THE DISTINCTION BETWEEN SOCIETY AND THE STATE.

By J. S. MANN, M.A., Fellow of Trinity College, Oxford.

It is a matter of considerable difficulty to turn one's attention from real politics—especially when they are of so peculiarly exciting a nature as at the present time—to the ideal politics of German political philosophy. And the operation is not assisted by the fact that the antithesis of State and Society—first, I believe, formulated by Hegel, and now a common-place of German writers on *Statsrecht* and *Ethik*—touches actual political questions in more points than any other doctrine to be found in their works. The Dock Strike and boycotting in Ireland, Protection in the United States and the manifesto of the German Emperor, the Fabian essays on Socialism, and the recent discussions of "Absolute Ethics" as applied to property in land might all be cited to indicate the importance of the antithesis—or of something like it—in approaching the consideration of concrete political phenomena. Indeed, one of the best-known of German writers on Socialism, who has also been Minister of Finance in Austria, Dr. A. Schäffle, has treated the recent strike of coalminers in Westphalia with special reference to this antithesis. But, of course, I do not propose to refer (except incidentally) to these concrete political questions. I need hardly say I do not think they can be solved except by experience. The sole value of these conceptions, as far as I can see, is that of the conceptions of abstract Political Economy; they enable the investigator to make some kind of rough provisional classification of his facts. Just as it is convenient to have the conceptions of Economic Rent and Market Price, even though the subjects of consideration may be metayer tenants and doctors' fees, so it is convenient to have the conceptions of Society and the State—as formulated *e.g.*, by Lorenz von Stein—though the State may not have proceeded from Society, and though the two may be aspects not of the same concrete group of phenomena but of different and overlapping groups. I propose, therefore, to state the antithesis, and to deal as far as I can with its historical genesis; and then to consider how far it is valuable as a purely subjective and

regulative mode of approaching the phenomena. Its objective—that is to say, its historical—value it seems to me impossible to maintain.

The doctrine as far as I have been able to gather it seems to me to be this. A given social organism may be looked at in two ways. On the one side it may be treated as a collection of individuals each aiming at satisfying his own wants—each therefore purely self-regarding, and using every other individual simply and solely as a means to the attainment of his end. But these individuals naturally group themselves into classes—artisans, agriculturists, various professional classes, unskilled labourers, &c. Mainly their activities in satisfying their own wants are economic. But it is possible that they may arrange among themselves as to rules of common life, means of preserving the peace, tribunals for arbitrating in disputes. The body then resembles what some Greek philosophers treated as the essence of the State—as *συνμαχία τῶν διαφέρουσα τῶν ἄλλων*—and modern German philosophers have called the “*Rechtsstat*,” the aim of which is simply to secure the equilibrium of rights and duties among its members; or what English political philosophers know as the Individualist State, the aim of which is to secure to every man as far as possible the liberty to do as he pleases—limiting the liberty of each only by the like liberty of all. It is of course conceivable that such a state may exist. Approaches to it are seen in new countries, in mining camps for instance. So when, during a strike, the police stand aside, the men’s union sets pickets who occasionally intimidate, and the masters’ union hires police from private firms—as is done sometimes in the United States, that is an approach to Society apart from the State. But this, according to the supporters of the antithesis, is not the true State. The State arises, according to Hegel, from Society, to ensure that the individual shall be fully realised, chiefly through his own conscious action. The State guarantees him his individuality, which Society with its self-seeking struggle of competitors tends to efface. He is absorbed in the State partly unconsciously and involuntarily through its compulsion, mainly, at least, when the State is fully realised, through his own conscious action. He treats the State as an end, acts consciously for it and finds his own personality in its highest development secured by it: so that the State is the result of the conscious activity of that principle which in nature is unconscious—“the movement of God in the world.” While according to the modified antithesis as formulated by Stein, and substantially, I think, adopted by Mr. Alexander, the State arises to keep the peace between the various struggling, conflicting, self-seeking classes of which Society, that is the economic organism, is composed. These tend to get the mastery over it, and “exploit” the State in their own

interest. But the right relation is attained when the State, like the philosopher in Plato's Republic, keeps each class in its own place, and ensures that none meddles with or "exploits" any other.

