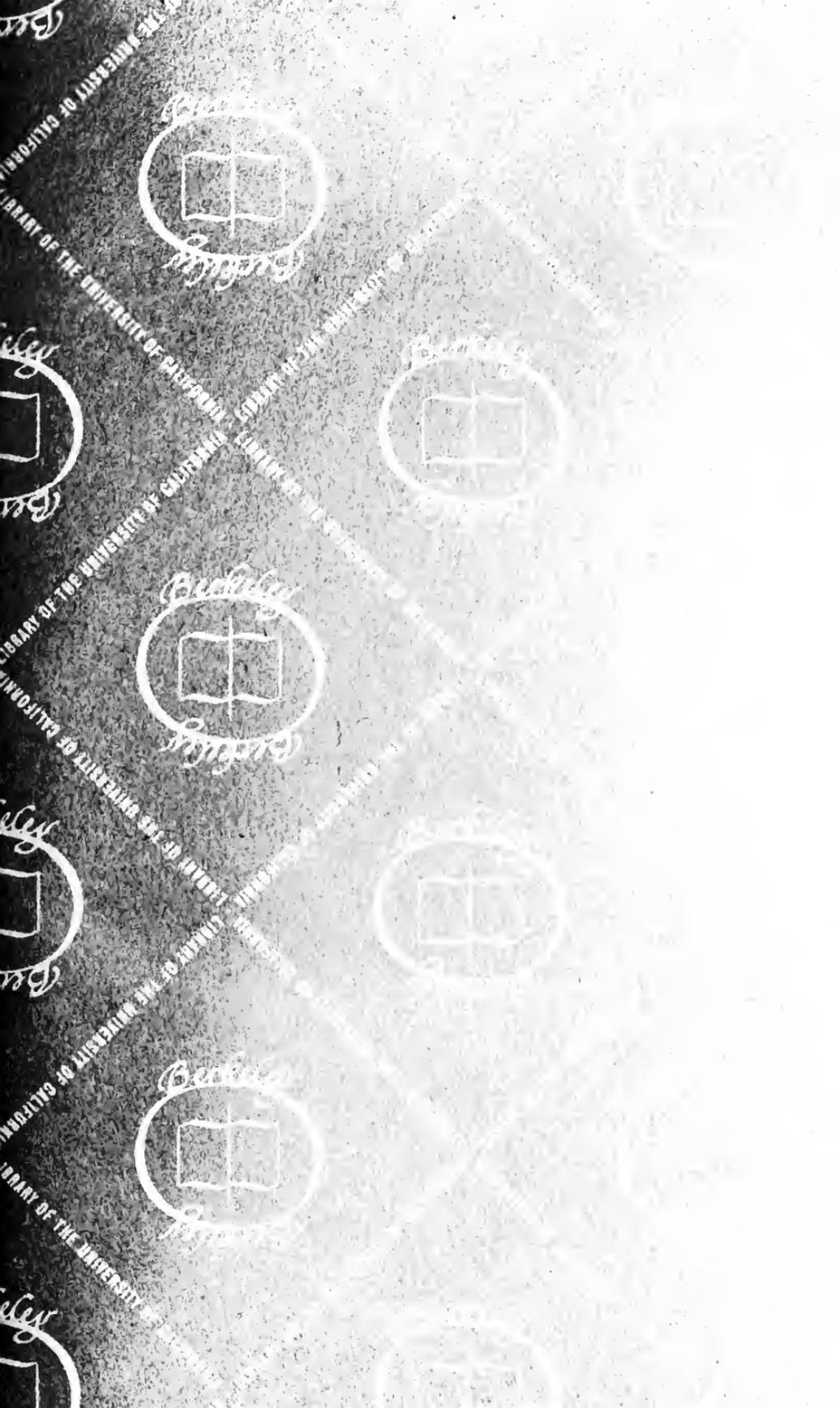


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**THEORIES OF THE OBLIGATION OF
CITIZEN TO STATE.**

BY
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A THESIS

PRESENTED TO THE FACULTY OF THE GRADUATE SCHOOL IN
PARTIAL FULFILMENT OF THE REQUIREMENTS FOR
THE DEGREE OF DOCTOR OF PHILOSOPHY

PHILADELPHIA, PA.
1921

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The writer wishes to express his appreciation to his teacher, Professor Edgar A. Singer, Jr., under whose direction the present thesis was written.

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THEORIES OF THE OBLIGATION OF CITIZEN TO STATE.

I. THE DIALECTIC OF POPULAR PATRIOTISM.

Of all the virtues belonging to our ordinary moral code, there is perhaps no other which has received the hearty popular support given to patriotism. Yet it will require only a glance beneath the surface to convince one that patriotism, like many accepted valuations, involves a problem. Upon closer examination it would appear that there is no other virtue which reduces to such contradictions.

It may easily be perceived that we are completely biased in our judgments by our nationalistic connections. We heartily approve of certain actions when performed by one of our countrymen for the sake of our country. Yet the same actions performed by a foreigner in the interests of his country will be condemned. As Professor Royce says, "War-songs call the individual enemy evil names just because he possesses the very personal qualities that, in our own loyal fellow-countrymen, we most admire. 'No refuge could save the hireling and slave.' Our enemy, as you see, is a slave, because he serves his cause so obediently. Yet just such service we call, in our own country's heroes, the worthiest devotion." (*The Philosophy of Loyalty*, p. 109) Occasionally, it is true, a more sportsmanlike attitude becomes apparent, but the extent of this attitude is always narrowly limited. To establish the fact that there is a fundamental distinction which is all but universal, it is necessary only to refer to some concrete instances. There is no heavier opprobrium than that which is attached to the enemy spy. And yet Nathan Hale is one of our national heroes. Sir Roger Casement, when he declares that in Ireland alone is loyalty to one's country a crime, is either a wretched traitor or an inspired patriot: it depends upon whether you look at him through English or Irish spectacles.

Other contradictions are involved more intimately with the relation of patriotism to the rest of the moral code. By a few it is asserted that patriotism justly demands the support of the citizen only when his country is in the right. L. T. Chamberlain takes such a view in his pamphlet, *Patriotism and the Moral*

Law. But it is evident that such is not the prevalent viewpoint. Mr. Chamberlain's ^{such a} patriotic citizen would not meet with much respect for his alleged patriotism while opposing his country's efforts in a war which he considered immoral. The formula when clearly stated is that I must support my country right or wrong. Now this is a serious difficulty. It is by no means easy to understand how my action may be right while supporting an activity which is wrong. There is a philosophy, it is true, which would solve the difficulty by insisting that a state's actions are supermoral. One may, perhaps, admit that the morality of public actions is not analogous to the morality of a human individual. (See Bosanquet, *The Philosophical Theory of the State*, pp. 322-328; also A. C. Bradley, *International Morality: The United States of Europe*, an essay contributed to *The International Crisis*.) But this does not mean that the state is above moral-criticism altogether. And the theory which teaches this latter doctrine has received very little popular consideration. We have no hesitancy whatever in ascribing a moral character to the public acts of our enemies. If international politics is a mere game in which the only sin is a lack of cleverness, why all this popular outcry against the Kaiser? For the popular consciousness, at any rate, the actions of a state may be the subject of moral judgment. The state's action may be wrong, but the citizen must support it notwithstanding.

But the popular conception of patriotism does not stop here. Any state may conceivably be wrong in the abstract, but as a matter of practice it is always the enemy state and never our own which is wrong. Our nationalistic bias again makes itself felt. Patriots are not accustomed to dwell upon the possibility of their country's being wrong. The typical patriot would hardly be described as the man who supported his country's actions though he considered them immoral; he is rather the man who always believes that his country is right. Patriotism, popularly understood, involves the acceptance of our country's judgments in matters of morals. In somewhat the style of Professor Royce, the typical patriot might be described as the man who makes his country's will, his will; her purposes, his purposes; her moral standards, his also. Patriotism thus often works an entire revolution in the sphere of morals. It is wrong to hate, we are told. But in time of war hatred becomes a

virtue. The furtherance of our country's purpose becomes our conscience, our criterion of morality, and we judge right and wrong accordingly. Not that we admit we do this. Our intellectual dishonesty is more perverse still. We apparently adhere to our old moral code. And we always find a way of justifying our actions and our country's actions upon the basis of this code. We are expert casuists. The writings of certain German professors during the war show to what an extent such justification can be carried. History must be interpreted so that our country will always be presented in a favorable light. We are fond of accusing the Germans of this. Yet when The National Security League advocates an "improvement in school text-books so as to influence against texts which perpetuate errors with regard to the wars and international relations of the United States," we begin to suspect that the people concerned would be perfectly willing, if it were necessary, to sacrifice the interests of historical truthfulness to the purposes of patriotic education. (*Proceedings of the Congress of Constructive Patriotism*, 1917, p. 348) We seem to be required, in the interests of patriotism popularly understood, to subordinate all our moral valuations, including the virtue of truthfulness, to the purposes of our country. However, the very fact that we do not admit of such a criterion in the state, but must seek to justify political acts upon the basis of the moral code, points out most clearly the fundamental contradictions in the situation.

These are some of the contradictions of popular patriotism. We have an unwarranted bias in favor of our own countrymen. We insist that states shall be subjected to the moral law, that a state's actions may be right or wrong. And yet we require the citizen to support his state, right or wrong. Although we would admit, in the abstract, that our country might conceivably be wrong, yet as a matter of fact our country is always miraculously right. We make our country's purpose the criterion of our morality. But instead of confessing that we twist our consciences to suit the purposes of the state, we insist that these purposes agree with our consciences.

All these considerations lead ^{people} us to suspect that there is something wrong with the popular conception of patriotism. And yet the value of patriotism may well be admitted. The great cultural states have been of immense benefit in the progress of

humanity. And patriotism has been their mainstay of support. There must be, therefore, some basis upon which patriotism is to be justified.

II. IS LOYALTY A GOOD *per se*?

✓ Patriotism is a special form of loyalty. It is loyalty to the state. An examination of patriotism may well begin, therefore, with a preliminary consideration of loyalty in general. And in this connection there must be noticed the viewpoint which would make loyalty a good *per se*. This viewpoint is developed by Professor Royce in his *Philosophy of Loyalty*. In this book there is an attempt to make loyalty the foundation of the entire ethical system. "*In loyalty, when loyalty is properly defined, is the fulfilment of the whole moral law.*" (p. 15)

In the beginning of the book, Royce calls attention to the great perplexity of the present age in regard to its moral ideals and its standards of duty. Morality can not be a mere external restraint upon the individual. True morality is identical with the individual's own inmost desire, the real purpose of his life, as opposed to what merely seems to him at some particular moment to be his purpose. But "I can never find out what my own will is by merely brooding over my natural desires, or by following my momentary caprices. . . . From moment to moment, if you consider me apart from my training, I am a collection of impulses. There is no one desire that is always present to me." (p. 27) Without such a unifying purpose one may exist as a psychological specimen, but not as a true personality. This personal problem of unifying life and giving it significance, of answering the question: For what do I live? can be solved only by the establishment of loyalty to some cause. The man who is heartily loyal to a great cause has found the purpose of his life, his deep and abiding will, in the desire to further this cause. "Loyalty . . . tends to unify life, to give it centre, fixity, stability." (p. 22)

Royce defines loyalty provisionally as "*the willing and practical and thoroughgoing devotion of a person to a cause.*" (p. 16) It is freely accepted by the individual, is expressed in some sort of action, and is entire. "He is ready to live or to die as the cause directs." (p. 18) By a cause, Royce means something outside of, or larger than, the private self. It is never private

advantage. "The devotion of the loyal man involves a sort of restraint or submission of his natural desires to his cause." (p. 18) Royce furthermore indicates that a cause is a real entity of some sort. You can not be loyal to individuals. "You can be loyal only to a tie that binds you and others into some sort of unity, and loyal to individuals only through the tie." (p. 20) A cause is not an impersonal abstraction, but "an union of various selves into one life." (p. 52) "The social will is a concrete entity, just as real as we are, and of still a higher grade of reality than ourselves." (p. 312) This disposition on the part of Royce to treat a cause as a living being is characteristic of his Idealistic point of view.

So far we have not considered the nature of the cause to which one is loyal. "One may, for the time, abstract from all questions as to the value of causes. Whether a man is loyal to a good cause or to a bad cause, his own personal attitude, when he is loyal, has a certain general quality. Whoever is loyal, whatever be his cause, is devoted, is active, surrenders his private self-will, controls himself, is in love with his cause, and believes in it. The loyal man is thus in a certain state of mind which has its own value for himself." (p. 22) "And loyalty is for the loyal man not only a good, but for him chief amongst all the moral goods of his life, because it furnishes to him a personal solution of the hardest of human practical problems, the problem: 'For what do I live?'" (p. 57)

Such is Royce's initial position. The extreme nature of this position is apparent. Loyalty is not only a good *per se*, but, at least for the individual himself, it is THE GOOD *per se*. In the course of his book, however, Royce is obliged to make three qualifications which, in my opinion, entirely change the character of this initial position.

In a chapter dealing with possible objections to the theory, there occurs the following one. A critic may say that loyalty "tends to take the life out of a young man's conscience, because it makes him simply look outside of himself to see what his cause requires him to do. In other words, loyalty seems to be opposed to the development of that individual autonomy of the moral will." (p. 64) "Only your own will, brought to a true knowledge of itself, can ever determine for you what your duty is." (p. 79) The autonomy of the will is preserved and

the objection is disposed of by the requirement that one be free to choose his cause. "Nobody else shall determine, apart from this your own choice, the special loyalty that shall be yours." (p. 93) "No convention can predetermine my personal loyalty without my free consent." (p. 226)

This qualification constitutes what may be called the first refinement that Royce finds it necessary to make in order to fit loyalty for its place as the basis of his ethical system. Our opportunities for loyalty seem to come to us from without. Our family and our country are matters in whose determination we ordinarily have no choice. Royce recognizes that a mere acceptance of external circumstances, and an organization of life upon the basis of these circumstances, is not enough to constitute a true moral life. Thus one must be free in the choice of his loyalty. But this provision leaves one free to renounce his family and his country in the pursuit of such causes as a Platonic community of wives and children, anarchy and internationalism. Thus the theory is getting away from what is commonly meant by loyalty. And there are yet more qualifications to follow.

So far we have disregarded the question of the value of the particular cause selected. And Royce maintains throughout that even a mistaken loyalty has value and is better than no loyalty at all. He is careful to point out, however, that the theory as it stands is unsatisfactory. A robber band or a pirate crew may fulfil all the requirements that we have heretofore laid down for our cause. "Yet most of us would easily agree in thinking such causes unworthy of anybody's loyalty. Moreover, different loyalties may obviously stand in mutual conflict." (p. 109) "The fact that loyalty is good for the loyal does not of itself decide whose cause is right when various causes stand opposed to one another." (p. 111) A conflict of loyalties, as in war, is obviously an evil; "and at least part of the reason why it is an evil is that, by reason of . . . the war, a certain good, namely, the enemy's loyalty, together with the enemy's opportunity to be loyal, is assailed, is thwarted, is endangered, is, perhaps, altogether destroyed. . . . The militant loyalty, indeed, also assails, in such a case, the enemy's physical comfort and well-being, his property, his life; and herein, of course, militant loyalty does evil to the enemy. But if each man's

having and serving a cause is his best good, the worst of the evils of a feud is the resulting attack" upon "his loyalty itself." (p. 115) "And so, a cause is good, not only for me, but for mankind, in so far as it is essentially a *loyalty to loyalty*, that is, is an aid and a furtherance of loyalty in my fellows." (p. 118) "In so far as my cause is a predatory cause, which lives by overthrowing the loyalties of others, it is an evil cause, because it involves disloyalty to the very cause of loyalty itself." (p. 119) "*In choosing and in serving the cause to which you are to be loyal, be, in any case, loyal to loyalty.*" (p. 121) Our author indicates that the freedom of choice upon which he has insisted makes it possible for us to select our loyalties with this aim in view. "What cause could be more worthy than the cause of loyalty to loyalty; that is, the cause of making loyalty prosper amongst men?" (p. 125) The cause of loyalty to loyalty is best served, however, through the medium of particular causes.

