a community where people share common interests and values. It appears that rights depend for their existence on their ability to satisfy people's expectations and purposes. There are at least two ways in which we can properly use the term "rights". We may speak of legal rights in the sense of established ways of acting which receive the approval.
of any other person. The assumption in such a case must be that, if the rest of the community could see the situation and appreciate the values involved, they would accept the contemplated acts as morally right. Mead, to whom we have previously referred, declares that in order for an act to be morally right it must take account of all the relevant values and be rational. We cannot say more than that in advance of the situation itself; but, if an action does take into account the value of everyone implicated in the situation and if it is rational, or expressible in universally consistent terms, it fulfils all the conditions we can demand for right action.

It follows that rights are not to be thought of as attributes inherent in a substantial individual. A person may have rights or he may not, depending on whether he has been recognized as having them. We, of course, can scarcely think of a person without attributing rights to him, but that is because we have come to recognize that all men, in virtue of their humanity, have certain possibilities. If we consider two isolated tribes of head-hunters whose members do not recognize their enemies as having rights, we, in so far as we are civilized, view both groups in the light of our recognition of the possibilities, and we readily infer that they have rights. Confusion arises when we transfer our recognition of rights to the head-hunter himself and assume that he recognizes
himself as having them. Our meaning would be clearer if we said that he had certain capacities in virtue of his human nature and if we recognized that as far as his relationships with a hostile tribe go, he has no rights. I am not arguing here that the basis of rights is their popular recognition, but simply that they do actually depend for their existence on recognition by someone who fulfills the condition we suggested, namely, that he should recognize all the values involved and be rational. This does not, of course place rights on less secure a foundation than the theory that they are inalienable, for there are certain rights which are almost universally recognized in any closed society of equals. Nor does this theory provide any grounds for a skeptical denial of rights; for even though one man should refuse to recognize the rights of a whole race it does not follow that the race ceases to have them. The skeptic who denies rights to others refuses to take account of the values involved, and by that refusal he defines himself as something less than a moral person. In effect he declares that he is not himself a fit subject of right.

In evaluating the concept of the social contract it is helpful to recall the intellectual environment of the seventeenth century in general and the environment of Hobbes' age in particular. The revolutionary age in which Hobbes lived saw a decline in the prestige of the authoritarian tradition that had previously seemed to be a satisfactory justification of government. In the case of Hobbes, who was, of course, quite willing to accept the monarchical form of government, there was the further desire to give a rational explanation of social life. The concept of contract was by no means new for the earliest elements of it run back to the earliest days of barter. Plato in the third book of the subject gives a sketch of the theory, in a form much like that given to it by Hobbes. The Epicureans held closely that society was a convention. After the time of the earlier Epicureans, Roman lawyers in the stoic tradition developed definite rules of contract which applied within the Roman state. Hobbes is supposed to have drawn his concept of contract from the Roman jurist but, regardless of whether he did or not it is clear that there were a number of precedents for his use of the conception. Now the sphere in which the notion of contract has its origin and proper use lies within a society which
has developed to the point where trade can take place. To apply the origin to the concept of society itself is to make use of analogy, and this analogy, like many others, tends to break down when it is examined closely.

The difference of interpretation given to the idea of contract by Hobbes, Locke and Rousseau are not great. Spinoza's theory, of course, did not make use of the concept of contract at all, but used the idea of a combination in which individual powers were united in a power of the state. Hobbes differed from Locke and Rousseau in that he regarded the social contract as an act by which both society and the government were established. Hobbes declared that each individual contracted with every other individual, not only to give up his particular right of governing himself, but also to give it up to a particular man or assembly of men. His interpretation is supported by two theories. The theory that social organization grew out of family organization, while not directly related to the idea of contract, suggests that man's social tendencies were first promoted to a society which centred around one, or perhaps two, definite figures. A second theory which would support Hobbes is the theory that men first learned to live together by taking the attitude of a leader to their own actions and only later developed to a degree where they looked at their own lives from the point of view of
5. The literal interpretation of Hobbes' statement of the social contract raises several serious difficulties. These revolve about the fact that two alternatives only are presented, namely, the state of nature and government by an absolute ruler. This antithesis, of course, suited Hobbes' purpose well enough, because it emphasized the value of monarchy or stable aristocracy by setting these forms of government up as the only workable alternatives to the state of nature. A logical difficulty arises over the question of succession, for the contracting parties made no promise that they would accept the heirs or appointees of the person or body whom they delegated their right. On such a basis, as Rousseau said, there would be but one lawful monarch, and all the rest would have the status of usurpers. Hobbes, however, wishing to make his monarch as independent of the people as possible, argued that one act of the people established both society and the governmental power.