Apparently the antithesis was first formulated by Hegel, as a result of his doctrine of development. Society was interpolated between the family and the State as the opposite of the former, and the necessary condition of the development of the latter. But the distinction was found to have practical value, and has been used, for instance, by L. von Stein in dealing with the history of the French Revolution; by Hillenbrand in his treatment of the history of early Greek political ideas; and by modern ethical writers in their treatment of the conditions of the moral life; while the article I have referred to by Schäffle indicates that it has become as much of a commonplace of current discussion on State functions in Germany as the doctrine of Natural Rights formerly was in England, or the conception of the Social Organism is now. Such a distinction, if it had only been invented in time, would have been of considerable value to Plato and Aristotle. It would have enabled the former to distinguish clearly between his primitive "city of swine," which is really a simple form of "Society," and his developed philosophical city, in which "Society" is completely subservient to and controlled by the "State." It would have cleared up the chapter in Ar. Pol. III., where the title of State is denied to *κοινωνία ἀπὸ συμβόλων*, and the essence of the *πόλις* is declared to be something more than a particular sort of alliance. But Greek writers wished, like Fichte after them, to make the State and Society as far as possible coincident—to make individual interest wholly subservient to that of the body, and to subordinate the economic to the moral. It is only with the more complex historical facts of modern times—especially of Germany at the end of the last century—that the two aspects of the social organism can be distinguished, and only with the peculiar development of the theory of the Absolute Reason from Kant to Hegel that the distinction comes to be actually made. We may, I think, trace an approach to it in Fichte. Kant had, of course, revived the Contract-State as an ideal of the moral reason. Each individual reason setting laws for itself, set them for all other rational beings in the like conditions, and so had posited a "kingdom of ends" in which every rational being was at once ruler and subject, and in which, by a contract posited by reason, the liberty of each was limited by the like liberty of all. But when Fichte, adopting in the main this State, treated these rational beings as emanations from the Absolute Reason, or at least controlled by it, it was only a step to regard that Reason as guaranteeing their equilibrium—that is, to apply the conception to the concrete, as guaranteeing the maintenance of the

rights of men as rational beings, and of all they required to maintain themselves as such. Transferred into the concrete, then, this gives us Fichte's "closed commercial State," which is to have no foreign commerce, if possible, or if this is impossible, then all foreign trade is to be conducted by the Government; which is to be maintained by the Ephorate, a sort of modern Areopagus of the wisest and best, and in which the place of cotton, coffee, wine, and such other foreign goods as seem to have become necessities of life, is to be taken by some kind of more or less adequate native product, while foreign goods which are absolutely indispensable are to be purchased only by the State—an anticipation of "protection to native industry" too complete and too absurd to have yet found realisation, though I believe something like it has been attempted in Portugal and is adding to the economic woes of that misguided country. It is when the Absolute is found to develop by antithesis—I must apologise for the inexactness of my terms—that the distinction is actually formulated by Hegel. And it may be that the antithesis is worth accepting by the scientific sociologist, though not as representing historical fact. For it is not now the fashion to regard the family as the first stage of mankind—at least of the men with whom the sociologist deals; the stock-group differentiates into totem-kins, and the combinations of these are neither combinations of individuals nor results of conscious contract, while there is abundant evidence that the members hardly attain to the notion of individual self-satisfaction till long after the city-state has been established. Society, indeed, in Hegel's or Stein's sense would seem to develop long after the State.

For the State of early Greece or Rome is not one State nor is it Society, but two States—a patriciate and plebs—with partially concurrent powers: States which certainly have not arisen by anything like contract, for the inferior order seems to arise by the gradual accretion of immigrants and descendants of freed slaves; States, too, which do not correspond in the main with economic divisions of Society, and whose gradual unification goes along with economic differentiation. Then, again, can we say that the State "adopts the organisation of Society"? The State constantly interferes with economic organisation, directly or indirectly, as the Tudor monarchs facilitated the economic change from mediæval to modern ideas of landed property; the Greek *τύραννοι* gained their historical importance by effacing the old class distinctions; the French Revolution owed its importance to its reconstruction of economic relations, and spent itself when that work was done. May it be suggested that Hegel's conception of the antithesis is partly reminiscent of the Social Contract, partly due to the circumstances of Germany in his time? In Prussia there were definitely marked orders or "estates," nobles, burghers, peasants—

each class with defined legal rights, especially with reference to landed property, and each with corporations, trade guilds, &c., to defend the interest of its own sub-divisions. Everywhere in Europe there had been similar "estates," and the mediæval State, as Bluntschli has noticed, had its unity infringed by the privileges of these orders; true, the modern State had arisen and absorbed them, but the development is an incident of European custom. But though we may not accept the antithesis as historically exact or as universally valid, we may perhaps take it as a convenient result of analysis of any given political organism at the present moment.

But there are two reasons against accepting it as anything more than an artificial antithesis.

1. The view that a modern population consists of classes is not entirely exact, and probably will be less and less exact as the introduction of machinery, the division of employment, and the diffusion of property increase. To Fichte it was obvious that an artisan or a merchant was a very different person from a small landed proprietor, partly because the laws made a difference of status, and a watchmaker from a shoemaker, because both are manual labourers of different trades. But one of the ideals of modern individualism—partially realised in the United States and Australia—is that the artisan shall be a small landed proprietor; and with the introduction of machinery and of technical education it is not impossible that the minuter subdivisions of many trades may become so similar that transference from one to the other will become an easy matter. To quote an American writer, "A shoemaker cannot become a watchmaker, but a 'laster' in a shoe factory may turn to one of the many trades into which the Waltham watch industry is subdivided." If besides this the workman is a co-operator, *i.e.*, has an interest in a producing and distributing agency, if his savings are invested, perhaps though a Trust, in various other producing agencies, and he has leisure time for other things besides his work, and also good general education, it seems absurd to treat him as in a class at all—he has so many points of contact with other classes, and may so easily shift his work. Yet this is the ideal of modern Individualism and, except as to the investments, in some degree of Socialism.