It is interesting to note that Royce attributes the chief evil arising out of a conflict between loyalties not to injuries to the lives and well-being of the sufferers, but to the fact that such persons are deprived of their opportunity of being loyal. If they lose their lives, obviously they are deprived of this opportunity. But lesser injuries seem to foster the spirit of loyalty. Loyalty develops most completely in the face of opposition. Royce himself complains that the loyalties which seem most developed in our own country "far too often take the form of a loyalty to mutually hostile partisan organizations, or to sects, or to social classes, at the expense of loyalty to the community or to the whole country." (p. 229) And he later strongly emphasizes the fact that loyalty is strengthened by grief and defeat. The example of lost causes shows us how a cause "may be furthered by what seems at first most likely to discourage loyalty, that is, by loss, by sorrow, by worldly defeat." (p. 280) "Man's extremity is loyalty's opportunity." (p. 281) "Loyalty is never raised to its highest levels without such grief." (p. 284)

Practical loyalty can exist only in the face of some sort of opposition. And we often find this opposition in the form of an opposing loyalty. Thus it would seem that if loyalty is itself the highest good, and if we really want to promote it, our course lies, not in the way of mutual adjustments between

opposing loyalties, as Royce thinks, but rather in the direction of fostering conflicts. War has been invaluable in the promotion of loyalty. Even if death is one's fate, is it not better to have answered the call of one supreme purpose and thus to have achieved true personality, than to have lived a longer life as a mere psychological specimen, without purpose and without significance? If one is inclined to look upon war with disfavor, as Royce is, (p. 13) still would not our partisan and class struggles be, not an evil as he infers, but a means of promoting man's highest welfare? Of course the opposition necessary for the growth of loyalty does not necessarily take the form of an opposing loyalty. The opposition to the movement may take the form of ignorance, sloth, or indifference. One may be loyal to a charitable organization or to a hospital. And in this case the external obstacles do not take the form of opposing loyalties. As will appear later, the justification of loyalty to the state lies in quite an opposite direction, in the function of the state as a harmonizing agency. But this loyalty will be valued only as a means for its end. In all such cases where there is an ulterior end other than loyalty, strife may well be avoided, because its results are largely negative in character. But if loyalty is a good *per se*, as Royce holds, there seems to be no reason why we should not promote it by creating friction.

It is important to note the effect of this second refinement. We are told that we must be loyal to loyalty, that we must strive to increase the total amount of loyalty in the world. And thus, though with doubtful right, Royce looks with great disfavor upon loyalties which involve a conflict with other loyalties. Suppose, however, that one take Royce at his word. In the case of two conflicting loyalties, are we to avoid both? Such would seem to be the tendency of his argument. Sometimes, of course, we are compelled to make a decision. But in other cases would it not be better for us to withdraw from the issue completely, rather than to risk the possibility of being disloyal to the cause of universal loyalty? Royce would object to such a course that it would mean one was not to be loyal at all. However, one might find his loyalty in some extraneous cause. But Royce shows no disposition to get out of the difficulty in this way. In another connection he considers the case of General Lee, where the issue lay in a decision between the

Union and Confederate armies. We have no suggestion even that Lee might have avoided the conflict altogether,—might have gone to Europe, perhaps, and realized his loyalty in educational and charitable undertakings. The principle of the autonomy of the will would have completely justified such a course. According to Royce, we are in such cases to choose the cause which would best further the cause of universal loyalty. That is, we are to oppose a certain form of loyalty in the interests of general loyalty. The practicability of this principle will be treated later. Here it is only important to note the vacillation which Royce shows in developing his formula of loyalty to loyalty. We are told to avoid conflicts, and yet we seem to be told not to avoid them. In cases of doubt, cases in which we must choose between two opposing loyalties, we are not to be held back by the fear that we may choose wrongly, and may thus be unwillingly disloyal to universal loyalty. On the contrary, we are urged to make a decision, even if we must do so in ignorance. In all this vacillation we are led to suspect that there is some fundamental good other than loyalty, and that instead of being the end itself, loyalty is but the means. The significant point is not the fact that Royce holds the very questionable doctrine that conflicting loyalties are opposed to the development of the greatest amount of loyalty in mankind in general, but that he clearly perceives the impossibility of erecting an ethical system based upon mutual strife. If A. and B. are adherents of conflicting causes, we can not find the essential merit of each in a quality involving their mutual conflict. There must be some unity in correct ethical endeavor. Our individual moral activities may not be identical, but at least they will be supplementary parts of a coherent whole. But such considerations would lead one to place the significance of moral action not in a quality such as loyalty, but in some ulterior goal.

Our author now proceeds to develop his doctrine, and to substantiate his assertion that in loyalty is to be found the fulfilment of the entire moral law. All of the commonplace virtues may be reduced to loyalty. Self-cultivation, the maintenance of personal rights, justice, and benevolence receive their sanction from loyalty. A cause, moreover, colors all one's moral viewpoints. It becomes one's conscience. "Every cause

worthy . . . of lifelong service, and capable of unifying our life plans, shows sooner or later that it is a cause *which we cannot successfully express in any set of human experiences of transient joys and of crumbling successes.*" (p. 386) "My cause . . . is greater than my individual life. Hence it always sets before me an ideal which demands more of me than I have yet done." (p. 173) "My one ideal is always something that stands over against my actual life; and each act of this life has to be judged, estimated, determined, as to its moral value, in terms of the ideal. My cause, therefore, as it expresses itself to my own consciousness through my personal ideal,—my cause and my ideal taken together, and viewed as one, perform the precise function which tradition has attributed to conscience." (p. 173) It is thus true that conscience varies from person to person. Conscience may be fallible, but it is the best guide we have.

As Royce has remarked, conscience is fallible. And it is never more so than when the individual is absorbed in a cause. There is nothing, perhaps, which will twist our moral judgments more than a strong loyalty. We may lose ourselves in passion, or may become corrupted by vice, but we generally have, in these cases, a distinct feeling that we are wrong. The dangerous character of loyalty consists in the fact that we are so sure we are right. Nothing is more self-righteous than a great enthusiasm. It is particularly in the field of religion that the crimes of loyalty are most noticeable. Think of the persecutions, inquisitions, and massacres which have occurred because people have let their cause run away with their consciences! And this danger exists more or less throughout all the manifestations of loyalty. Mention has already been made of the effect of patriotism upon our moral judgments. Loyalty, consequently, always contains an element of danger. Thus is emphasized the great need of rational loyalty, and the extreme care necessary in the selection of causes. And loyalty does not seem to be so much of a good *per se* as Royce thinks.

Our attention is now turned to problems arising out of a conflict of duties. If we must choose between two loyalties, does our principle of loyalty to loyalty help us in making our choice? It is in this connection that Royce considers Lee's case. Would our principle have enabled him to decide whether

his allegiance lay with the Federal Government or with the state of Virginia? A brave attempt is made to meet this situation, but the discussion shows plainly that the principle is not decisive in such cases. Thus we read: "After a certain waiting to find out whatever I can find out, I always reach the moment when further indecision would of itself constitute a sort of decision,—a decision, namely, to do nothing, and so not to serve at all." (p. 189) This our principle forbids: One must have a cause. Therefore, "*decide, knowingly if you can, ignorantly if you must, but in any case decide, and have no fear.*" (p. 189) But we must stick to our decisions once made. "Having surrendered the self to the chosen special cause, loyalty, precisely as loyalty to loyalty, forbids you to destroy the unity of your own purposes, and to set the model of disloyalty before your fellows, by turning back from the cause once chosen, unless indeed later growth in knowledge makes manifest that further service of that special cause would henceforth involve unquestionable disloyalty to universal loyalty." (p. 190)

The principle of loyalty to loyalty is, consequently, as Royce himself admits, not entirely satisfactory. It would be rash to demand of a moral principle that it automatically solve all problems arising out of a conflict of duties. But yet one feels that even a resort to the rules of customary morality would be preferable to reliance upon the vague principle of trying to decide how to secure the greatest possible amount of loyalty in mankind. Again there is felt the need of defining a more positive goal for human life, and of finding the means of attaining this goal. Provided only that such a goal be partially formulated, moral conflicts might be solved with greater frequency and with greater rationality.

The latter portion of *The Philosophy of Loyalty* is in part taken up with some practical questions involving the awakening of loyalty, and in part with the metaphysical basis of the system. In this connection there is developed the doctrine of the Eternal, or Absolute. It would be out of place here to undertake a detailed discussion of this doctrine. The doctrine forms the key-note of the author's entire philosophical system. In another of Royce's books, *The World and the Individual*, the argument is ontological in character; here it is epistemological. Since all facts are for Royce facts of experience, and since the

facts of science and of truth in general transcend the limits of any human experience, while yet such a system of truth is a whole, there must be a superhuman unity of consciousness. This is the Absolute, or Eternal, "where our experiences, past, present, future, are the object of a conspectus that is not merely temporal and transient." (p. 337) The doctrine of the Absolute is also necessitated by the realistic way of viewing the nature of causes. Royce's conception of a cause requires the unity of human lives. "Therefore, if loyalty has any basis in truth, human lives can be linked in some genuine spiritual unity." (p. 307) If again we admit that all facts are facts of experience, these higher spiritual unities which can never be completely experienced by any human consciousness, are facts present to the Absolute. "Our philosophy of loyalty is a rational part of a philosophy which must view the whole world as one unity of consciousness." (p. 312)

It is upon the basis of this Absolute Idealism that Royce redefines the concept of loyalty. The new definition may be considered as the third refinement which Royce's theory undergoes in the course of the book, although it is not so much a qualification of the theory as a contradiction of the entire position. Royce has up to this point regarded loyalty as a good *per se*. The development of loyalty in mankind has been established as the criterion of morality. But in the latter portion of the book this viewpoint is profoundly modified.

Royce presents us with a criticism pronounced by a friend upon the earlier portion of the book. "'Loyalty to loyalty' doesn't seem ultimate. Is it not loyalty to all *objects* of true loyalty that is our ultimate duty? The object, not the relation, —the universe and the devotion to it, not the devotion alone, is the object of our ultimate devotion." (p. 303) Upon the next page occurs Royce's own rather surprising statement: "I cordially share my friend's objection to the definition of loyalty so far insisted upon in these lectures." (p. 304)

"Our definition of loyalty, and of its relation to the ultimate good which the loyal are seeking, has so far been inadequate. But, as I told you in the opening lecture, we deliberately began with an inadequate definition of the nature of loyalty." (p. 304) "We are loyal not for the sake of the good that we privately get out of loyalty, but for the sake of the good that the

cause—this higher unity of experience—gets out of this loyalty. Yet our loyalty gives us what is, after all, our supreme good, for it defines our true position in the world of that social will wherein we live and move and have our being." (p. 312)

The final definition of loyalty is as follows: "*Loyalty is the will to manifest, so far as is possible, the Eternal, that is, the conscious and superhuman unity of life, in the form of the acts of an individual Self.*" (p. 357)

In *The World and the Individual*, the Absolute is defined in terms of purpose. It is the supreme purpose of the universe, or the *summum bonum* embodied in a superhuman totality of consciousness. Consequently, this new interpretation of the concept of loyalty throws upon it an entirely new coloring. Loyalty, in fact, reduces to this: the furtherance of the supreme purpose of the universe, the attempt to realize the *summum bonum*. The arguments by which Royce arrives at his doctrine of the Absolute may be attacked and discounted by one of different philosophical prejudices. The significant fact, however, lies not in the means used to arrive at this final reinterpretation of loyalty but in the consideration that the reinterpretation was actually made. Worth or value exists, not in a pursuit, but in a thing pursued. Loyalty is thus valuable only as a means.

This position is in obvious contradiction to the position taken earlier in the book. We should, it would now seem, strive to advance the *summum bonum* embodied in the Absolute, instead of trying merely to increase the total amount of loyalty in mankind. We are told specifically that the justification of our loyalty is not the good that we get out of it as individuals, but some superhuman good. But Royce seems not to see the wide divergence between these two different positions. Even in the latter portion of the book the view that loyalty is a good *per se* is not discarded. This fact appears very clearly in the thesis that it is better to be loyal to a false cause than not to be loyal at all. Loyalty has been defined as the service of the Eternal. Does Royce mean that all loyalty is a furtherance of this eternal purpose? Evidently not, for he recognizes the existence of unworthy causes. And it is by no means clear how loyalty to a cause opposed to this eternal purpose can have any positive moral value. It is surely much better to be in-

different to the cause of progress than actually to oppose it. In the view of our author, however, loyalty always retains a certain value of its own. Thus he states: "*All lesser loyalties, and all serving of imperfect or of evil causes, are but fragmentary forms of the service of the cause of universal loyalty.*" (p. 375) This statement seems rather broad. Is the service of a robber band a fragmentary form of the service of the cause of universal loyalty? Consequently, we are not surprised to find in another connection a statement which acts as a qualification to the former statement. The individual must sincerely believe in the worth of his cause if his loyalty is to have moral value. "Loyalty is good for a man precisely because he believes that his cause itself, even apart from his service, is good." (p. 301) In other words, loyalty is valuable in itself, whether the cause is good or evil, but only if the loyal individual believes that his cause is good. This statement seems to be only another indication that the emphasis must be shifted from the loyalty itself to the ultimate purpose of the loyalty. A mistaken loyalty might be considered good in its *intention*, if those concerned really believe that the cause is right. But it is pernicious in its results. And in the case of the robber band both the intention and the results are evil. The loyalty here in question might be considered good in so far as it is something capable of being turned to better uses. But this quality is manifestly valuable only for its *possible utility*. In determining the actual value of any particular loyalty, we must determine the value of the cause to which it is applied.

Royce is optimistic enough to think that loyal individuals will naturally be led toward the right path in the long run. "The cause may indeed be a bad one. But at worst it is our way of interpreting the true cause. If we let our loyalty develop, it tends to turn into the service of the universal cause." (p. 383) This latter assertion may well be called into question. The loyal service of a mistaken cause, instead of leading the individual to see his mistake, is much more likely to narrow and bias his viewpoint still further. If we are to make the ideal of the cause our conscience, as Royce recommends and as loyal people very generally do, how are we ever to recognize that our cause is wrong? These considerations show the extreme danger of considering loyalty as anything but a means. But again

the interesting fact is not that Royce has mistaken the ability of loyalty to lead one toward the true cause, but that he has considered it necessary to think that such was the case. Evidently, in the last resort, he can not get away from the supreme importance of the cause upon which loyalty is concentrated.

Royce has started with the intention of founding a system of ethics upon loyalty. He has attempted to maintain that loyalty is a good in itself. But he has found it necessary to qualify his position in such a way as to suggest that after all the value of loyalty is dependent upon the value of the cause toward which it is directed. Thus he takes great care to state that we must not passively acquiesce in our loyalties, but must freely choose them. Morality should not be something merely external, but should have its roots in individual volitional autonomy. This qualification leaves us free to repudiate the loyalties in which we naturally find ourselves, and to acquire others upon the basis of some sort of selection. If loyalty is valuable in itself, why not accept the loyalties in which we naturally find ourselves? We are next told that we must be loyal to loyalty, that we must choose our cause so that the total amount of human loyalty may be increased. This requirement is interpreted to mean that, if possible, conflicting loyalties are to be avoided. But Royce himself admits in another connection that opposition often strengthens loyalty. And we are told that we must not avoid conflicts if such avoidance will mean that we are not to be loyal at all. Royce, furthermore, shows no disposition to indicate that we should withdraw from such conflicts wherever possible and find our loyalties in extraneous causes. All this vacillation only serves to suggest that the ultimate criterion is not loyalty itself but some ulterior principle. As Royce says, the loyal individual's cause tends to become his conscience, and although Royce would not admit the fact, this conscience is particularly likely to be biased. Royce is not able to show how his principle of loyalty to loyalty can be practicable in solving moral problems. And in the last chapter of the book he redefines loyalty as the service of the supreme purpose of the universe, the *summum bonum*. The great value of loyalty lies at last in the end to be achieved.

✓ The foregoing discussion of *The Philosophy of Loyalty* has thus indicated one fact in regard to the nature of patriotism. Whatever may be the value of patriotism, and whatever may be its justification, there is no value in the mere patriotism itself. The value of patriotism lies in the purpose which it achieves.

III. THE PURPOSE OF THE STATE.

The result of the preceding section was to show that loyalty has its ultimate justification in the end which it secures. It is valuable only as a means. In so far as the loyalty narrows and warps the individual's moral judgment and in so far as the end secured is not good, the loyalty is an evil. The justification of loyalty lies in its character of a necessary discipline for the attainment of certain valuable ends. Patriotism is the special application of loyalty to the state. Thus the justification of patriotism involves an investigation into the true purpose of the state. And any particular patriotism is justified in the degree in which this true purpose is realized in the state in question.

The end for which the state exists has generally been regarded as moral. Aristotle says that the state exists for the sake of good life. Hegel protests against viewing the state as a mere police organization with the sole duty of affording protection to business. For Bosanquet the purpose of the state is the promotion of the "best life" in its citizens. These terms are vague, and manifestly need a more concrete formulation. But the nature of the *summum bonum* is in itself a most difficult problem, and its discussion would lead too far from the purposes of the present thesis. We will only say, then, that the purpose ✓ of the state is to secure the good of man, the most complete and harmonious fulfilment of human potentialities. It is not implied that this moral purpose needs to be or can be realized directly. As a matter of fact, the immediate attention of the state is to be concentrated on the removal of hindrances to this "best life." The state can not legislate its citizens into being moral. In so far as an act is done "to the hope of reward or the fear of punishment, its value as an element in the best life is *ipso facto* destroyed, except in so far as its ulterior effects are concerned." (Bosanquet, *The Philosophical Theory of the State*, p. 189) But a definite evil, such as prostitution, may be con-

trolled, and the state may maintain a social order conducive to the "best life" of its citizens.