Both Locke and Rousseau proposed a more limited conception of the social contract than that set forth by Hobbes. They confined the function of contract as an institution of society and explained the establishment of government as an act of that community. It may be

observed that, whatever the motives of these writers were in interpreting the contract in this way, the place they gave to the government as the instrument of the community, strengthened the power of the people as opposed to the power of government. In Locke's version of the contract the first act is the union of individuals to form a community which rests upon the presupposition that the majority shall rule. This interpretation prepared the way for Locke's development of the theory of legislative government in which the community is regarded as the residence of authority. Rousseau, like Locke insisted that the social pact established the community but not the government. Anterior in time to the existence of kingship, there must, Rousseau declared, have been a convention which established the nation itself. In Rousseau's philosophy this first convention or social pact takes on almost a religious significance. The community is that association to which each individual gives himself completely. It becomes the individual's second self, his sovereign, to whom unqualified obedience can be given with no loss of liberty. Over against this community, as in the case of Locke's theory the legislative power is nothing more than an instrument. It is not, Rousseau insisted, established by contract, for it is nothing but a commission of "simple officers of the sovereign", which stands midway between the people considered as sovereign
and the people considered as subjects.

We have seen that many of the presuppositions of the Social Contract theory do not stand the test of criticism. The theory took the existence of fully developed individuals for granted, assuming without supporting evidence that they could live in a non-social state of nature. It further assumed that in this natural state men's capacity to reason and their knowledge of social affairs had developed to a point where certain "laws of nature" became self-evident. All of these assumptions have been questioned and found unsatisfactory. For the conception of the developed individual as the "given" of political philosophy we have substituted the view that it is only through the social relationships of human beings that individuals develop their intelligence to a point at which they deserve to be called men. We have therefore questioned the existence of a non-social state of nature and have replaced that conception with the idea of a natural state, which exhibited varying degrees of sociability. We use sociability here in the sense of relationships between individuals. For the ideas that there were certain self-evident principles of natural law we have suggested that there may possibly be a system of laws which is "natural" in the sense that it is normative for all the law. We have not, of course questioned the fact that the social contract theory had important practical effects. Moreover while we have been inclined to
agree with Green that the theory is a fiction, we differ from Green in the value we place upon the "concept of consent". While the notion that government rests on consent may seem to be a negative way of stating the proposition that government rests, or should rest, on the will of the governed, it serves to locate the residence of authority. It is to the question as to the location of authority that we now turn.

5. THE RESIDENCE OF POLITICAL AUTHORITY.

The troublesome confusion between the world as it is and the world as it ought to be, that is between the actual and the ideal, obscures the question as to the source of political authority. The confusion in this particular field requires for its solution all the facts that sociological investigation can discover, as well as all the criticism that ethical philosophy can bring to bear. We shall examine the statements of Hobbes, Locke, Spinoza and Rousseau, in the light of the more modern theories which we have studied. Throughout we must keep before us the question, "Is this a description of the state as it is or as it ought to be"? If we would discover where authority lies in practice we should ask such guiding questions as: "who initiates action? Who sanctions it? And to whom do the benefits of state action accrue?" If, on the other hand, we would know where authority ought to lie, we must
first know the probable effects of its lying in the various
groups within society and, in addition, we should have
some positive rule by which to evaluate the effects of the
action of governmental authority. For such a rule we
would supplement Green's statement, that the state ought
to develop the moral capacities of an individual, with the
proposition that those capacities are moral which permit
the further development of the capacities of that individual
and of other individuals.