2. A more important objection to the antithesis is that Society never has been an aspect of the same body as the State. A Greek city was meant to be *αὐτάρκης*, but this was a mere ideal, prompted partly by military necessities and partly by the desire to ensure stability in ideas and modes of thought. A mediæval society was so to some extent, and in Europe, down to the end of the last century, it was the aim of the mercantile system to keep up the

self-dependence. But despite all efforts at Protection, modern societies are tending to be less and less self-dependent. Mill's theory of International Trade is objected to by some authorities on Political Economy, on the ground that his non-competing groups tend not to be identical with nations: and that capital and labour tend to that freedom of movement from country to country the absence of which is the basis of the theory. Certainly the "disinclination of capital to emigrate," put some ten or fifteen years ago at two per cent., is not that now: and when we hear of Spanish and Italian labourers going over to the Argentine Republic simply for the season, we may regard the disinclination of labour to emigrate as disappearing also. Still less is a people self-dependent in the matter of mental culture; while Hegel's State, never realised in practice, seems, so far as it is realisable at all, to be better expressed by the Comtist Humanity.

Still it is convenient to keep the distinction as a merely subjective distinction. A political body, in so far as it is an economic organism, may be called Society, in so far as it is concerned with the protection of individual character and development of individual freedom it may be called the State. What is the proper relation between the two?

I have said enough to show that I think this can only be settled empirically. I have only time to point out—

(1.) The treatment of the State as something more than an aggregate of individuals gets rid of a good deal of the common talk about the importance of the odd man, the absurdity of supposing that the decision of a majority is necessarily right, the iniquity of making, in a state of say 100, 49 people submit to 51, and the like. Political questions are decided (ideally) by a majority of votes after discussion, and the fact that 51 out of the supposed 100 vote one way implies that a good many of the 49 nearly agree with the 51, and a good many of the 51 nearly agree with the 49. The majority is not polling uniformly against the minority. Politics is not a mere "tug of war," and political questions are not habitually unsettled as soon as settled, simply because they are so largely the result of compromise. The irreconcilable faction in a State is always a mere fraction: that is, there is a sort of "general" will ascertained by asking people if they care, and getting a public statement of varying strength representing how much they care—a will that is partly the result of conviction, partly of imitation. If we remember that it is only a way of putting it, I do not see why we should not adopt an "*à priori*" conception of the State to express this feature in political progress.

(2.) The business of the State is *protection* and furtherance, if possible, of individual self-development, not satisfaction of wants.

It is only such protection that can justify the State in taking up the latter function, and it is with this object that Schaffle proposes that the Westphalian coal mines shall be made public institutions. It is, however, the business of the State to protect its members in their employment if they cannot do so better themselves by factory inspection, &c., and to secure their lives and the public peace by a poor law.

(3.) But there are forms of supply of economic wants which may very well be carried out *not* as modes of State activity, but on the basis of the facilities for combination afforded by the State or municipal organisation—*e.g.*, gas and water supply, post and telegraphs, &c.—provided that they do not interfere seriously with individual development. But there is no short cut, no “*high priori* road” to settle these questions. The use of abstract conceptions is not to give final rules, but (1) to classify and synthesise phenomena; (2) and sometimes to stimulate. And if we can only so apply Hegel's conception of the State as to get every one to vote and to take some interest in politics, it will not have been conceived in vain, however untenable it may be in itself.

SYMPOSIUM—THE RELATION OF THE FINE ARTS TO ONE ANOTHER.

I.—By BERNARD BOSANQUET, *Vice-President.*

It is apt to be objected to philosophic enquiries that philosophers assume the unity of all that is commonly designated by the same name. This objection seems to neglect the fact that there is usually a preliminary discussion as to the limits of the subject to be enquired into, directed to ascertaining how far any unity of principle extends, that makes possible a unity of treatment. Thus, in Fine Art, we being by excluding didactic poetry at one end, and architecture, with its subordinate crafts, so far as conditioned by pure utility, at the other. We thus confine the matter in hand to what may be roughly described as expression for expression's sake, in sensuous form. If there were two wholly independent principles concerned, incapable of reduction to common terms, such as beauty and sublimity, I should set the subject down as incapable of scientific treatment. But I do not believe this to be the case.

On the other side there is, I think, a corresponding pit-fall in