But now the question immediately presents itself: *Whose* good is to be secured? The most obvious answer is: The good of all of the citizens. But this answer raises numerous problems. In human life we find, apparently, endless conflicts. The good of one interferes with the good of another. Not only are our courts crowded with civil litigation, but our labor troubles are becoming more and more acute. These conflicts the state endeavors to settle, in part upon theoretical bases, in part by considerations of expediency, and in part by mere compromises. In the attempt to solve such problems, and to protect the rights of its citizens, the state has evolved an enormous body of legislation. And this increase of legislation means a growth of restriction and a diminution of what might appear to be the chief good of all, the specific characteristic of man,—liberty. But the difficulties do not stop here. The matter of criminals may be passed over. It is not at all evident that the state seeks their good in punishment,—nor is it evident that the state should do so. But at times of national crisis there is hardly any limit upon the sacrifice which the state may require from its best and most law-abiding citizens. Can the state be said in any manner to seek the good of the soldier whom it sends to death in order to carry out its purposes?

As an answer to all these difficulties, we shall probably be told that it is the good of the "whole" which is to be secured. The individual good must be sacrificed for the good of the group. Yes, but if every individual is sacrificed for the good of the group, what becomes of the group? The real meaning of the statement is that a few individuals must be sacrificed for the welfare of the rest. How are we to determine which individuals are to be sacrificed? Why should I be sacrificed to the common welfare in which you share, rather than that you should be sacrificed to the common welfare in which I share? It is impossible to make a graduation of citizens in terms of their value. Neither human wisdom nor human justice is equal to the task.

And is not the whole idea of sacrifice fallacious? There seems to be something sacred about a human being. He possesses his own absolute worth. He carries his purposes within himself.

Slavery has been universally condemned because it involves a disregard of the value of this internal purpose. We are treating the slave, not as a man, but as a thing. And does not the conception of sacrifice imply that we are treating humanity not as an end withal, but as a means only?

In matters of civil litigation the state is continually repudiating the inner purpose of this individual or of that; sometimes in cases of compromise there is a partial repudiation of the purposes of both parties to the suit. Such injuries are relatively innocent. But by circumscribing the individual with its mass of legislative restrictions, the state is guilty of a much more serious repudiation of the right of an individual to work out his inner purpose in freedom. And the supreme sacrifices of war present the problem in its most serious aspect.

In reply to all this it will be said that we have been regarding the welfare of mere individuals. We should seek rather the welfare of the group *as such*. Our viewpoint has been atomistic. We have been regarding a society as a mere aggregate of human beings, with their individual purposes; whereas we should regard it as a living organism with a distinct purpose of its own. The state is something more than the sum of its citizens. It is a universal something, existing, no doubt, in the particulars, but a real universal withal.

A very natural way of conceiving of a society as an entity over and above the sum of its constituents, is to conceive of it as analogous to a physical organism.

IV. THE STATE AS AN ORGANISM.

Perhaps the earliest conception of the state as an organism is that found in Plato's *Republic*. (Book IV) In some respects Plato's conception is more adequate than that of later times, for he conceives the state as mental rather than physical. The comparison is not between the classes of a state and the members of a physical organism, but between the classes of a state and the functions of the mind. Inasmuch, however, as these mental functions are localized in various parts of the body, the difference between Plato's conception and that of later times is not as pronounced as it at first sight appears. (See *Timaeus*, XXXI.) There should be in the state, according to Plato, three classes; a governing class, corresponding to the rational faculty in man,

located in the head; a military class, corresponding to the spirited faculty in man, particularly courage, located in the chest; and an industrial class, whose purpose it is to feed and clothe the state, corresponding to the appetites, hunger, thirst, sex, located in the abdomen. Justice results, both in the state and in the individual, from a proper co-ordination of functions. It is doubtful, however, if Plato can be considered as a true representative of the organic theory. His republic is not a natural product, but a state made to order. The tendency of modern society, moreover, has been steadily away from Plato's division of classes. We no longer have a ruling class, a military class, and an industrial class. The modern citizen is expected to unite within himself all three functions. He is expected to engage in industry, to perform military service at times of need, and to guide the policies of the state by means of popular suffrage and public opinion. This particular doctrine of Plato has had, apparently, but little influence upon subsequent thinkers.

An organic theory of society is also to be found in St. Paul. (1 Cor. 12) Christians are baptized into the body of Christ. A body consists of many members differing in capacity and function. This difference is essential. "If they were all one member, where were the body?" These members are mutually interdependent. "The eye cannot say unto the hand, I have no need of thee." Even those members which seem to be feeble are necessary, and those members which seem less honourable are not to be despised. "The members should have the same care one for another. And whether one member suffer, all the members suffer with it; or one member be honoured, all the members rejoice with it." Some are apostles, others prophets, others teachers, others workers of miracles, others healers, others have the gift of tongues, others are interpreters. St. Paul has in mind evidently that each should perform his proper function in co-operation with his fellows and without dissension. All of this may be merely a bit of the Apostle's homiletics, but the passage had a great influence during the Middle Age. (See Gierke, *Political Theories of the Middle Age*, a portion of *Das deutsche Genossenschaftsrecht*, Band III, translated by Maitland, p. 22.)

The organic theory is very common during the Middle Age. According to Gierke, "John of Salisbury made the first attempt

to find some member of the natural body which would correspond to each portion of the State. . . . Later writers followed him, but with many variations in minor matters. The most elaborate comparison comes from Nicholas of Cues, who for this purpose brought into play all the medical knowledge of his time." (ibid., p. 24) The social organism, according to Nicholas, is a dualism of soul and body, represented respectively by the priesthood and the laity. The soul, despite its unity, operates in every member of the body, as well as in the body as a whole. "Thus the Papacy will be Soul in the brain; the Patriarchate will be Soul in the ears and eyes; the Archiepiscopate, Soul in the arms, the Episcopate, Soul in the fingers, the Curacy, Soul in the feet, while Kaiser, Kings and Dukes, Markgrafs, Grafs, 'Rectores' and the simple laity are the corresponding members of the 'corporal hierarchy.'" (ibid., p. 24) "Still even in the Middle Age there were not wanting endeavours to employ the analogy of the Animated Body in a less superficial manner, and in such wise that the idea of Organization would be more or less liberated from its anthropomorphic trappings. Already John of Salisbury deduced thence the propositions—indisputable in themselves—that a well ordered Constitution consists in the proper apportionment of functions to members and in the apt condition, strength and composition of each and every member;—that all members must in their functions supplement and support each other, never losing sight of the weal of the others, and feeling pain in the harm that is done to another." (ibid., p. 24)

These mediaeval analogies, however, are without great significance. One might find a few remarks concerning the differentiation of function, interdependence, and the subordination of part to whole. But the argument is for the most part concerned with the establishment of a more or less fanciful correspondence between certain social factors and organs of the human body,—often with the ulterior purpose of supporting either the Papal or Imperial party.

It was in the nineteenth century that the organic theory came into its own.¹ Both Hegel and Darwin, though by very different

¹ According to Korkunov (*General Theory of Law*, translated from the Russian by Hastings, p. 270), "the organic conception of society is a quite modern idea, and hardly appeared before the end of the XVIII century." Korkunov bases his statement upon the contention that there could be no clear distinction between the organic and mechanical conceptions until after

modes of approach, served to bring the conception of the organism into prominence. And this idea was connected essentially with the idea of development. A machine is something that can be rationally constructed. Thus, the mechanical conception of society is represented by the theories of social contract. An organism is the product of a long course of evolution; to know it one must know its history. And when we say that society is an organism, we mean that its laws of development are those of the development of life generally.

It is upon this basis that Herbert Spencer endeavors to establish the organic theory of society. Spencer emphatically repudiates anthropomorphism. A society may not be compared to any particular kind of organism. But the general features of societies are those of organisms.

A society is composed of individual units. Also "the life of every visible organism is constituted by the lives of units too minute to be seen by the unaided eye." (*The Principles of Sociology*, Vol. I, p. 453) "Blood is a liquid in which, along with nutritive matters, circulate innumerable living units—the blood corpuscles." (p. 454) "By a catastrophe the life of the aggregate may be destroyed without immediately destroying the lives of all its units; while, on the other hand, if no catastrophe abridges it, the life of the aggregate is far longer than the lives of its units." (p. 455) This statement applies equally to physical organisms and to societies.

Both societies and organisms grow. This growth may take place by two methods. There may be an increase by the simple multiplication of units, of cells in the organism, and of persons in the society. But there is also in societies a method of growth

the appearance of the vital theory, due to Bichat, in 1801. Earlier theories regarded the body as a machine. Between the spiritistic and the materialistic or mechanical theory proper the difference was only that in one case the body was considered to act as the passive instrument of the soul, and in the other case automatically. In either case the body was a machine. Bichat ushers in a new conception. According to him, there are special vital properties in the living organism. Unlike the physical properties of matter, these vital properties are transmissible from one particle of matter to another. "All life is only a long struggle between physical and vital properties. Health and disease are merely different phases of it. Recovery is a victory of the vital properties and death of the physical ones." (Kor-kunov, p. 272)

Whatever we may think of this physiology, we have here clearly set forth the idea of an organism with a purpose distinct from that of its component parts,—if we may dignify physical and chemical properties with the name of purpose.

by the union of groups. Is there anything to correspond to this in Biology? Spencer answers in the affirmative, and points to cryptogams and Coelenterata. Along with growth, goes differentiation of structure and function. "The lowest type of animal is all stomach, all respiratory surface, all limb." (p. 451) As evolution proceeds, different functions come to be performed by different organs, which grow more and more unlike each other. Similarly in a primitive society, each man is a warrior, a hunter, and a hut-builder. Civilization is accompanied by an ever increasing diversity in the number of occupations. This growth in diversity is in both cases accompanied by a growth in interdependence. In primitive organisms, one organ may perform the function of another, just as in primitive societies one person may assume the occupation of another. As evolution proceeds in both cases, this possibility of transfer is constantly decreased. Low organisms, whose parts are all similar to each other, can be separated, and both parts will continue to live. "We cannot cut a mammal in two without causing immediate death." (p. 486) Each organ has its particular function, and the loss of any important function is fatal. Similarly, primitive societies can be cut off from one another with little annoyance. But "Middlesex separated from its surroundings would in a few days have all its social processes stopped by lack of supplies." (p. 486) In both organisms and societies, what we may call the vitality or intensity of life is in direct proportion to this differentiation of function.

As we ascend in the course of evolution, there occurs the gradual differentiation of three systems. First comes the sustaining system, the part of the body concerned with nutrition, the alimentary canal. Then comes the regulating system, the part of the body which deals with the outer environment, the nervous system and the limbs. Third, after the differentiation has progressed to a certain degree, comes the distributive or vascular system, which carries nourishment to all parts of the body.

There occurs a similar division in societies. The sustaining system is represented by the productive industries. The regulating system is represented by the governmental and military organization. The distributive system is represented by the trading classes. Of these, the most important, in the present connection, is the regulating system.

The nervo-motor system of animals is developed as a means of dealing with the outer environment. Other animals must be caught for food, or must be escaped from. This requires an ever increasing amount of co-ordination and centralization. As we ascend the scale in animal evolution, we find an ever increasing nerve centralization. What were originally relatively independent local ganglia, become subordinated to a central organ. Governments, likewise, have been developed as a means of dealing with external foes. And the frequency of war has steadily tended to produce a strong, centralized government. In the evolution of animals, also, the governing centers are progressively superseded by higher centers, and the earlier centers become more automatic. The highest center comes to be the seat of deliberation; and it controls the actions of the body through the agency of the lower more automatic centers. In governments, the earlier executive organs are likewise superseded by deliberative bodies. These earlier organs become more and more automatic, limiting themselves to the immediate supervision of affairs under the direction of the deliberative bodies. Thus the spinal cord may be compared to the king; the medulla oblongata and the sensory ganglia to the ministry; and the cerebrum and cerebellum to parliament. The nerves of the body correspond to the means of communication in society.

There occurs now a further complication in the theory. The cerebro-spinal system is concerned mostly with external activities. But we find also a secondary nervous system in the body, practically independent of the former, which regulates internal actions. This is the sympathetic system. In modern societies, the industrial life has become largely independent. Governmental interference has decreased, and business is left to regulate itself in accordance with its own intrinsic laws. Thus we have a relatively independent industrial regulating system. There is also in animals a third nervous system, the vaso-motor, which governs the distribution of blood. In society this function is performed by the banks, which extend to any local industry during periods of unusual activity an extension of credit "so that there takes place a dilatation of the in-flowing streams of men and commodities." (p. 546) Thus the distributing system has its own regulating apparatus. Centralized

control, as represented by the cerebro-spinal system, is characteristic of a military state; while a decentralized control and lack of governmental interference, as represented by the sympathetic system, is characteristic of an industrial state.

So far the analogy seems very plausible. As will appear later, Spencer himself insists upon a qualification which robs his theory of all significance. But for the time being it will be best to leave Spencer, and consider the implications of the organic theory in relation to patriotism. It must be borne in mind that the organic theory of society is a very common one to the nineteenth century, and is by no means identified with Spencer. As a matter of fact, Spencer has been selected in the present instance, not because he is such a good representative of the theory, but because he is such a bad one.

It will be remembered that serious difficulties were found to be involved in the conception that the purpose of the state is the realization of the good of all of its citizens. Being accused of atomism, and fearing that we were on the wrong track altogether, we then asked if the state could have a purpose distinct from the purposes of its citizens. Such a viewpoint suggests that the state is an entity of some sort, and the question was raised: Can the state be regarded as comparable to a physical organism? The arguments have just been noticed by which such an analogy may attempt to substantiate itself.

What would be the meaning of patriotism in such a theory? It would naturally seem to imply the subordination of the individual to the whole. The activity of every portion of the organism is distinctly subordinate to the purpose of the whole. The purpose of the organism is distinct from the purposes of its parts. Thus in the state the purpose of each individual would be subordinate to the purpose of the state itself, which would be something distinct from the purposes of its citizens.

Of course, the welfare of the state is, in a sense, the welfare of its citizens; just as the welfare of the organism is also the welfare of its members. And no doubt the organism is best off when all its parts are in good condition. There may be some pain when there is injury to any part of the body. But the different parts of the body are important in vastly different degrees. Certain portions of the body may easily be sacrificed for the sake of other more vital portions. Consequently, the state

would consider the good of all of its citizens, but in radically different degrees.

Furthermore, in a physical organism, certain members are employed to do rough physical labor. Certain members seem especially adapted for the purpose of enjoying themselves. Some members naturally command; others can only obey. These differences are not transient and temporary ones, but are innate and permanent. Would the analogy therefore imply a rigidly stratified society, in which a few dictated, the many obeyed, some performed the menial duties, while others were especially expected to enjoy themselves?

These implications of the organic theory were clearly perceived by the Schoolmen. "From the notion of an Organism, whose being involves a union of like with unlike, was derived the necessity of differences in rank, profession and estate, so that the individuals, who were the elements in ecclesiastical and political Bodies, were conceived, not as arithmetically equal units, but as socially grouped and differentiated from each other." (Gierke, *op. cit.*, pp. 27-28. In a note there is a reference, among others, to St. Thomas.) "Lastly from the nature of an Organism was inferred the absolute necessity of some Single Force, which as *summum movens*, vivifies, controls and regulates all inferior forces. Thus we come to the proposition that every Social Body needs a Governing Part (*pars principans*) which can be pictured as its Head or its Heart or its Soul. Often from the comparison of Ruler to Head the inference was at once drawn that Nature demanded Monarchy, since there could be but one head." (*ibid.*, p. 28)

Thus we have the picture: a strong centralized state, preferably a monarchy, characterized by gradations of rank, and corresponding inequalities. It was because of these implications of the theory that Tolstoy so vigorously attacked it.

In the essay, *What Shall We Do Then?* he exclaims: "How can one help accepting such a beautiful theory! It is enough for me to view human society as an object of observation, in order calmly to devour the labours of others who are perishing, consoling myself with the thought that my activity as a dancer, lawyer, doctor, philosopher, actor, investigator of mediumism and of the form of atoms is a functional activity of the organism of humanity, and so there cannot even be a question as to

the justice of my exploiting the labours of others,—I am only doing what is pleasant for me,—as there can be no question as to the justice of the activity of the brain cell which is making use of the muscular labour.” (p. 229, Wiener’s translation) Tolstoy attributes the theory, although apparently not the pernicious implications, to Comte. The passage is colored, of course, by Tolstoy’s characteristic anti-cultural attitude.