It becomes apparent on only a cursory
examination of the writings of Hobbes, Locke, Spinoza and
Rousseau that these writers were attempting, not so much
to describe an actual state of affairs, as to suggest a
state which might possibly exist. Their method is to take
certain generally accepted assumptions and then to show
that a particular social order is their logical implication.
We have already indicated some of the assumptions which
Hobbes made; the assumption that should be stressed at this
point is his derivation of the sovereign authority from the
consent of the individuals who made the social contract.
This source of authority was made necessary by Hobbes' 
presuppositions regarding the nature of the individual,
the state of nature and natural rights. Having once established
his sovereign authority on a popular basis Hobbes immediately
withdrew to safer ground. The statement that he established
his sovereign power on a popular basis might not appear to be a correct interpretation, if one recalls Hobbes' rather subtle argument. He did not, that is, argue that the sovereign power derived its authority either from a combination or a transfer of individual powers. The sovereign, Hobbes said, did not join in the social pact and, as a result, he retained all the right and powers that he had in the state of nature. In other words the sovereign's power was derived, not from the compact, but from nature itself. By this device Hobbes seemed to restore to the monarch something of that divine authority which the theory of natural rights had at first appeared to take from him. Hobbes' sovereign power retained from the state of nature the truly regal authority which gave him a right to everything. On the other hand the subjects, in making the social contract with one another, gave up their natural right to everything, to the sovereign power.

Hobbes' definition of rights in terms of power, and his conception of both in terms which suggest that rights and powers were quantities of some sort of substance, vitiates his theory of authority. We have already suggested that rights have a psychological rather than a physical foundation. Now, of course, if Hobbes' theory of rights is in error, that error applies to the rights of sovereign and subjects alike, but the error is perhaps most apparent in the argument that the sovereign retains his
natural right and power after the institution of the social compact. Here the substance analogy becomes most apparent and we see quantities that can be transferred from person to person. The people are able to renounce their rights through a simple declaration which is as formal as a bill of sale. The sovereign power, in an equally formal manner, retains his natural rights, and is consequently all-powerful. Because he never enters the social pact, he never comes within the sphere of morality, and, as a result he can do no wrong. This fascinating logical study of Hobbes falls to ground when we appreciate the insecurity of the substance analogy upon which it is based. If we could apply our criticism to the rights of the sovereign only, we might then locate the authority of the commonwealth in the hands of the individuals who made the contract. It would, however, be an unjustifiable procedure to limit our criticism to the sovereign power, without also applying it to the sovereign's subjects. Hobbes' manipulation of the theory of rights fails to provide a basis for the authority of the sovereign and it also fails to provide a basis for centering authority in the general population.

While it seems that the basis of Hobbes' system is false, we still may ask the question where in such a hypothetical system authority would lie. If we assume that the system would function in the way in which Hobbes proposed,
power would rest in the hands of the determinate sovereign to whom he entrusted it. In granting this possibility we are assuming that human motivation is, what Hobbes said it was; but, accepting that rather uncertain condition there is not much reason to think that Hobbes' power system would ever change. He left no doubt as to the residence of powers within the commonwealth, the foundation was laid for a perfectly static society. Hobbes made provision for a system of social service that would give his Leviathan a benevolent aspect. All that his state required was a wall large enough to exclude all foreign invasions. Given that, its citizens would be free to vegetate in perfect security.

Spinoza attempted, without much success, to avoid the ethical problem of rights in his discussion of state power. Although he made a consistent attempt to equate right with power in his consideration of natural rights and the rights of supreme authorities, in his later discussion of the various possible forms of the state. He did, of course attempt to define the best state in terms of power, urging that the most powerful state was the most secure and independent and therefore the best; but, in spite of that attempt, he fell back upon an ethical criterion, when he stressed the superior worth of the state in which reason had free play. In discussing
the state's international relationships, Spinoza like the political idealists of a later day, was able to retain his use of the concept of power. The best state, he argued consistently, was most secure and most powerful.

In his discussion of the three forms of political society, monarchy, aristocracy and democracy, Spinoza was guided by the concept of power. While he defined monarchy as a form of the state in which the supreme authority rested in the hands of a single man, a healthy distrust of the psychological effects of power induced him to limit the monarchy's power by a constitution which provided for a series of checks in the form of constitutions and conventions. His chief device in this regard was a large supreme council whose function was both to augment and limit the power of the king. The council which was chosen by the king augmented his power by increasing his understanding of the affairs of the dominion. On the other hand it limited his power by its function of presenting his only possible modes of action to him, for the king could choose courses of action only from the opinions which the supreme council sets before him. In so far as the power of the king and the council was circumscribed by a rigid constitution, the locus of authority in Spinoza's monarchy was marked out by king, council and constitution. Supreme authority, in Spinoza's aristocracy on the other hand, was the possession
of the patrician class. This class, whose membership was not determined by heredity but through election by those who were already members, held the state power as a class.