It is very interesting to note that Spencer does not accept these implications of the theory. By one of the strangest freaks of fortune in the history of philosophy, the advocacy of the organic theory of societies has here been placed in the mouth of a particularly rabid individualist. Spencer is very careful to point out the differences between societies and “other organisms.” The living units composing a society are discrete, are not in immediate contact with one another, and are more or less widely dispersed. This discreteness of the social organism prevents “that differentiation by which one part becomes an organ of feeling and thought, while the other parts become insensitive.” (op. cit., p. 460) “There are, indeed, traces of such a differentiation.” “The mechanically-working and hard-living units are less sensitive than the mentally-working and more protected units.” But there is “a cardinal difference in the two kinds of organisms. In the one, consciousness is concentrated in a small part of the aggregate. In the other, it is diffused throughout the aggregate.” “As, then, there is no social sensorium, the welfare of the aggregate, considered apart from that of the units, is not an end to be sought. The society exists for the benefit of its members; not its members for the benefit of the society.” (p. 461)

In the *Revue Philosophique* for May, 1877, M. Henri Marion published a criticism of Spencer’s theory, to the following effect: The most highly developed animals have well co-ordinated nervous systems, whereby they may secure prey and escape their enemies. In accordance with the analogy, the most highly developed states should be military states with strong centralized governments exercising rigid control over the individual. But Spencer considers as the higher type the industrial state with decentralized authority and a general *laissez-faire* theory. In a postscript added to his book, Spencer summarizes M. Marion’s remarks, and gives an explanation. He

admits the analogy breaks down. Individual organisms, whether low or high, have to maintain their lives by offensive or defensive activities, or both. Hence the need for a co-ordinated regulating system. It is otherwise with societies. Doubtless during the militant stages of social evolution the societies having the most centralized regulating systems, are, *relatively to the temporary requirements*, the highest. But relatively to the ultimate requirements, that is, when war shall have been transcended, societies will be high or low in proportion to the evolution of their industrial systems. This great difference is to be explained by the essential differences between society and biological organisms. "In the individual organism, the component units, mostly devoid of feeling, carry on their activities for the welfare of certain groups of units (forming the nervous centres) which monopolize feeling; in the social organism, all the units are endowed with feeling." "In the individual organism, the units exist for the benefit of the aggregate, in the social organism the aggregate exists for the benefit of the units." It is just this difference that causes the anomaly noted above. "Social organization is to be considered high in proportion as it subserves individual welfare, because in a society the units are sentient and the aggregate insentient; and the industrial type is the higher because, *in that state of permanent peace to which civilization is tending*, it subserves individual welfare better than the militant type." (p. 599)

So this is the result of Spencer's theory! Society is an organism, but one in which the parts are sentient and the whole insentient, which has no intrinsic value in itself but is valuable only in so far as it serves its units, and which actually achieves its highest state of development in a sort of self-effacing process of decentralization and weakness. Why call society an organism at all? It has, indeed, been stated that Spencer was not serious in this viewpoint. In the last chapter of Part II he makes the following statement: "But now let us drop this alleged parallelism between individual organizations and social organizations. I have used the analogies elaborated, but as a scaffolding to help in building up a coherent body of sociological inductions." (p. 592) However, he has repeatedly stated that a society is an organism. And he would hardly have devoted 153 pages to

the establishment of a thesis which was to be so summarily discarded. Spencer is here insisting, I think, that Sociology must stand upon its own feet, and not gather its data from the material of Biology. Spencer is perfectly sincere in his statement that society is an organism. But his own qualification robs the statement of almost its entire meaning.

Even the structural and functional analogy is by no means proof against attack. The particular analogies seem arbitrary. Korkunov cites an illuminating example of this. "According to Spencer the individuals who form a society may, according to their social position, be compared to different cells of the organism, the working classes corresponding to the digestive organs, the ruling classes to nerves, etc. Lilienfeld, on the contrary, believes that the men can be compared only to the nerve-cells." (*Theory of Law*, pp. 276-277)

We have already noticed that societies grow by a process of integration. Spencer sustains his analogy here only by having recourse to very low forms of organisms. To quote again from Korkunov: "Growth by annexing new groups from without is something wholly impossible for the organism; or at least such growth is possible only for organisms presenting the very lowest degree of differentiation in their structure." (*ibid.*, p. 280) "In social life, on the contrary, we meet with this form of growth in the most complex social organizations. The history of human societies, also, shows us numerous examples of societies annexing some organ having a highly special function which it kept after such annexation, after entering into a new social aggregate. The history of modern states is full of examples of the annexation of agricultural districts, of industrial centres, of commercial parts, fortresses, etc., according to Spencer distinct organs and social differentiations of the social body." (*ibid.*, p. 281) In societies, also, we may have growth through immigration. Spencer notices this phenomenon, and admits that there is no parallel to it in Biology, but considers it unimportant. (Spencer, *op. cit.*, p. 469) But according to Korkunov: "It is sufficient to recall the coming of the negroes into America, and in our day the beginning of Chinese immigration into the same country. The whole history of America gives the lie direct to Spencer's theory." (Korkunov, *op. cit.*, p. 281)

“The form of governmental organization of any given State is in constant change, and at times undergoes radical alteration.” (Willoughby, *An Examination of the Nature of the State*, p. 36) The form of biological organization on the other hand is practically permanent, and radical alterations are either impossible or fatal. “In the organism, the laws of development, though acting from within, are blindly and intuitively followed; while the growth of the State, though also from within, is, to a considerable extent at least, consciously felt, and the form of its organization self-directed.” (Willoughby, *op. cit.*, p. 37)

But the essential defect of the analogy, as Spencer himself saw, occurs in the respective relations of the whole to its constituent parts. According to Tolstoy: “Humanity lacks the essential sign of an organism, a centre of sensation and of consciousness.” (*op. cit.*, p. 232) Consequently, the individuals of a society are vastly more independent than are the cells of an organism. “Though the will of the State is not identical with the wills of its constituent units, yet, unlike the will of the natural organism, it is one that is influenced and largely determined by such individual volitions. Furthermore, the existence and activities of these units are not exhausted in the life and activity of the State. Not only is their organic life independent of the State’s existence, but their entire spiritual being is uncontrolled by it.” (Willoughby, pp. 35-36) “Contrasted with these characteristics, the living being is an aggregate whose parts exist solely to support and continue the life of the whole. The individual units have no life of their own, no independent powers of volition or action. Also, while in the organism the tendency is for the influence and control of the whole over the action of its parts to increase not only in exactness but in scope, this is not the necessary tendency in the State, whose control, though tending to become more and more perfect, at the same time secures to the individual a continually increasing sphere of free undetermined action.” (Willoughby, p. 36)

Korkunov brings up similar objections: “In the organism each cell participates in a sole rigorously determined function. The same cell cannot be by turns a bone and a nerve cell. In society, on the other hand, we find this diversity in the functions of a single individual. The same person may be successively a laborer on the soil, a corporation’s secretary, member of a

jury, or of a city council, of a legislative assembly or even president of the republic." (Korkunov, *op. cit.*, p. 282) Again: "The cell is always simply and exclusively an attribute of a single organism. It has no power to participate at the same time in the life of several organisms." But "subjects of the Russian state . . . may be of Germanic nationality and belong at the same time to the Catholic Church." (*ibid.*, p. 285) "If in the organism the independence of the distinct cells is in inverse proportion to the development of the organism as an entirety, we cannot establish on the other hand in the social life that the independence of the members of the same society diminishes as the development of the society augments. Quite the contrary, individual independence is one of the prime conditions of social development. Where the development of individual thought is stifled, the growth of the social ideal is impossible; society retrogrades, finds its development paralyzed, its internal as well as external relations less active." (*ibid.*, pp. 294-295)

The analogy between an organism and a society is at best but a partial analogy. In any statement of the theory, these exceptions must be carefully noted. Consequently, there seems to be no reason for calling society an organism at all. We may say, if you like, that the phenomena of society present certain likenesses to those of developing life, but we must immediately add that there are certain unlikenesses. And the analogy has a pernicious tendency when taken seriously. I do not, of course, pretend that there are no differences of value among citizens. But the organic theory suggests that these differences are intrinsic, necessary, and rather to be desired than to be avoided. Each cell in an organism has its distinct place allotted to it; there is no such thing as an equal opportunity. And the welfare of certain cells is distinctly subordinate to the welfare of others. We are, in fact, back at our old difficulty. We are seeking to use human beings as a means, not as an end; and as a means, not only to the welfare of the state, but incidentally to the welfare of other human beings.

After noting the problems involved in the apparent conflicts between the welfare of one citizen and the welfare of another, we endeavored, if you remember, to see if we could not look for the welfare of a nation in the purpose of the state as such, con-

ceived of as something distinct from the sum of its citizens. But the organic theory is of questionable validity, and seems to embody the principle of inequality, which we shall avoid if possible. Let us see if we can not conceive of the state in such a way as to avoid this inequality, in such a way as to do no violence to the ideas of equal opportunity and equal consideration of the purposes of all.

V. THE STATE AS A PERSONALITY—INTRODUCTION.

The organic theory has not been the only historic method of viewing the state as a unity. We often hear the state spoken of as a "personality." The holders of such a theory, it is true, often speak of the state as an organism, and there is more or less talk about the differentiation of function, co-ordination, and interdependence. We are told that the parts and the whole imply each other and exist for the sake of each other. But there are no analogies to the physical organism, and our attention is turned to such features of a society as its common consciousness, its common purpose, and its common will.

It has been the failing to a greater or less degree of all organic theories, that they try to establish their analogy by showing the similarity of structure and function between a physical organism and a society. Such a mode of approach involves a fundamental misconception of the idea of an organism. An organism can not be defined in terms of structure; it must be defined in terms of purpose. The conception is not a structural one, but a teleological one. An organism is not an aggregate with certain types of organs performing certain types of functions. An aggregate from some other planet might possess an entirely different structure from any organism we know, along with corresponding peculiarities of function. Yet we might recognize it as an organism. An organism is essentially an aggregate which acts in accordance with an internal purpose. And this purpose is something distinct from the physical and chemical properties of the component parts. If the state is an organism, the state possesses such an internal purpose distinct from the natural tendencies of the individual citizens. It is the especial fault of Spencer that he takes great pains to establish a structural and functional analogy, and denies in society the essential attribute of an organism,—an internal unified purpose.

For historical reasons, the term *organism* has been used in accordance with Spencer's use of it. But it may be remembered that the real truth of the organic theory is to be found in the theory which conceives of the state as a personality. In this theory, or at least in a special form of it, there is clearly formulated the idea of a unity of purpose, distinct from the purposes of the citizens, that is, superficially distinct from these purposes. And this theory, unhampered with analogies to the physical organism, strives to avoid the difficulties of inequality and sacrifice.

The idea that a group of human individuals may itself be a person, is descended from Roman law. The idea is first applied, not to the state, but to lesser bodies such as municipalities and corporations. According to Sohm, "the rule evolved by Roman law during the period of the classical jurisprudence may be stated as follows: the property of a corporation is the property, not of several persons, but of a *single person*, to wit, the 'corpus,' or corporation as such. For purposes of private law, the corporation, the collective whole, must be regarded as a new, a different person, as an individual distinct from the several individuals of whom the corporation consists." "The individual members of the corporation cannot be made answerable for the debts of the corporation. Rights and liabilities of a corporation do not mean joint rights and joint liabilities of the members, but sole rights and sole liabilities of another person, an invisible, a 'juristic' person, namely, the 'corpus.'" (*Sohm's Institutes of Roman Law*, translated by Ledlie, pp. 199-200)

There have been in subsequent times three ways of viewing such groups of human individuals. According to one viewpoint, such a group is merely an aggregate of persons under contract with one another. This viewpoint tends to get away from the idea of the corporation altogether and to pass over into that of the partnership. This idea is coupled with the *societas* of Roman law. The second viewpoint regards the corporation as a *universitas*. "The *universitas* is a person; the *societas* is only another name, a collective name, for the *socii*." (This definition is to be attributed to Innocent IV. See Maitland's *Introduction* to his translation of Gierke cited above, p. xxii; also Gierke, *Genossenschaftsrecht*, Band III, p. 285.) But the *universitas* was at first regarded, not as a real person,

but as a *persona ficta*, that is, as a legal fiction. It has been only in recent times that the real personality of the corporation has been insisted upon.

The *persona ficta* doctrine was the first philosophical explanation given to the idea of juristic personality. "According to Dr. Gierke, the first man who used this famous phrase was Sinibald Fieschi, who in 1243 became Pope Innocent IV." The corporation is a fictitious person. It is a pure creation of the law. Its position is analogous to that of a minor or insane person. Its directors occupy the position of guardians. The corporation has no will of its own. Thus it can bear no moral or legal responsibility. Innocent even went so far as to claim that a corporation could not be charged with crime or tort. (Maitland, *op. cit.*, pp. xix-xx; Gierke, *Genossenschaftsrecht*, Band III, p. 279)

These theoretical distinctions, of course, are the work of the Middle Age. They have only their faint beginnings in antiquity. Maitland warns us against trying to find in Roman law more than is really there. "The number of texts in the Digest which, even by a stretch of language, could be said to express a theory of Corporations is extremely small." "The admission must be made that there is no text which directly calls the *universitas a persona*, and still less any that calls it *persona ficta*." (Maitland, *op. cit.*, p. xviii)

In opposition to the fiction theory is the theory of the "real will," developed in recent times by certain German legal writers, notably by Dr. Gierke. According to this theory, a corporation is "no fiction, no symbol, no piece of the State's machinery, no collective name for individuals, but a living organism and a real person, with body and members and a will of its own. Itself can will, itself can act; it wills and acts by the men who are its organs as a man wills and acts by brain, mouth and hand. It is not a fictitious person; it is a *Gesammperson*, and its will is a *Gesammtwille*; it is a group-person, and its will is a group-will." (Maitland, *op. cit.*, p. xxvi)

It would naturally be thought that this idea of real personality or of a real will might have grown out of the organic theory in the Middle Age, but the conception was never attained. Sometimes the state is spoken of as a person, but it is always regarded as a *persona ficta*. "Baldus, in particular, formulated

with much precision the thought of the State's personality. . . . However, Baldus is the very man who lets us see clearly that he regards the State's Personality merely in the light of the prevalent 'Fiction Theory' of the Corporation. This appears plainly from his refusal to attribute Will to the State. For this reason he holds that jurisdiction delegated by the Prince ceases at the death of the delegator. If Gulielmus de Cuneo has argued to the contrary, urging that the Empire continues to exist and therefore that the delegator is not dead, he has (so says Baldus) overlooked the fact that here we have to do, not with the Empire, but with the Emperor; for, be it granted that the Empire remains unchanged, still the Will which is expressed in the act of delegation is the Emperor's, not the Empire's, for the Empire has no Mind and therefore no Will, since Will is mental." (Gierke, *Political Theories of the Middle Age*, pp. 69-70)

The *persona ficta* doctrine, however, naturally hindered the growth of the conception of the state as a person. The state, indeed, was regarded at times as a *persona ficta*, but the theory was not promising. "A merely fictitious personality, created by the State and shut up within the limits of Private Law, was not what the philosopher wanted when he went about to construct the State itself." (Maitland, *op. cit.*, p. xxiii) The doctrine of personality was not applied to the state, because the only available interpretation, that of the *persona ficta*, was inadequate.

On the other hand, the idea that all power comes ultimately from the governed, with its attendant idea of a contract between people and ruler, brought forward the conception of the *societas* as opposed to the *universitas*. For the question was asked: "How did it happen that this Community itself, whose Will, expressed in an act of transfer, was the origin of the State, came to be a Single Body competent to perform a legal act and possessing a transferable power over its members?" (Gierke, *Political Theories of the Middle Age*, p. 88) "More and more decisively was expressed the opinion that the very union of men in a political bond was an act of rational, human Will." (*ibid.*, p. 89) "Thus in the end the Medieval Doctrine already brings the hypothetical act of political union under the category of a Contract of Partnership or 'Social' Contract." (*ibid.*, p. 90)

The conception of a social contract is the theory *par excellence* of early modern theorists. Upon the basis of this theory, the state becomes a mere aggregate of independent units under contract with one another. This is apparently the very antithesis of any theory of the state's essential unity. And yet the most satisfactory modern conception of the state's personality was destined to take its birth in these surroundings. It is Rousseau who is the founder of the doctrine of the general will, and the very title of the book in which this view is propounded is *The Social Contract!* We are led to think that, Hegelian-wise, the idea of the personality of the state must first pass over into its opposite before coming to its own truest formulation.

VI. THE GENERAL WILL IN ROUSSEAU.

A very serious difficulty in all theories of social contract is that of the basis of political obligation. The original contract was generally regarded as a necessarily unanimous agreement. But questions immediately presented themselves as to the extent of this primary agreement. Succeeding legislation could not be regarded as unanimous. How far is a man obligated to measures of which he does not approve, or to measures prejudicial to his interests? Can not a majority be as tyrannical over a minority as any despot? Moreover, freedom is the natural status of man, but does not man lose his freedom in the face of ever increasing legislative restrictions?