Spinoza constructed the constitution of the aristocracy in such a way that the state power was so diffused over a number of councils that it rested in effect, in the patrician class as a whole. In Democracy, contrary to what we might expect, Spinoza located the residence of authority in the law. He suggested that the law might place governmental power in the hands of any group according to wealth age or any other characteristic, but he seems to have felt that any state was a democracy whose action was determined in advance by the requirements of the law.

The distinctive feature of Locke's treatment of the residence of political authority was his emphasis upon the community. Locke, unlike Hobbes, interpreted the social contract as a convention which established the community and not the executive or legislative authority. This conception, which took as the basis of the community the common agreement of a number of individuals to live together, does seem to express a profound truth, namely, that people do not live together as a society unless they agree upon certain common issues. If people live together as a society, some conventions have to be accepted by the major part of the group. Locke interpreted this union in a formal way, as a definite act by which a political body is
established. Theoretically, this social body was the seat of authority in his political philosophy for, it was in terms of the good of the community, that all the actions within the society were to be judged. If, for example the government abused its power and refused to submit to the will of the community, had the right to revolt. In the light of that right the community is unquestionably the ultimate sovereign.

Locke made extensive use of the idea of delegated power. The community delegated its power to the legislative body which enacted laws that were applied by the executive. While the legislative body was the supreme authority, its power was limited by the requirement that it should act only with the consent of the community. Its action was restricted by the principle that it should strive for the preservation of society in terms of the preservation of property, meaning by property, not only possessions but life and liberty as well. This latter definition of the purpose of the state has been the focal point for an attack on Locke's political theory. The attack has taken a more penetrating analysis of the community than anything that Locke attempted. It may be argued that Locke was not making the community, as such, the ultimate source of authority, but rather, a particular type of community, namely, a community which promised to
protect private property. Laski's argument has taken this line and he has contended that, in any community where private property, in the special sense of private ownership of the means of production, exists, the legislative and executive bodies are always influenced by consideration of the property owners. He did not say that the owners of property influence the government directly, but he argued that, in a society, such as the society Locke described, the property system in all its ramifications sets the stage upon which the government has to play its part.

There is an unquestionable truth in Laski's observation, for every government is to some extent forced to rule according to the dictates of the pattern in which it finds itself. There is, it must be admitted, the possibility that one element in the community might become strong enough to bend the government to its will. It has been suggested, that since Locke's time, the power of the owners of property has increased to such a degree that it presents a threat to the integrity of government. If Locke's doctrine of the right of property is used as a defence of economic power, we feel that, in fairness to Locke, his emphasis on the authority of the community should be stressed. In this defence we might point out not only his broad use of the term "property" to include life and equality as well as possessions, but also his consistent
emphasis on the supreme authority of the community. Any attempt to interpret Locke's theory as a defence of the dictatorial supremacy of economic power can succeed only by disregarding the general emphasis of his theory as a whole. By postulating a particular kind of society, namely a society whose purpose included the preservation of private property, Locke limited the universality of his theory to a particular period of history. Regardless of this latter defect, however, the major emphasis of his philosophy established political authority on what seems to us the more permanent foundation of the community itself.

For Rousseau, was left the questionable achievement of personifying Locke's conception of the community. The community, as a political society, developed a common self and personality through the complete identification of individuals with it. Rousseau apparently felt that this was the only possible way in which the state's restraint of man's "natural" freedom could be made legitimate. It was only in so far as men gave obedience to this higher social self that they could obey and still be free. It has frequently been pointed out that Rousseau's political philosophy was a gospel to those who accepted it, and it is to be observed that it is an essentially religious interpretation of political obligation. His men could give themselves, and still remain free. Whether or not Rou-
sseau drew his inspiration from St. Paul we cannot say, but, in any case, the essence of his theory is the Pauline notion that obedience to the divine will is perfect freedom. In Rousseau's theory the concept of the divine will is replaced with the concept of the general will, and the idea of the Divine Being by the notion of the sovereign. This sovereign or super person has those characteristics of strength which are reminiscent of the divine majesty. Its person is indivisible and inalienable. It cannot do wrong, for by definition what it does is always right. Before it all men are equal; they are, as Isaiah would have said, "as grasshoppers" before the sovereign. Obedience to the sovereign is perfect freedom, for in obedience, man obeys only himself. It is in the sovereignty of the general will, then, that we find the residence of authority in Rousseau's theory.