This problem is very acute for Rousseau. The problem is, as he states it: "To find a form of association which shall defend and protect with the public force the person and property of each associate, and by means of which each, uniting with all, shall obey however only himself, and remain as free as before." (Rousseau, *The Social Contract*, translated by Harrington, Book I, Chapter 6) This statement involves the atomistic conception of a precedent 'state of nature.' It is true that according to Rousseau this state of nature and the consequent contract are not necessarily to be taken as historical facts, but yet they are logically implied. Rousseau presents throughout a curious mingling of two radically different points of view.

Rousseau solves his problem by conceiving of the State as a 'moral entity' embodying a 'general will.' "Each of us gives

in common his person and all his force under the supreme direction of the general will; and we receive each member as an indivisible part of the whole.' Immediately, instead of the individual person of each contracting party, this act of association produces a moral and collective body, composed of as many members as the assembly has votes, which receives from this same act its unity,—its common being, its life and its will." (Book I, Chapter 6) Rousseau makes it clear in other places that this moral and collective body is not an abstraction, but a real entity of some sort. (I, 7; III, 1) The essential attribute of this moral body is its embodiment of the general will. This doctrine assumes the existence of a common welfare,— of a condition in which each finds his true welfare in harmony with that of his fellows. [“For if the opposition of individual interests has rendered the establishment of societies necessary, it is the accord of these same interests which has rendered it possible. It is what is common in these different interests which forms the social tie; and if there were not some point, upon which all interests were in accord, no society could exist. Now it is solely through this common interest that society should be governed.” (II, 1) “As long as subjects submit only to such agreements, they obey nobody but their own wills.” (II, 4) Thus “it is false that in the social contract there is any real renunciation on the part of the individual,—so false that, on the contrary, their situation is, from the effect of this contract, really preferable to what it was before, and that instead of an alienation, they have made an advantageous exchange of a mode of life which was uncertain and precarious for another, better and more sure,—of natural independence for liberty.” (II, 4) Rousseau has previously stated his problem as that of finding a mode of association which would leave the individual as free as he was before. Bosanquet very appropriately remarks that if we recognize the fact that man has a social nature, that his capacities can be developed only in society, then man is not merely as free as he was before, but very much more free; free, indeed, strictly speaking, under social conditions alone. (*The Philosophical Theory of the State*, pp. 89–90)

[The general will is the true common welfare. It is the real, as opposed to the apparent, interest of the citizens; what they

really want, not necessarily what they think they want. Now as long as the state is guided by the general will, it is manifest that the citizens have no need to fear oppression. But can the state rely upon the citizens to fulfil their duty toward it? "Each individual can, as man, have an individual will contrary to or different from the general will which he has as a citizen: his individual interest may speak quite differently from the common interest; his absolute and naturally independent existence may make him consider what he owes to the common cause as a gratuitous contribution, the loss of which would be less injurious to others than the payment of it would be onerous to him, and regarding the moral entity which constitutes the state as a legal fiction, because it is not a man, he would like to enjoy the rights of a citizen, without being willing to fulfil the duties of a subject; an injustice, the progress of which would cause the ruin of the body politic. In order then that the social compact may not be an idle formula, it includes tacitly this engagement, which alone can give force to the others, that whoever shall refuse to obey the general will, shall be compelled to it by the whole body, which signifies nothing if not that he will be forced to be free." (Rousseau, *op. cit.*, I, 7)

Is this individual will the real interest of the individual citizen, or is it an error of judgment? There are many passages in Rousseau which intimate that the true welfare of each individual is to be found in the true common welfare. It is only the community of interests that makes societies possible; and it is to man's interest to live in society. Consequently, there must be a possible harmony between the true common welfare and the true individual welfare. The individual who refuses to obey the general will and who is compelled to do so is spoken of as being "forced to be free." In this passage we find an intimation of a higher social self of man, against which he may rebel, but in which he finds his own truest will and freedom. In describing the corruption of the state through the ascendancy of particular interests, Rousseau says: "Each in detaching his interest from the common interest, sees that he cannot separate it entirely; but his part of the public misfortune seems nothing to him compared to the exclusive good which he thinks he has appropriated to himself. This particular good excepted, he desires the general well-being for his own interest as strongly

as any other." (IV, 1) In such expressions as "his part of the public misfortune *seems* nothing to him compared to the exclusive good which *he thinks* he has appropriated to himself," Rousseau apparently indicates that the individual in question is mistaken. There occurs yet another passage indicating that man finds his own truest individual welfare in the social welfare. "There is but one law which, from its nature, requires unanimous consent; it is the social compact." "Aside from the first contract, the voice of the greatest number always obliges all the others; it is a consequence of the contract itself. But, it is asked, how can a man be free and forced to conform to wishes which are not his own? How are the opponents free, and subject to laws to which they have not consented? I reply that the question is badly put. The citizen consents to all the laws, even to those which are passed in spite of him, and even to those which punish him when he dares to violate one of them. The constant will of all the members of the state is the general will; it is by it that they are citizens and free. When a law is proposed in an assembly of the people, what is asked of them is not exactly whether they approve of the proposition or whether they reject it, but whether or not it conforms to the general will, which is theirs; each one in giving his vote gives his opinion upon it, and from the counting of the votes is deduced the declaration of the general will. When, however, the opinion contrary to mine prevails, it shows only that I was mistaken, and that what I had supposed to be the general will was not general. If my individual opinion had prevailed, I should have done something other than I had intended, and then I should not have been free. This supposes, it is true, that all the characteristics of the general will are still in the plurality; when they cease to be so, whatever side one takes, is not that of liberty." (IV, 2) This passage must surely mean that the individual will and the social will are co-implicative. When my opinion does not agree with the general will, I am in error with respect to my own wishes. "The engagements which link us to the social body are obligatory only because they are mutual, and their nature is such that in fulfilling them the individual cannot labor for others without working also for himself." (II, 4)

Rousseau seems to think that under normal conditions, the general will will become manifest in the sum of these individual wills. Such a sum of individual wills he calls the "will of all." "There is often a great difference between the will of all and the general will: one regards the common interest only; the other regards private interests, and is only the sum of individual wills; but take from these same wills the plus and the minus, which destroy each other, and there will remain for the sum of the differences the general will." (II, 3) That is, the general will becomes manifest in the same way as any constant factor in a succession of miscellaneous data.

But Rousseau recognizes that this ideal situation does not always obtain. The general will has been regarded as the true general welfare. "It follows from the preceding that the general will is always right, and always tends towards public utility; but it does not follow that the deliberations of the people always have the same rectitude. The people wishes its own good always, but it does not always see it; the people is never corrupted, but it is often deceived, and it is then only that it seems to desire what is evil." (II, 3)

Rousseau also has a great fear of political parties. "If the people being sufficiently informed, deliberates, and citizens have no communication with each other,—from a great number of small differences will result the general will, and the conclusion will always be good. But when they divide into factions and partial associations at the expense of the whole, the will of each of these associations becomes general with regard to its members, and individual with regard to the state; it may then be said that there are not as many voters as men, but only as many as there are associations. The differences become less numerous and give a less general result. Finally, when one of these associations is so large as to surpass all the others, you no longer have the sum of small differences, but a single difference; then there is no longer a general will, and the opinion which prevails is only an individual opinion." (II, 3)

"As long as men united together look upon themselves as a single body, they have but one will relating to the common preservation and general welfare." "But when the social knot begins to relax, and the state to weaken, when individual interests commence to be felt, and small societies to influence

the great, the common interest changes and finds opponents: unanimity no longer rules in the suffrages; the general will is no longer the will of all; contradictions and debates arise, and the best counsel does not prevail without dispute. Finally . . . all being guided by secret motives think no more like citizens than if the state had never existed. Iniquitous decrees are passed falsely under the name of law, which have for object individual interests only. Does it follow that the general will is annihilated or corrupted? No; it is always constant, inalterable, and pure; but it is subordinated to others which overbalance it." (IV, 1)

Earlier in the treatise, the securing of the general will has been regarded as a comparatively simple matter. The general will will prevail, (1) if the people are informed, (2) if they are not deceived, (3) if there are no political factions. Under normal conditions, that is, in the absence of gross ignorance, deceit, or party strife, the general will is supposed to result from the mere poll of individual opinions. In other passages, Rousseau seems to confess that the securing of the general will is not such a simple matter after all. It is a difficult matter to know one's own will truly, and Rousseau's poll of individual opinions is much more likely to result in a mere compromise of some sort than in a true general will. As Bosanquet says, Rousseau is really enthroning the will of all.

Rousseau is by no means free from inconsistencies. In regard to the subject of legislation he asks: "How will a blind multitude, which often does not know its own wishes, because it rarely knows what is good for it, execute of itself an enterprise so great and difficult as a system of legislation? Of itself the people always desires the good, but of itself it does not always see what is good. The general will is always right, but the judgment guiding it is not always enlightened." (II, 6) Rousseau's solution is to have the laws framed by a legislator, after the Greek model. But the people itself must have the privilege of accepting or rejecting his work, "because, according to the fundamental compact, it is only the general will which is obligatory upon individuals, and it is never certain that an individual will conform to the general will, until after it has been submitted to the free suffrages of the people." "We find then two things at once in the work of legislation which

seem incompatible: an enterprise beyond human strength, and an authority to execute it which amounts to nothing." (II, 7) Rousseau consequently says that the legislator must have recourse to divine aid and authority, or must at least be thought to have such inspiration,—(the text is vague upon this point). Thus we are told successively that the people rarely knows what is good for it, that the true common welfare becomes apparent only through the suffrages of the people, and that the people must be led to think that the laws are divinely inspired.

And, finally, although Rousseau is the founder of the doctrine of the state's personality conceived of as an embodiment of a general will, he still clings to the atomistic conception of the social contract. I shall cite one instance of this atomism. Since the general will is what each individual really desires, each loses no freedom in submitting to it. But in another place, Rousseau says that we must divide the sovereignty of the state by the number of citizens to find out the influence of each. "From which it follows that the larger the state becomes the less liberty there is." (III, 1) In this passage, Rousseau is clearly thinking, not of a true general will, but merely of a sort of average of particular wills secured by compromise. In other places he appears to have grasped the idea of a true general will, embodying the real as opposed to the apparent interest, not only of the group as such, but of each individual in the group as well. In a state embodying a true general will, as will appear later, the larger the state becomes, the more liberty there is.

Rousseau had a considerable influence upon Kant, Fichte, and Hegel. And thus his influence has descended more or less to all members of the Hegelian School. In particular, we find Rousseau's doctrine of the general will perfected in the writings of Bernard Bosanquet.

VII. RECENT CONCEPTIONS OF THE STATE'S PERSONALITY.

If you will remember, we formerly fell into difficulties in conceiving how the purpose of the state could be the securing of the interests of all of its citizens. We were then led to see if we could regard the state as a unity of some sort. If this was possible, the purpose of the state could be regarded as something distinct in itself. But the organic theory was found to

be doubtfully substantiated, and possessing dangerous implications of inequality, of the subordination of individuals to the state, and of the progressive decrease of freedom. We then attempted to conceive of the state as a personality, and we found the clue to the meaning of this personality in Rousseau's doctrine of the general will. But the clearest exposition of this doctrine has yet to be considered.

In all doctrines of the state's personality, the central dogma is the possession of a general purpose or will. The idea of personality applied to groups of human individuals is developed, of course, by many different writers from different points of view. Legal writers link up their theory of the state with a doctrine of corporations in general; sociologists and philosophers present us with many variations of treatment of the problem. The theory thus presents widely divergent aspects, its aspect depending in each case upon whether it is dressed up by an Hegelian, by a Sociologist, or by a student of corporation law. To trace out all these different versions of the theory would be an almost endless task. But the theories fall, I believe, into three main types. The state may be considered primarily as a juristic person, as a personality in history, or as the manifestation of a general will after the fashion of Rousseau.

(a) The State as a Juristic Person.

The conception of the state as a juristic personality has been greatly emphasized of late by a group of German legal writers. The most important of these is probably Gierke, although no attempt is made here to present his particular views. This conception is linked up with a theory of corporations in general. The central aim of such writers is to formulate a theory which will be satisfactory for legal purposes. They contend that corporations have a real corporate will, which may be the subject of moral and legal responsibility. Corporations are not fictions holding a legal status analogous to minors and insane persons. They are not mere collections of individuals. And the state, as one species of corporation, possesses its own distinct will.

The state as a juristic person is the subject of rights at law. This may mean that the state owns certain property which it keeps for public use, such as highways or parks. The state may

run gigantic business enterprises, such as a public school system. Or the state may be interested in maintaining a certain social order. In criminal cases we have the formula, "The people versus John Smith." The entire conception of the state as a juristic person is connected up with the idea that the interests of the state are public interests. The highways and parks are for the use of all of the citizens. Education is a matter of general interest. It is for the common good of all the citizens to subjugate crime. In all cases, we have the idea of a common welfare or a common interest. The unity of the state is a community of interests. Thus this conception is identical in the last resort with that of the general will.

(b) The State as a Historical Personality.

The state may also be conceived of as a historical personality. This viewpoint regards nations as the *dramatis personae* of the huge drama of world history. Each nation presents an individual life. It is born; it grows to maturity; it dies. The nation presents a definite character and purposes comparable to the character and purposes of a human individual. The citizen feels himself identified with the larger life of his nation.

Hilda D. Oakeley, in an article published in the symposium, *The Theory of the State*, has expressed something of this viewpoint. The article discusses the attitude of the British public at the opening of the war. The author speaks of the inevitableness of England's decision, "the consciousness, more or less vague, that the result must follow in order that national character should express itself truly in the circumstances before it." (p. 144. The title of the article is *The Idea of a General Will*.) The author asks: "Can the individual or the people as a whole be conceived as judging: 'This was as I should have willed. My true will coincides with that of my nation at every stage in which its history required a real affirmation of will'? Or, 'The national will, of which I now am conscious, and in which I share, must have so moved in such a crisis. And in what it will be in the future my will is concerned. Knowing the spirit of the present I know that it must complete the historic universal so far expressed'? This would be the ideal, and only the people which can so feel is free in every sense of the term. For we are not only members of a society now living,

but of one that is in past and future. . . . Few nations have a history corresponding to this conception, but some have more or less approached it, and, as our own is alone known to us directly, we may perhaps, without national egoism, take it as an example." (ibid., pp. 158-159)

Very often this theory takes the form of regarding the state as the bearer of a historic mission. This idea is especially strong in Germany, beginning with the idealism of Fichte. Even Bernhardi has a chapter on "Germany's Historical Mission." And this fact may well lead to a discussion of the danger of the conception. Idealism is never without a certain amount of danger. The theory may easily grow into the worship of an abstraction. Too often the idea of a historic mission results in the blind following of an ideal which in no way represents the true interests of the people, either present or future. We may allow ourselves to be played upon emotionally by appeals to "the sacred traditions of our country," or "our country's honor," when it would be better for us and the country too if we forgot all about them.

This way of thinking has also a strong tendency to keep alive old quarrels. In some primitive societies, a murder might be avenged on any member of the murderer's family. If there were any further retaliatory measures taken, a family feud would result. In this process, each family took on more and more the character of a unity in which individuals were lost. The entire family is blamed for acts for which, at least in the beginning, only individuals are responsible. It is upon grounds similar to these that Norman Angell attacks the theory of the state's personality. And there is no doubt, I believe, that the theory does tend to keep alive hereditary enmities somewhat after the fashion of Kentucky feuds.

The conception of the state as a historical personality, however, like the preceding legal conception, involves the ideas of a common purpose, a common will, and a common welfare. The value of the theory lies in its teaching that the welfare of the present generation is linked with that of past and future. The advantages which we now enjoy have been due in part to the struggles of our forefathers. And it is our duty, as well as one of our strongest desires, to provide for the interests of our children. We should not lose sight of the fact of this true community of interests between past, present, and future.

(c) The State as the Embodiment of a General Will,—Bosanquet.

The third way of conceiving of the personality of the state is to regard the state as the manifestation of a general will. For an illustration of this theory, we shall turn to Bosanquet's book, *The Philosophical Theory of the State*.

There is an initial distinction in Bosanquet between what a person really wants, and what he merely thinks he wants. Even the individualists must admit this distinction. John Stuart Mill admitted that it would be no restraint upon the liberty of a man to keep him off an untrustworthy bridge, as he certainly does not want to be drowned. According to Bosanquet, "My will or yours, as we exercise it in the trivial routine of daily life, does not fulfil all that it implies or suggests. It is narrow, arbitrary, self-contradictory. It implies a 'true' or 'real' or 'rational' will, which would be completely, or more completely, what ours attempts to be, and fails." (*The Philosophical Theory of the State*, p. 108) This true interest generally requires some degree of energy or effort, perhaps of self-sacrifice; while the apparent interest is merely that caprice of the moment by which many are always determined. "A comparison of our acts of will through a month or a year is enough to show that no one object of action, as we conceive it when acting, exhausts all that our will demands. Even the life which we wish to live, and which on the average we do live, is never before us as a whole in the motive of any particular volition. In order to obtain a full statement of what we will, what we want at any moment must at least be corrected and amended by what we want at all other moments; and this cannot be done without also correcting and amending it so as to harmonise it with what others want, which involves an application of the same process to them. But when any considerable degree of such correction and amendment had been gone through, our own will would return to us in a shape in which we should not know it again, although every detail would be a necessary inference from the whole of wishes and resolutions which we actually cherish." (*ibid.*, pp. 118-119) "What we really want is something more and other than at any given moment we are aware that we will, although the wants which we are aware of lead up to it at every point." (p. 119)

Man finds his freedom in the realization of his higher self. Liberty "must be a condition relevant to our continued struggle

to assert the control of something in us, which we recognise as imperative upon us or as our real self." (p. 127) "In the conflict between that which stands for the self *par excellence* and that which, at any time, stands opposed to it, we have the clear experience that we are capable of being determined by a will within our minds which nevertheless we repudiate and disown, and therefore we feel ourselves to be like a slave as compared with a freeman if we yield, but like a freeman compared with a slave if we conquer." (p. 141) "Thus it is that we can speak, without a contradiction, of being forced to be free. It is possible for us to acquiesce, as rational beings, in a law and order which on the whole makes for the possibility of asserting our true or universal selves, at the very moment when this law and order is constraining our particular private wills in a way which we resent, or even condemn." "And because such an order is the embodiment up to a certain point of a self or system of will which we recognise as what ought to be, as against the indolence, ignorance, or rebellion of our casual private selves, we may rightly call it a system of self-government or free government." (p. 127)

Bosanquet assumes that this true will of the individual is identical with the true will of the group. "It is that identity between my particular will and the wills of all my associates in the body politic which makes it possible to say that in all social co-operation, and in submitting even to forcible constraint, when imposed by society in the true common interest, I am obeying only myself, and am actually attaining my freedom." (p. 107)

The disposition to achieve this true common interest is called the general will. The general will is not a mere sum of individual caprices. It is, in Rousseau's phraseology, to be distinguished from the will of all. Even a unanimous decision may not result in a general will. "The supposed accordant decisions of all the voters, as guided each by his strictly private interest, are not really or completely accordant." "They express no oneness of life or principle; still less can they give voice to any demand of the greater or rational self in which the real common good resides." (pp. 113-114) "It follows, therefore, that the private interest as such, which in the case supposed determines the individual voter, is not ultimately his true

interest; and it may be said, 'But if each followed his own true interest the Will of All would be right.' But a true interest, as opposed to an apparent interest, necessarily has just the characters which the true Universal has as against the collection of particulars, or the General Will against the Will of All. So that to say, 'If everyone pursued his own *true* private interest the Will of All would be right,' is merely to say, 'If everyone pursued his *true* private interest he would pursue the common interest.' (p. 114) "Let us suppose that Themistocles had been beaten in the Athenian assembly when he proposed that, instead of dividing the revenue from the silver mines among all the citizens, they would devote this revenue annually to building a fleet—the fleet which fought at Salamis." (p. 114) This would be an instance in which the will of all, which could be conceived to be unanimous, would not be the general will. The true general will, thus, is analogous to the true individual will. It is what people really want, not what they think they want. "What people demand is seldom what would satisfy them if they got it." (p. 118)

The individual and the group may apparently be at odds, but their true interests can not contradict one another. Laws and institutions are only possible because man has a general will, that is, "because the good which he presents to himself as his own is necessarily in some degree a good which extends beyond himself, or a common good." (p. 122) "It is such a 'real' or rational will that thinkers after Rousseau have identified with the State." (pp. 149–150)

Bosanquet's identification of the true welfare of the individual with the true welfare of the state is, however, a mere assertion. The book is full of statements to the effect that this identification exists, but we are not told why and how it exists. The question immediately arises as to whether this position can be maintained.

Man, however, is a social animal. A man abstracted from society and the various relationships which society brings would scarcely be a man. Now opposition and strife are mainly negative in character. Rivalry adds a great interest to sport. But the value of sport is intrinsic. In the best conception of sport, both sides win. It is otherwise with serious strife. Here the values are external. And opposition means not only an enor-

mous expenditure of additional energy, but the eventual defeat of the purpose of one party or the other, possibly of both parties. If human desires could be so co-ordinated as to be rendered non-contradictory, the vast amount of energy now spent in opposition could be turned to the immediate satisfaction of these desires, with a resulting decrease in the number of failures of realization. Thus it is each man's truest interest, not only to live in society, but to live in harmony with his neighbors.

There is enough material on this planet to support, with wise management, a population much greater than it now contains. It is not in the satisfaction of man's material *needs* that the difficulty lies, but in the satisfaction of his ambitions. The reason why the difficulty has been so acute is because man has generally selected for the field of his ambitions the same realm of material things, limited in supply. Success in this field means opposition and defeat for others. For while there is enough to satisfy the *needs* of others, there is not enough to go around when each tries to see how much he can get. But the realm of material things is not the noblest realm for the satisfaction of human ambition. It seems puny beside those of science and art. For here one's opportunities are infinite. Alexander might sigh for more worlds to conquer, but the scientist does not sigh for more truth to discover, nor the artist for more beauty to reveal. And success in these fields does not mean opposition and defeat for others. Scientific discoveries and artistic triumphs even pave the way for other scientific discoveries and artistic triumphs.

Thus strife is not only injurious, but unnecessary. The true interests of individuals do not necessitate conflicts. But if this is so, why may we not regard the purpose of the state as the realization of the good of all the citizens? This viewpoint was abandoned in a former chapter because the good of one citizen seemed to conflict with that of another. But if Rousseau and Bosanquet are right, and if the argument in the preceding paragraphs has been sound, these conflicting purposes can not be the true desires of the individuals in question, but only their apparent desires; not what they really want, but merely what they think they want. The purpose of the state may be defined, then, as the securing of the true good of all of its citizens..

And the true welfare of the citizen can not conflict with the true welfare of the group.

But will not special instances arise in which individual interests will conflict,—in which not only the apparent interests, but the real interests of individuals will be at odds? I suppose that there will always be accidents. Two men on a sinking ship with but one life preserver between them will experience a real conflict of interests. There is a remedy, of course, even for situations such as this. The remedy consists of measures which will tend to prevent such situations. And a great deal may surely be done in this direction. We may not be able to prevent accidents altogether, but if we should be able to reduce them to mere sporadic occurrences, we should be satisfied. Problems will be encountered, but they are problems which can be solved. The problem of food supply is at times very acute, but it is not insoluble. The world can be made to produce enough for all of us. With improved methods of agriculture and improved methods of transportation, there is no need of famines.

A great many other cases of conflicting interests are due to antecedent wrongs. If two men are engaged in a bayonet duel, there may be a real conflict of interests; but if the true interests of the men had been consulted in the beginning, there would never have been any war at all.

It is important, moreover, to note that this harmonization is a harmonization of the real interests of individuals; not a harmonization necessarily of what they think they want. And perhaps the hardest task in connection with this harmonization will be to turn the aspirations of individuals from their apparent to their true interests. The great problem is to turn the attention from material things limited in supply to the unlimited things of the mind. Our industrial troubles would vanish if the people could be brought to the realization that beyond the maintenance of a certain standard of living they had no interest in wealth. Art, science, and friendship; these are the true values of life. And they are the very values which grow larger upon being shared.

Thus, I think, we may admit Bosanquet's contention that the true interest of the individual is in agreement with the true interest of the group. This agreement is possible because it is

the true interest of the group to secure a harmonization of the true interests of its members, and because it is the true interest of each individual to live in harmony with his fellows. Strangely enough, Bosanquet apparently falls into an inconsistency in one place in connection with this point. On page 121, in a foot-note, he says, "If all private individuals were enlightened, but selfishly interested, there could be no public good will." The point is that if all private individuals were enlightened, they would will the general will. Bosanquet is probably thinking of individuals who know the good, but are carried away by momentary caprices. The phrase, "selfishly interested," is unfortunate. In the general will, the difference between selfishness and unselfishness is transcended.

Bosanquet proceeds to work out a further development of his doctrine of the state's unity. "We may note two degrees of connection between the members of a whole, which we may call 'Association' and 'Organisation.'" (p. 156) "The term 'association' implies the intentional coming together of units which have been separate, and which may become separate again." (p. 157) The state, evidently, whatever may be its nature, presents a closer union than this. In associations "we are dealing with wholly casual conjunctions of units naturally independent." (p. 158) "The mind of a crowd has indeed been taken as the type of a true social mind. But it is really something quite different. It is merely the superficial connection between unit and unit on an extended and intensified scale. As unit joins unit in the street, each determines his immediate neighbours, and is determined by them through the contagion of excitement, and with reference to the most passing ideas and emotions. . . . The crowd may indeed 'act as one man'; but if it does so, its level of intelligence and responsibility will, as a rule, be extraordinarily low. It has nothing in common beyond what unit can infect unit with in a moment. Concerted action, much more reasoning and criticism, are out of the question. The doing or thinking of a different thing by each unit with reference to a single end is impossible. The crowd moves as a mere mass, because its parts are connected merely as unit with unit." (p. 160) "We have the contagious common feeling of a crowd taken as the true type of a collective mind, obviously because it is not understood how an identical struc-

ture can include the differences, the rational distinctions and relations, which really constitute the working mind of any society." (p. 46)

"An army, no less than a crowd, consists of a multitude of men, who are associated, unit to unit." (p. 160) But "the army is a machine, or an organisation, which is bound together by operative ideas embodied on the one hand in the officers, and on the other hand in the habit of obedience and the trained capacity which make every unit willing and able to be determined not by the impulse of his neighbours, but by the orders of his officers. What the army does is determined by the general's plan, and not by influences communicating themselves from man to man, as in a crowd. In other words, every unit moves with reference to the movements of a great whole." (p. 161)

Bosanquet now introduces his Apperceptive Mass theory. The activities of a mob are compared to the activity of a mind working through mere chance associations. But "in the action of every apperceptive mass, in as far as it determines thought by the general nature of a systematic whole, rather than through the isolated attraction exercised by unit upon unit, we have an example of organisation as opposed to association." (p. 166) "Every individual mind, in so far as it thinks and acts in definite schemes or contexts, is a structure of apperceptive systems or organised dispositions." "Every social group or institution involves a system of apperceptive systems, by which the minds that take part in it are kept in correspondence." (p. 173) "The actual reality of the school lies in the fact that certain living minds are connected in a certain way." (p. 171) "The connection, as it is within any one mind, is useless and meaningless if you take it wholly apart from what corresponds to it in the others." "And it is because of this nature of the elements which make up the institution that it is possible for the institution itself to be an identity, or connection, or meeting point, by which many minds are bound together in a single system." (p. 172)

It is true that the different apperceptive systems within any one mind are not all co-ordinated. However, the general nature of the mind is to be a unit. "Thus each individual mind, if we consider it as a whole, is an expression or reflection of society as a whole from a point of view which is distinctive and

unique. Every social factor or relation, to which it in any way corresponds, or in which it in any way plays its part, is represented in some feature of its apperipient organism. And probably, just as, in any man's idea of London, there is hardly any factor of London life which does not at least colour the background, so, in every individual impression of the social whole, there is no social feature that does not, in one way or another, contribute to the total effect. In the dispositions of every mind the entire social structure is reflected in a unique form, and it is on this reflection in every mind, and on the uniqueness of the form in which it is reflected, that the working of the social whole, by means of differences which play into one another, depends." (p. 174) The social whole "would therefore be of the nature of a continuous or self-identical being, pervading a system of differences and realised only in them. It differs from a machine, or from what is called an 'organism' pure and simple, by the presence of the whole in every part, not merely for the inference of the observer, but, in some degree, for the part itself, through the action of consciousness." (p. 175)

It is in this way that Bosanquet seeks to make more definite his conception of the state's unity. How far is such a theory necessitated? It may well be doubted whether the entire social structure is reflected in each individual mind. And the entire conception recommends itself most easily to those accustomed to an Hegelian way of thinking. I do not believe that it is necessary, if one is to regard the state as a personality, that he be forced to think of it in Bosanquet's fashion as a unity in difference of apperipient systems, or as a still more unintelligible oversoul of some sort after the fashion of Professor Royce. These two viewpoints may be entirely acceptable to those who are disposed to accept them. If Bosanquet's theory appeals to you, it will doubtless prove entirely satisfactory. Or, if you are a follower of Professor Royce, you may regard the state, as all groups, as a spiritual unity of one life. But the state may be regarded as a unity without resorting to such measures. As Jellinek points out, what we mean by a unity commonly has its unity in terms of purpose. And the state may be conceived of as a unity, because of its unity of purpose and will. (*Gesetz und Verordnung*, S. 189-205) Freund, in his *Legal Nature of Corporations*, treats the corporation as a col-

lective unity acting by means of the principle of representation. Freund depreciates attempts to seek for an "unattainable metaphysical unity." The real unity of a corporation results from the psychological nexus of its members, from its unity of action, secured by means of the principle of representation, and from its common purpose. The corporation is only a "relative unity." But "just as it is impossible to define the meaning of a physical thing as distinct from other things otherwise than by an act of mental arbitrament, which determines that there is a sufficient connection between parts, either physical or by reference to some human purpose, to justify the idea of unity, so there is no absolute objective test by which we could be forced to allow or deny the character of unity to an aggregate body of human persons. The analogy of composite things explains perfectly the nature of the association. If we treat a house, a ship, a forest, or a mine, as one thing, we do not deny that this thing is composed of many separate or severable parts, each of which may be a thing by itself. But in so far as the connection is operative, the part has no legal existence except as a part, and does not form an object of separate legal disposition; it shares the legal status of the composite thing, while as soon as the nexus is broken or only disregarded, it becomes a subject of independent treatment in law." (p. 77) The corporation may be considered as a unit. "Whether, under all the circumstances, we shall call the corporation a person, is evidently a matter of discretion." (*ibid.*, p. 80) Freund contends that his viewpoint escapes the errors of both of the extreme doctrines. If we regard the corporation as a fiction, we are neglecting the "relative psychological unity," which is a very real factor in the corporation, and is necessary if we are to attribute to the corporation a moral and legal responsibility. The theory of the "real will," on the other hand, "carries into the law an unknown and hypothetical metaphysical quantity." (*ibid.*, p. 83)

A state is one species of a corporation; and there is no reason why we can not translate the preceding passage from its legal terminology into more general language and say that the state is a composite unity, a personal nexus unified by one purpose, and acting as a unit by the principle of representation. The unity of the state is not a fiction. Neither do we have to re-

gard the state as an oversoul, or as a unity in difference in apprecipient masses. The true unity of the state lies in its embodiment of a general will, a common purpose, a community of interests.

VIII. IMPLICATIONS OF THE DOCTRINE OF A GENERAL WILL.

We are nearing the end of our rather lengthy digression from the immediate question of patriotism. The digression began with the query: Whose good is the state to realize? The first answer was: The good of all the citizens. But we noticed that the interests of citizens seemed to conflict. We noticed that the increasing mass of legislation seemed to negate the greatest good of all,—freedom. And we noticed the prevalence, especially in war, of serious self sacrifice. But at the same time the conception of man as an end in himself made us view any defeat of human purpose as a misfortune, more or less serious. These difficulties made us begin to think that we were on the wrong track. Perhaps the purpose of the state was not to secure the good of individuals at all. Possibly there was a purpose in the state above the purposes of its individual citizens. This view suggests that the state may possess a unified life of its own. How can the state be conceived of as a unity? The organic theory was found to be unsatisfactory. Not only did the analogy break down at certain important points, but the implications of the theory were directly opposed to the dogmas of modern democracy. According to these implications, differences in rank were to be regarded as intrinsic and beneficial, and the less important members of society were to be freely sacrificed to the more important. The theory furnished an admirable means of justifying any injustices in the present order. And the perfection of a state was supposed to be accompanied by a progressive decline of the freedom of its individual citizens. So contrary to the modern spirit are these implications that the most conspicuous representative of the theory, Herbert Spencer, refused to draw them, after spending 153 pages in establishing the analogy itself. Consequently, we turned to the view that the state is a personality. Whether the state is treated primarily from a legal, from a historical, or from a more strictly philosophical point of view, we found that the essence of this doctrine lay in attributing to the state a

common purpose, and a common will. This general will is defined as the true interest of the state, not necessarily what the people think they want, but what they really want. And this general will is also in harmony with the truer will of each individual, for we have reason to believe that human purposes, truly conceived, are not contradictory. We noticed the possible objection that human purposes might conflict in special instances. But with the growth of science and civilization such conflicts may be reduced to a negligible factor in society. There may always remain sporadic instances of unavoidable conflict, but they will be mere accidents. Many of the conflicts which occur at the present time are due to some antecedent wrong. Another great source of conflict arises from the emphasis upon material things instead of the values of art, science, and friendship, which are not reduced by sharing.