We must first stress what seems a profound insight in Rousseau's doctrine. The substance of this insight is that the individual's participation in society is a participation in what is essentially his own nature. What the individual is, as we have elsewhere stated, he is to a large extent through his participation in the life of his fellows. It is true that through sharing the common life of others the individual becomes a moral person: "His faculties are exercised and developed; his ideas are
expanded; his feelings ennobled; his whole soul is exalted."

This participation in objects of common interest is, moreover the bond which holds political society, as such, together. This we believe is the important truth which the idea of the general will contains, and, although our interpretation of that doctrine is markedly different from our interpretation of Rousseau, we are indebted to him for giving us the concept and for indicating its reference to the common life which all members of a society share. It was in this common life of a community that authority ultimately rested in Rousseau's doctrine.

It is clear, of course, that Rousseau was not attempting to describe an historical state. He was setting forth the theory as to where the sovereign power should reside in an ideal state. As an ideal it is open to the objection that it was not sociologically possible. Rousseau refused to make use of any such device such as representative government and he insisted that the legislative power should be exercised by an assembly of citizens after the manner of the Greek city-state. The defects of this form of political organization—its dependence on a small closely knit group, its inevitable provincialism, and the invitation it offered to demagogues are too numerous to

need mention here. While the impossibility of giving practical expression to Rousseau's ideal made his ideal in one sense an unfair criterion for the states of his time, its historical effects were not greatly limited by its utopian qualities. It is possible that a theory such as this might not be sociologically possible in the writer's own day, and still might have a very real value as a goal which later generations might attain. While there are certainly qualities of Rousseau's treatise which do qualify in this respect, we must point out its limited value as an ideal. Granted that an actual government is bound—is even morally bound—to guide its actions by the expectations of its citizens; we still must contend that, if we are going to adventure into the realm of ideals, we must be guided by some higher conception than the established desires of the citizen body. Now it is in this respect that Rousseau's theory is to be most seriously criticized, for by defining morality in terms of the sovereign's will he limited the range of ethical speculation to the level of established institutions. This limitation was the more serious because of the peculiarly religious devotion he demanded of the subject. We have already seen in Hobhouse's criticism of the metaphysical theory of the state that Rousseau's doctrine was developed in the

Hegelian tradition to be just such a bulwark of the established authorities of society. Rousseau is not, of course to be blamed for perversions of his theory at the hands of other writers, but I think we have sufficiently shown that his own interpretation of the sovereign authority lends itself to such perversion.

6. CONCLUSION - POLITICAL OBLIGATION.

If a sergeant addressing his soldiers should say "Gentlemen, stand at ease", his soldiers would look surprised and stand at ease. If we ask why they stood at ease we would receive a variety of answers of varying degrees of sophistication, but one of these answers would be to the effect that they were obliged to. By this is meant that their position as soldiers bound them to make the response which corresponded to the soldier's command. They were not bound in any physical sense and we could not say that they were forced to obey. We recognize that the soldier's action might be interpreted as a purely automatic response and for that reason we prefixed the term gentlemen to the command. No soldier would make an automatic response to a command like that. It would of course be automatic in a sense, but the point we wish to bring out is that the response was in a sense thoughtful. We use "thoughtful" here in the ordinary manner to indicate a certain amount
of reflection. The soldier's response was bound up with the further purpose of his life. His purpose, indeed, may never have been thought out, or they may form part of a coherent plan such as a desire to avoid fatigue or a desire to become commander-in-chief. He was obliged to obey in the sense that his obedience was essential to his life purposes. These purposes may have been of any degree of moral worth; our argument is simply that, the idea of obligation is without meaning except in terms of purpose of some kind.

Now, political philosophies have analysed political obligation in terms of a wide variety of purposes. The general argument of the social contract theorists was to the effect that men wished to avoid difficulties of the state of nature and, for that reason, bound themselves together in society. This transaction might be expressed in a positive way by interpreting the social contract as a device men use to gain certain ends whose attainment was impossible in a state of nature. While we have asserted that many features of the social contract theory must be rejected as fictitious, we have argued that their explanation of political obligation in terms of consent is essentially the same as an explanation specifically in terms of purpose. All human behaviour is purposive and for that reason the distinction between will and force as the basis of the state is an error in classification. The distinction which
should be made is one between different purposes, that is between different applications of will. With those who argue that the basis of the state is force applied to support the will of one particular group we must disagree, claiming instead that, in spite of the importance of force, there are also a number of other foundations which also support the state. The complex of purposes supporting the state is constantly in a state of change, even though there seem to be, as the social contract theory has emphasized, some purposes which persistently characterize political society. The task of investigating the structure and foundation of the state belongs to the sociologist. It is the task of philosophy to examine critically the purposes which sociological investigation reveals.