But are we not back at our starting point? We are again conceiving of the purpose of the state as the realization of the good of all its citizens. It is true that we are back in a sense at our starting place, but on a higher plane. We deserted our initial position because the welfare of one citizen seemed to conflict with that of another. But our difficulties arose from the fact that we were dealing, not with the true welfare of the citizens, but with merely what they think they want. Between apparent interests, endless conflicts may arise. But between true interests, as we have just seen, we may hope to secure a harmony. And the goal of our endeavors should be such a harmonization of real interests rather than a mere compromise of apparent interests. A compromise disappoints both parties, and if it regards only apparent interests, does not give the individuals what they want after all. The function of the state is not to seek to find compromises, but to seek to satisfy completely the real wills of both parties to the conflict. (See Professor Singer's article, *Love and Loyalty*, in the *Philosophical Review* for 1916.)

The present viewpoint also enables us to solve the problem of the apparent decrease of freedom through legislation. If the legislation is wise, and if it embodies the general will, the individual actually realizes his freedom through restrictions. The laws only compel him to do what he really wants to do, if he could but think clearly. How are we to know that legisla-

tion will be of this character? We can not know. We can only hope that with the growth of political art and science, legislation will come to approach such a limit. And although I do not share Rousseau's optimism that under normal conditions the true general will will always become manifested through a poll of the citizens, yet it is a characteristic fact that public opinion will *ultimately* uphold the wiser course of action.

The absurdities of extreme individualism are becoming more and more apparent to the present day political consciousness. To certain English thinkers of about a century ago, government appeared as an external restraint upon the individual. Bentham describes law as a necessary evil, and government as a choice of evils. But such thinkers admit with one voice that a certain minimum of government is necessary to the development of the sentient or rational self. It would thus appear that liberty is increased by curtailing some portion of it. Liberty, consequently, can not be a homogeneous thing, but must be something of a complex nature like a living plant, which thrives best under certain limitations. But if this is so, law can not be antagonistic to liberty. (Bosanquet, *Philosophical Theory of the State*, pp. 56-58)

Herbert Spencer was greatly alarmed by the growing tendency towards a centralized government, which he attributed to the growing militarism accompanying England's frequent wars in the latter half of the nineteenth century. As evidences of this "militarism" he cites: The contagious diseases acts, which override those guarantees of individual freedom provided by constitutional forms. He objects also to sanitary dictation on the part of the government. He notices with alarm that "in sundry towns municipal bodies have become distributors of gas and water." (op. cit., p. 583) "Men are to be made temperate by impediments to drinking—shall be less free than hitherto to buy and sell certain articles." "Not by quick and certain penalty for breach of contract is adulteration to be remedied, but by public analyzers." "Without regard to their deserts, men shall be provided at the public cost with free libraries, free local museums, etc.; and from the savings of the more worthy shall be taken by the tax-gatherer means of supplying the less worthy who have not saved." (ibid., p. 584) "The compulsion once supposed to be justified in religious instruc-

tion by the infallible judgment of a Pope, is now supposed to be justified in secular instruction by the infallible judgment of a Parliament; and thus, under penalty of imprisonment for resistance, there is established an education bad in matter, bad in manner, bad in order." (ibid., p. 585)

And so this is the essence of militarism, is it? Public health regulations, government ownership of certain public utilities, control of intemperance by legislation, pure food laws, public libraries, museums, and *mirabile dictu*, a public school system! This is individualism with a vengeance, indeed. The truth which Spencer was unable to recognize is that such laws may embody better than the individual's own momentary opinion, his real interest and his real desire. The doctrine of the general will allows us to retain a theory of freedom which does not involve anarchy.

The third and most serious difficulty which arose upon our first attempt to conceive of the purpose of the state as the realization of the good of all its citizens was the necessity of the supreme self-sacrifice on the part of certain citizens for the good of the state. This supreme self-sacrifice occurs most frequently in war. It may not perhaps be possible to eliminate such sacrifice altogether in the case of firemen, policemen, etc.; but if war could be made unnecessary, such sacrifices could at least be reduced to the category of mere accidents. Now war is concerned almost exclusively with independent states. As civilization advances, internal rebellion becomes less frequent. The causes of such rebellions may be attributed to short-sightedness on the part of individuals together with a failure on the part of the state to realize the true general will. And we may hope that with the growth of the idea of co-operation, civil wars will greatly decrease in frequency. But wars most frequently arise between independent governments. If there were no independent governments on the earth, war would be, practically speaking, a thing of the past. If mankind were organized into a world state constructed so as to embody the true general will of the earth's inhabitants, all of our previous difficulties would approach their vanishing point.

The advantages of co-operation over opposition have already been pointed out. In co-operation, each man secures his own truest desire. Where there is no co-operation, there results an

inevitable defeat of human purposes through friction. Added to this disadvantage is the enormous amount of additional energy necessitated, not by the primary endeavor, but by the fact of the opposition itself. With how large a group should a man co-operate? Obviously, with all those with whom he has dealings. In former times, social groups were extremely small. Even the Greeks could speak, although not very accurately, of their ideal city state of perhaps 20,000 inhabitants as a community sufficient unto itself. (The state discussed in Plato's *Laws* was to consist of 5040 households.) But in modern times the group with which one has dealings has been constantly enlarged. With the growth of the facilities for transportation, and the consequent growth of trade, the entire globe is becoming more and more one community.

Now in this world community, as in any community, there is great danger that conflicts may arise between the subordinate groups. Each social unit, whether a single person, a group of persons, or a state, is always liable, because of the narrowness of its viewpoint, to the error of emphasizing its own apparent particular will at the expense of the general will, although its own truest welfare is ultimately to be found in just such a condition of general co-operation. Consequently, there must be some machinery established to act as a harmonizing agency and to maintain the general will. Bosanquet strongly emphasizes the need of regulation by the state of subordinate groups within it. "It is plain that unless, on the whole, a working harmony were maintained between the different groups which form society, life could not go on. And it is for this reason that the State, as the widest grouping whose members are effectively united by a common experience, is necessarily the one community which has absolute power to ensure, by force, if need be, at least sufficient adjustment of the claims of all other groupings to make life possible. Assuming, indeed, that all the groupings are organs of a single pervading life, we find it incredible that there should ultimately be irreconcilable opposition between them. That they should contradict one another is not more nor less possible than that human nature should be at variance with itself." (*The Philosophical Theory of the State*, p. 169)

Rousseau had so keen a sense of the danger which might result from subordinate groups in the state that he found ob-

jection to the existence of political parties. When the people "divide into factions and partial associations at the expense of the whole, the will of each of these associations becomes general with regard to its members, and individual with regard to the state." (op. cit., II, 3) And there is great danger that the true general will of the state will be subordinated to the particular will of a powerful faction. Rousseau's objection to political parties may be questioned, but he clearly recognized the tendency of a partial association to form a will general with respect to itself, but special with respect to the community at large. If our preceding analysis has been correct, the welfare which is common to the community at large is the truest welfare of every individual in the community and of every subordinate group. Thus the apparent will of a partial association is not the true will even of that group.

Now it is the besetting sin of the nationalistic members of the world community that each strives to realize a will particular to itself instead of the true general will of humanity as a whole. But our logic pushes us on to assert that the true interest of any state is not to be found in its own particular will, but rather in the general will of the world community. Consequently, there must be a world government to maintain such a general will, and to enforce a harmonious co-operation between nations.

It is the essential function of government to maintain this condition of co-operation as opposed to the self-regarding impulses of individuals and subordinate groups. This function is the rationale of the state's existence. And since each subordinate unit finds the fulfilment of its own truest will in such a state of co-operation, in a condition in which it may realize its highest self freed from the burden of opposition and social friction, the state is the very guarantee of freedom. The larger the state, the more people with whom we co-operate, and the less friction. Thus where there is widespread human intercourse, we may say, in opposition to Rousseau, that the larger the state is, the more liberty there is. But perfect liberty will be attained only when all opposition has been transcended. And this condition can come about only when all social units capable of opposing one another are brought under the same harmonizing agency, that is, when there is a world

state. Wars arise, not because the community of interests stops at the frontiers, but because there is no world state with authority to ascertain and enforce this common welfare.

Bosanquet has insisted so strongly upon the regulation by the state of subordinate groups within it, that we naturally expect him to extend the principle to the international sphere. Recent history has shown the great need for such a regulation of states by a world government. But that the true interests of states "should contradict one another is not more nor less possible than that human nature should be at variance with itself." Contrary to expectation, Bosanquet refuses to take the step. A world state is a conception beyond the reach of his political faith.

Bosanquet first emphasizes the great diversity in the civilizations existing upon the world today. "According to the current ideas of our civilisation, a great part of the lives which are being lived and have been lived by mankind are not lives worth living, in the sense of embodying qualities for which life seems valuable to us." (*Philosophical Theory of the State*, p. 328) "Every people, as a rule, seems to find contentment in its own type of life. This cannot contradict, for us, the imperativeness of our own sense of the best. But it may make us cautious as to the general theory of progress, and ready to admit that one type of humanity cannot cover the whole ground of the possibilities of human nature." (*ibid.*, p. 332) "There is no organism of humanity. For such an organism, consciousness of connection is necessary." (*Social and International Ideals*, abbreviated S. & I. I., p. 291) "No such identical experience can be presupposed in all mankind as is necessary to effective membership of a common society and exercise of a general will." (*Philosophical Theory of the State*, p. 329) Any government which is not supported by a common culture is dangerous. "Behind all force there must be a general will, and the general will must represent a communal mind." (S. & I. I., p. 271) "The body which is to be in sole or supreme command of force for the common good must possess a true general will, and for that reason must be a genuine community sharing a common sentiment and animated by a common tradition." (S. & I. I., p. 292) In so far as a common culture is not realized, "any unitary authority which it may be attempted to

set up will be superficial, external, arbitrary, and liable to disruption." (S. & I. I., p. 294)

Bosanquet's plan is that each group must recognize the rights of humanity in other peoples without the assistance of a common government. Just as it is incomparably better, according to Bosanquet, for the separate languages to continue in existence, provided there is a widespread study of foreign languages, than it would be to have a universal tongue; so it is incomparably better to have different states recognizing one another's rights, than to have one world government. "The respect of States and individuals for humanity is then, after all, in its essence, a duty to maintain a type of life, not general, but the best we know, which we call the most human, and in accordance with it to recognise and deal with the rights of alien individuals and communities. This conception is opposed to the treatment of all individual human beings as members of an identical community having identical capacities and rights. It follows our general conviction that not numbers but qualities determine the value of life." (*Philosophical Theory of the State*, p. 331) "Those who think federation necessary for the sake of a central force, obviously believe in force rather than in friendship. But without friendship the force is dangerous, and with it, perhaps, hardly necessary." (S. & I. I., p. 297)

Bosanquet seems to think that with proper internal policies, international troubles will disappear. He asks: "Is it in the nature of states that differences should constantly be arising between them?" "To organize good life in a certain territory seems to have nothing in it *prima facie* which should necessitate variance between the bodies charged with the task in one place and in another." (*Patriotism in the Perfect State*, an article contributed to *The International Crisis*, p. 144) "The cause of external conflict as a rule is not internal organization, but internal disorganization." "People who are satisfied do not want to make war; and in a well-organized community people are satisfied. War must arise from dissatisfied elements in a community; people who have not got what they want within (or have it but are afraid of losing it) and so look for profit or for security in adventures without." (*ibid.*, p. 145) As elements of trouble in a state Bosanquet mentions privileged classes, oppressed religious persuasions, and oppressed national-

ities. Then there is "the whole set of restrictions upon human intercourse which depend on the idea that the gain of one community is the loss of another. All of these make doubly for war; they make privileges at home, which turn the mind of the privileged class away from internal organization and towards external aggression; and they make exclusions abroad, turning the mind of the excluded classes to retaliation both in kind and by arms." (*ibid.*, p. 146) According to Bosanquet, we may expect peace when the state turns its attention to harmonious internal organization, excluding privilege and monopoly; and when the attention of the citizens is turned to those supreme goods which are not diminished by sharing, such as kindness, beauty, truth. (*ibid.*, p. 150; *S. & I. I.*, p. 12) We welcome "the co-operation and even the competition of other nations in the sphere of truth and beauty and social improvement; and having adopted this attitude in respect of the things which we value most highly, we are not disposed to be jealous and suspicious about other kinds of success." (*S. & I. I.*, pp. 13-14) "A system of nation-states or of commonwealths . . . each internally well organised, would not perhaps give us all that a world-state might give us." (*S. & I. I.*, p. 295) "But there is no reason in principle why a system of states, each doing with fair completeness its local work of organisation, and recognising, with or without active modification, the world-wide relations which pass through them, should not result in a world as peaceful as one under a more unitary system, and much richer in quality." (*S. & I. I.*, p. 296)

The peculiarity in Bosanquet's position is this. He seems to think that states may reach a certain stage of moral development at which, without any international governmental machinery, they may harmonize with one another as co-operating units. But he does not believe that they will be able to harmonize with the assistance of this machinery. Bosanquet, however, would not think of applying the same principles within the state. Let us consider certain groups subordinate to the state. Different groups may be composed of persons of different dispositions, different purposes, different modes of living, very likely of different faiths, and possibly of different nationalities, speaking different languages. Why do we not say that although these groups might reach such a stage of

moral development that they could harmonize without the aid of governmental machinery, yet they could never endure to exist with one another under the same government? Does Bosanquet say anything like this? Far from it. We have only to turn back to the passage in which he speaks of the state as the agency which is to secure the harmonization of subordinate groups, by force if need be.

Bosanquet's difficulties with the concept of internationalism arise, I think, from the too wide significance which he gives to the idea of the general will. By a great many writers on the subject of internationalism the term, general will, is used in two very different senses. The first sense is that of the general will proper, the practical realization on the part of each citizen that human desires, truly conceived, are non-contradictory, and that man finds his truest welfare in co-operation with his fellows. This community of interests exists beyond the state as well as within it. The second sense is that of a common culture which is also a peculiar culture,—that which makes the state a unique something. We hear much about a common ancestry, a common tradition, a common language, common views of life and modes of living, in fact, a common civilization. In this respect different states may differ radically. According to the first conception, it is necessary for a general will that human desires be non-contradictory; according to the second, they must be in large measure identical. Bosanquet's attack upon internationalism is based upon the assumption that a state can be founded only upon a common culture.

This assumption is greatly to be questioned. The most conspicuous case in point is Switzerland. Here we have three nationalities and three languages, along with religious differences. Instances in which such differences have led to trouble have been, I believe, invariably instances in which there has been oppression,—instances in which the community of interests has been deliberately violated.

A common culture among the citizens of a state is not, then, a *sine qua non*. The very expression, common culture, is relative. Among persons living in such a common culture there are always individual differences, more or less marked. It is not logically correct to say that the true will of every individual is *identical with* the general will. For this would mean that the

true will of each citizen was identical with the true will of every other citizen. But my true will may include a desire for music lessons; yours may include a desire to breed fine hogs. Neither of these desires can be included within the general will of any considerable community. There may be some common desires, such as the desire to maintain a certain kind of education. But the general will is essentially the desire to maintain a system of co-operation in which each may fulfil his higher self without friction. We have reason to believe that the particular aspirations of individuals, in so far as these are elements of their true wills, are non-contradictory. And in small communities there may be a great many elements of these individual wills which are common to all. Thus the government of a small number of persons may undertake enterprises of common interest which would be impossible to the government of a greater number of persons. Nobody objects particularly to the fact that Massachusetts had in colonial times an established church. Yet such an establishment would be an impossibility in the United States today. As the number of citizens increases, the number of such common elements decreases. And the essential core of the general will is always a desire to maintain a condition of co-operation. Bosanquet has suggested that the state is a unity in difference. And we too may regard the state as a unity in difference, not necessarily in the Hegelian sense as a social structure reflected as a whole although uniquely in every citizen, but as a common desire for co-operation and harmony among a mass of particular aspirations which make every individual unique.

Is it possible that Bosanquet's troubles with the problem of internationalism arise because he does not see how a universal can be realized in differences? What is essential to a world state is not a common language, ancestry, culture, etc., but a consciousness of the community of interests. And this consciousness is unusually strong in the world at the present time. The entire project of the League of Nations is but a concrete manifestation of the feeling among men that their true interest lies in the path of harmony rather than strife.

Bosanquet seems in places to have the fear that different cultures will necessarily conflict. He characterizes the alternative between "the self-defence of a highly civilised state and sub-

mission in the interests of the whole world's peace, a really tragic crisis." (S. & I. I., pp. 291-292) But the true interests of a highly civilized state can not be opposed to those of the world at large,—unless, indeed, human nature should be at variance with itself. War can arise only from a failure to apprehend the true general will. In cases of such failures, the question whether or not the principles at issue are such as to justify the horrors of war, indeed, always represents a tragic crisis.

He also asks "whether the identification of spirit and experience necessary as the basis of a general will could be achieved without the sacrifice of the valuable individual qualities of national minds." (S. & I. I., p. 298) But there is no reason why we may not have a general will and keep these valuable individual qualities of national minds. There is nothing intrinsic in different national cultures to make them conflict with one another. Bosanquet himself advances the idea that different nations may live in harmony with one another while remaining entirely separate governments. The general will necessary to the world state does not consist in a common culture, but in a consciousness that each nation achieves its own truest interests not through strife but through harmony,—in a consciousness of the community of interests. The international ideal does not necessitate the destruction of national differences. As Bradley says, the life of an organized world community "would be different in each body, a harmony, not a monotone." (A. C. Bradley, *International Morality: The United States of Europe*, an article contributed to *The International Crisis*, p. 58)

A world state, however, will necessarily include Africans and Orientals. The inhabitants of Switzerland are at least all Europeans. A federation of Europe may be possible, but will not the great diversity between occidental and oriental civilizations cause a great amount of trouble? This is a very serious difficulty for any advocate of Internationalism. However, there has in the last century grown up a situation which greatly reduces the difficulty. The situation is that at the present time most of the world is under European influence. Japan, the most important Oriental power, has become greatly Europeanized. Thus the world state must be a state in which the predominant influence will be European. I do not say that this situation of inequality is ideal. But it is simply unavoid-

able. Our question is not concerned with the fact of whether or not the world is to be dominated by peoples of European descent. This seems, at least for a period, inevitable. The question is whether the world is to be one state under European leadership, or is to be dominated by a number of different European states.

But although the fact of European leadership may render the establishment of a world state less difficult, yet the situation must be regarded as temporary. As Bosanquet suggests, we have no way of knowing which of the divergent types of culture existing on the globe today is the superior one. The correct principle must be, consequently, to leave each culture free play to assert itself in its own local environment. Every care must be taken not to try to force upon an Oriental country a European culture,—in the shape of language, science, art, or religion. This does not mean that different countries should not be free to borrow what they desire of one another's cultures. There is a great difference between borrowing a culture and having it thrust upon you. This remark applies especially to religion. Bosanquet even goes to the extent of saying that "the best Churchmen will admit, I believe, that to a great extent at least the peoples of the world have already the religions that suit them best." (S. & I. I., p. 300)

The world government must necessarily be a federated government. Each different nationality would be free to work out its peculiar civilization. The world government would have just sufficient power to enable it to protect general interests, and to keep its component parts from continuing in discord. It would be in fact a harmonizing agency. The distinction between national and international powers would be a difficult matter, and possibly ultimately an arbitrary matter. Bosanquet presents a very penetrating criticism of Mill's attempt to delimit the analogous spheres of the national government and the individual citizen. Bosanquet insists that there can not be a clear distinction between purely private interests and public interests. He consequently defines the limit of the state's sphere of action to be what the state can do and can not do to promote the best life. And he is very careful to point out the danger of trying to achieve this best life by means of force. The chief purpose of the state is to maintain a social

order in which the individual may be able to achieve his own self-development. The distinction of international from national powers must similarly be based upon what the international government can and can not do to promote the best life of the world's inhabitants. And we must here again note the danger of trying to force a nation into what is conceived to be its best good.

The international government must concern itself with matters of general interest only. The number of desires common to a group of persons decreases as the number in the group increases. And the desires common to the entire globe would be relatively few. We have in the United States a fairly standardized system of education maintained by law. But it is not the kind of education which the Brahman would choose for his son. Pennsylvania has a Sunday blue law. This would hardly commend itself to Japan. Even our insistence upon monogamy would find little support in Turkey. The international government must keep itself well above such matters. The different members of the world state do not have to be all alike. When Bosanquet states that "many people are very good friends apart who would quarrel if they kept house together," he may be reminded that it is not necessary for the different nations to keep house together, but merely to form an orderly community of households. (S. & I. I., p. 298) The international government must primarily concern itself with the prevention of friction between nations, and the maintenance of a social order in which each different form of culture may achieve its own self-development.

There is another objection to the establishment of an international government. Such a government can exist only in case there is a very general recognition of the community of interests among men. And if this consciousness of the community of interests develops sufficiently, will there be any need of government at all, national or international? If each man realizes that it is his truest interest to harmonize with his fellows, why will he have to be forced to harmonize? The development of the consciousness of such a community of interests necessary for the maintenance of a world state will, however, be attained long before the stage will be reached where government may be dispensed with altogether. It is exceedingly

doubtful whether such a stage will ever be reached. The conception involves a dangerously lofty view of human perfectibility. There is also a growing tendency toward government ownership, not only of schools and post-offices, but of numerous other public utilities. Many of these utilities are best managed, of course, by local governments. In addition to this tendency is the fact that the growing complexity of modern life is more and more necessitating the formulation of additional rules whereby citizens may get along together without friction. Take the matter of the traffic rules which have been put in force especially since the advent of the automobile. Many of the rules are purely arbitrary,—for instance, the rule of turning to the right when two vehicles pass. There is no particular reason why this should be done one way rather than another, but there is a great reason why everyone should do it in the same way. Thus the value of the law, which defines the convention, and enforces it. The rules become in a sense a standard of ethics. The complex relations of modern business are especially in need of them.

These two tendencies indicate that we are to see an extension rather than a restriction of the sphere of government. The function of a world state would consist possibly not so much in the ownership of public utilities, but in defining and maintaining a standard of international relations. International trouble occurs not because there is an unavoidable conflict between two nations. It occurs in large measure because there is no machinery to define, in the complex relations which states have with one another, the precise duties which each owes to the other, and to enforce this decision.

IX. THE NATURE OF PATRIOTISM.

We have now reached the end of our investigation of patriotism. The state is essentially the embodiment of a general will. The purpose of the state is the realization of this general will. The state is a harmonizing agency. Patriotism is the disposition on the part of the citizen to support the state in this its essential function. In any particular state, patriotism is justified in the degree in which this function is performed, in the degree in which the state is actually the embodiment of the general will. It may be remembered that in treating

Professor Royce's book we observed the fact that loyalties are strengthened by strife. And yet patriotism, loyalty to the state, finds its justification in its conduciveness to harmony. There is nothing contradictory about this. The prevalence of disease may stimulate the manufacture of medicine, but the medicine is to be justified by its curative powers. It is true that patriotism can not exist without some opposition to call it forth, but this opposition may well take the form of ignorance, indifference, or laziness. It will be observed that the type of patriotism here in question is of a rather unheroic type. As Hegel points out, patriotism is not merely the occasional readiness for great sacrifices. (*Philosophy of Right*, ¶ 268, Note) It is rather the constant and quiet disposition on the part of the citizen to further the common good. Loyalties which thrive upon strife, moreover, are usually characterized by strong gregarious feelings. Our patriotism possesses little of this feeling. The state is not a mob. The state is rational, not emotional, in character. True patriotism is a recognition of the community of interests, and a rational support of the state as the agent of this community.

But social relations are international. And the state can not adequately fulfil its function as a harmonizing agency until it includes within itself all of the elements which may conflict with one another. The perfect state must be a world state. The community of interests extends beyond national frontiers. Each nation finds its true welfare, not in its apparent particular will, but in the general will of mankind at large, in a world wide condition of harmony and co-operation. It is notoriously true that a state interferes most seriously with the true interests of its citizens when at opposition with other states. It is in time of war that the citizen is taken away from his family and his occupation, that his plans are shattered, that his goods are confiscated, that his business is ruined, that he and his family are forced to suffer from lack of fuel and food, that he is mutilated or killed. A nation at war is an absurdity in the social logic. Its very rationale of existence is based on the ideas of harmony, co-operation, community of interests; and it is using its power for the purposes of discord; it is destroying the interests not only of the enemy but of its own citizens. Not that we must make a virtue of non-resistance. Force must be met with

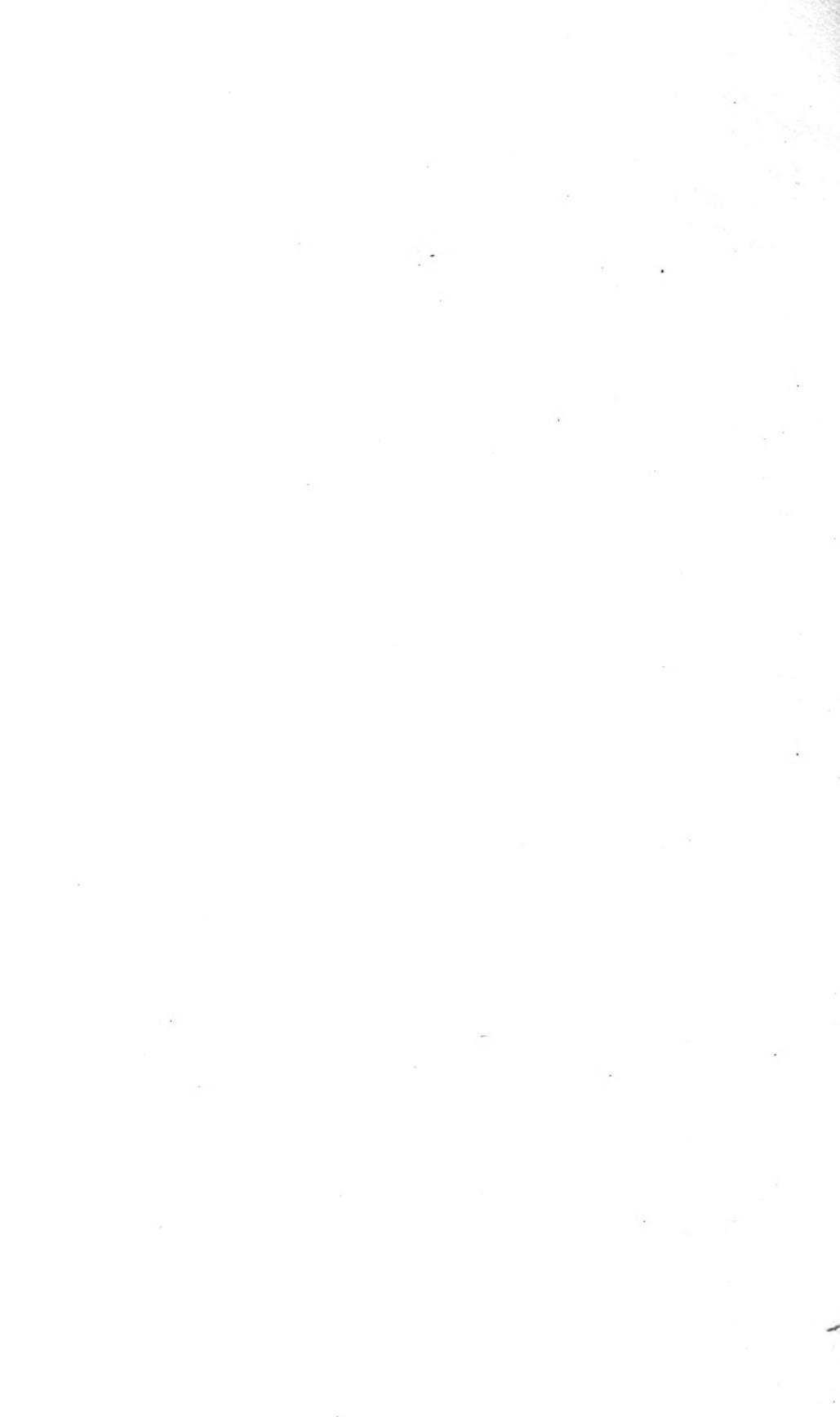
force, but the entire situation remains an absurdity nevertheless.

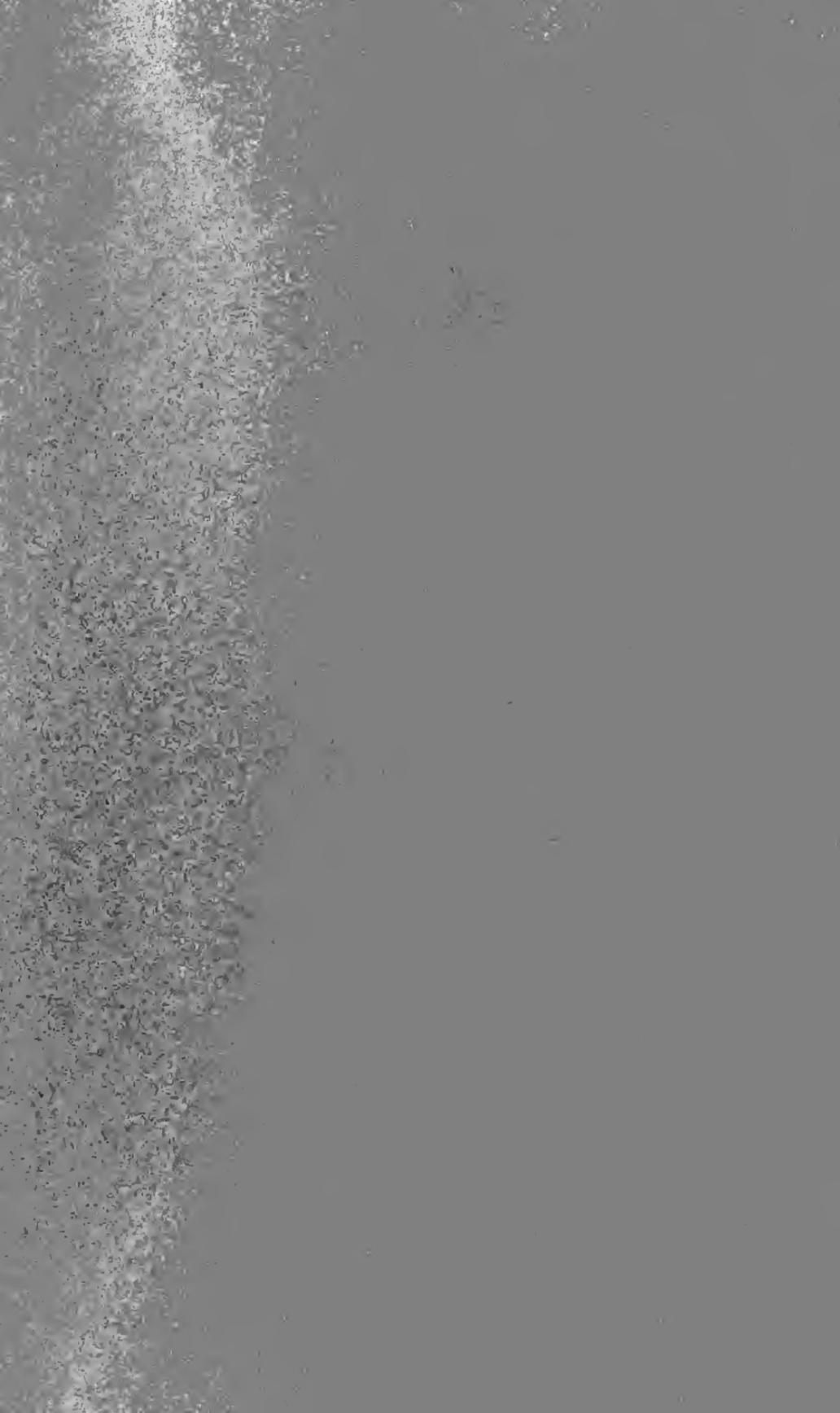
We have furthermore noted the necessity of some sort of governmental machinery to enforce this international harmony. The true interests of states conflict no more than the true interests of individuals, but there is no more reason to expect states to maintain a harmony without the use of government than to expect individual citizens to get along without government.

The solution of our initial difficulties with the concept of patriotism may now be indicated. In a world state, the unjustified bias which we feel in favor of our fellow nationals will tend to disappear. New Yorkers and Pennsylvanians have no such bias with regard to their respective states. A feeling of interest and sympathy may be aroused by the knowledge that a man is our neighbor, but this feeling does not go so far as to corrupt our judgments. Our other initial difficulties were involved with the relation of patriotism to the moral law. We were not only to support our country right or wrong, but we were actually to accept our country's actions as a sort of criterion of morality. In a world state, these requirements of popular patriotism will tend to disappear. Even at the present day, it is only with regard to external activities that criticism of the state is tabooed. With regard to internal activities, a vigorous criticism of the state is rather a sign of good citizenship than of bad. And in a world state, all activities will be internal. These difficulties involved in the present day conception of patriotism are only an indication of the imperfect status of present day society.

The result which has been reached is rather of a paradoxical character. Patriotism, truly understood, has been found to involve internationalism. Patriotism is to be justified only upon the state's function as a harmonizing agency. And the only state which can adequately fulfil this function is a world state. Patriotism and internationalism have been considered as contradictories. But one is merely the ultimate implication of the other. Consequently, our internationalism does not mean anti-nationalism. Existing states have been invaluable to the cause of progress. They have maintained social orders in which human purposes were to some extent harmonized, and

in which man might strive to realize the best life. And in our efforts to bring about the international ideal, we should be constructive, not destructive. Internationalism does not mean the destruction of nationalism, but merely the transcendence of nationalism.





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