The result of an extended process of criticism is a systematic theory of obligation. In so far as this theory attempts to evaluate all the purposes and values involved in the life of a society it resolves itself into an ethical system. A theory of political obligation is incomplete except as a part of a larger system of moral obligation. By suggesting that all state action must be evaluated in ethical terms we make no presuppositions as to the kind of purposes which actually exist in a given society. The criterion which seems to offer the most general measure of moral worth of state action
is that criterion which asks to what extent the state promotes the development of all the possibilities inherent in human nature. Such a criticism of the morality of the state cannot be carried out without the further recognition of the possibilities of action which are open to the state at any given time. To criticize the action of the state without recognizing its limitations is as erroneous as to criticize the behaviour of a dog in terms applicable only to men.

If we ask what capacities are to be developed and furthered by the action of the state that there is no specific answer that can be given. The most general judgment we can establish is the judgement that rests on the assumption that human life either is or can become of value. If that assumption is not accepted the following discussion is without significance. On this basis however, we assert that in the long run those capacities which lead to the further development of human life ought to be fostered. To determine in advance what these capacities will be is as impossible as it is for the scientist to determine in advance what the results of his researches will be. This open minded attitude, which has characterized the method of western science, should, we believe, be applied to political life, for it is only as human life is created that it fulfills its possibilities.
It should be interjected, lest anyone think of creativity in terms of popular recognition, that we mean by this concept that the individual should develop new forms of response to meet the varying situations of his total environment. The enemy of this moral development is the self-satisfaction which is commonly referred to as pride. Decay sets in whenever interest shifts permanently from the object to the subject himself. In the life of the state degeneration goes hand in hand with the desire to maintain the "status quo". The psychological explanation of this inhibition of development may be that the self is constituted in terms of its environment so that the love of things as they are becomes love of self. It is a man's standing temptation to rest at the level of complacent adjustment, but this complacency is the enemy of his further development. Both individual and society reach a place where their present stage of development seems adequate and it is only as they break away from this self-satisfaction that they are again free to develop their latent possibilities.

It follows from this view that freedom will only be found in a society which recognizes the necessity and desirability of change, for any other kind of society there will be a constant unproductive struggle between those who desire to maintain things as they are and those who recognize new possibilities of development.

This development al view of society
has sometimes been interpreted in terms of a predetermining evolutionary process. It must be urged, however, that all propositions about future affairs are statements of probability and further, that statements about the course of human affairs should always be stated as conditional sentences. The future of society is dependent upon human behaviour in the past, present and future and it is in the light of that dependence of the future on the present that the study of political philosophy is significant. While the stage may be set by broad sub-human forces, nevertheless upon that stage a drama can be enacted by actors who are, in a sense, themselves the playwrights. For that reason we stress the importance of sociology. For the sake of that drama we emphasize the importance of making value-judgments, for it is only by judgements of value that men are led to follow new courses of action. It is, indeed, only by making value-judgments that men live at all, for life implies a judgment of what is "worth while". We stress the importance of philosophical criticism, pointing out that while the light of man's knowledge is small in comparison with the demonic forces of his world, that light is nevertheless his only guide. Some might scoff at the significance of political philosophy as a factor in world history and yet we cannot help but declare that if men had known the results of their actions they might have
acted differently.

The principle of political obligation must be defined and solidified in harmony with its practical and immediate purpose, and yet, there is a sense in which it is unbounded. No one knows all the latent capacities of mankind and man is morally bound to give a place in the structure of his political forms to the possibilities of new developments. The contrast between the view which regards all development as predetermined from its beginning and the evolutionary viewpoint, which we have been stressing, is portrayed by two beautiful symbols suggested by the modern prophet of the cyclical theory of history, Oswald Spengler. The contrast is drawn between the Greek Pantheon with its suggestion of solidity and predetermined form and the up-sweeping arches of the Gothic cathedral. The one suggests a development that has come to completion, the other the search for the infinite. It is in that search for the infinite, that openness of mind and soul which the Gothic cathedral symbolizes, that man must find his way out of the darkness of this hour. It is only as he kindles the sacrificial fire of dearly-loved customs and traditions that he can see his way into that land of undetermined hopes beyond.
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