THE PHILOSOPHICAL CONTEXT OF 'THE STATE' IN LATE NINETEENTH- AND EARLY TWENTIETH-CENTURY ENGLISH LIBERALISM

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All parts of the thesis describe my own work

D. C. B.
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My thanks to Len Hume, who ameliorated it; Marie Mitchell, who produced it; and Lesley Band, who endured it.
This study is an examination of the meaning, role and context of the concept of 'the state' in the political thought of T.H. Green, Bernard Bosanquet, L.T. Hobhouse and J.A. Hobson. It indicates that, for each thinker, it is most appropriate to grasp the context of the state - what the state is, for him 'about' - if we are to appreciate his understanding of the state and the role or roles to which he assigns it. But notwithstanding the importance of the state in the political prescriptions of each thinker, none of them provides an adequate definition of the concept - none provides even a list of the institutions which he regards as comprising the state. Secondly, related to this weakness, each thinker is confused and inconsistent in his use of the key concepts with which he wishes to surround that of the state. Thirdly, none of them is able to escape the charge that, because of these gaps in his analysis, his 'state' can be construed as leading to a variant of absolutism, although each of them is concerned to stress the importance of individual liberty to his system. For Green, the state is an institution for the more complete and harmonious maintenance of the rights of its members. Because Green is never clear about precisely which bodies constitute the state, his account of the state is confused. Moreover, if one takes seriously his distinction between political and moral philosophy, then his account of the state can be interpreted as not providing a guarantee against absolutism. Bosanquet's account of the state is
grounded in the twin notions of 'rights' and the 'ends of community'. As with Green, however, Bosanquet never reveals any detailed conception of the state's make-up, and it is thus difficult to agree that he succeeds in his desire to tie the state's hands where questions of the autonomy of individuals are concerned. For Hobhouse, the notion of the state is intimately related to that of liberty, although his treatment of 'liberty' is very confused. Hobhouse's account rests ultimately on an assumption, namely, that, because the state is merely carrying out the will (to liberty, among other things) of the majority of society, and since that will represents the collective judgement of the members of society as to the general good, then it is unlikely that the state's actions will pose a threat to individual autonomy. The key reference-point for an understanding of Hobson's view of the state is that of 'social utility'. Regrettably, it is not at all clear what exactly Hobson means by either of these terms. The logic of Hobson's organicist perspective leads him away from any insistence that the state may not interfere directly with the private ethical existence of the citizen.
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CHAPTER I

INTRODUCTION

1.1 INTRODUCTION

The last twenty years have seen the emergence of a sizeable body of philosophical and historical scholarship on the question of the intellectual and political contributions and importance of those two sets of late nineteenth- and early twentieth-century English thinkers known, on the one hand, as 'Neo-Hegelians' or 'Idealists' and, on the other, as 'New Liberals'. It is appropriate, in the light of both the quality and quantity of their political writings, that the thinkers on whom this scholarship has concentrated in the area of political theory, have been, from the first group, Thomas Hill Green and Bernard Bosanquet and, from the second, Leonard Trelawney Hobhouse and John Atkinson Hobson. Much of this scholarship has produced interesting arguments, and some of it has been original, but almost all of it leaves an impression of issues raised but left unexplored. Specifically, those who study these thinkers seem - if only by virtue of the number of times that they use the word - to recognize the importance of the concept of 'the state' in the political theories of Green, Bosanquet, Hobhouse and Hobson. But remarkably few of them have devoted themselves to anything approaching a detailed analysis of the meaning and function of this concept in the political system of any one of these thinkers. Typically, those who have devoted
relatively more energy to this task have done so in a less than critical spirit.

Given the various claims that have been made about the comparative importance of each of these thinkers in laying the intellectual foundations of the modern welfare state, this is a regrettable lacuna in the study of modern British political thought. This study is an attempt to fill part of that gap. It is an examination of the understanding, role and context of 'the state' in the political theories of Green, Bosanquet, Hobhouse and Hobson. I shall argue that, for each thinker, it is most appropriate to grasp the context of the state - what the state is, for him 'about' - if we are to appreciate his understanding of the state and the role or roles to which he assigns it. In doing so, I shall come to several unfashionably negative conclusions. I shall show that, notwithstanding the importance of the state in the political prescriptions of each thinker, none of them provides an adequate definition of the concept - the reader searches in vain through the writings of all four theorists for even a list of the institutions which they regard as comprising the state. Secondly, related to this weakness, each thinker is confused and inconsistent in his use of the key concepts with which he wishes to surround that of the state. Thirdly, none of them is able to escape the charge that, because of these gaps in his analysis, his 'state' can be construed as leading to a variant of absolutism, although each of them is concerned to stress the importance of individual liberty to his system.
Chapter II indicates that, for Green, the state is an institution for the more complete and harmonious maintenance of the rights of its members. A right is a power or mode of behaviour acknowledged and maintained by the state in the light of a common good for each and everyone, and a complete political right is present in the state alone. The organs of the state make 'rights talk' official, comprehensible and clearly defined. Since, in my view, Green's political thought has been subjected to more - and more serious - misinterpretation than that of the other thinkers, I make these substantive points in this chapter by means of a series of criticisms of the most significant examples of such misinterpretation. I indicate that, because Green is never clear about precisely which bodies constitute the state, his account of the state is confused. Moreover, if one takes seriously his distinction between political and moral philosophy, then his account of the state can be interpreted as not providing a guarantee against absolutism.

Chapter III argues that Bosanquet's account of the state is grounded in the twin notions of 'rights' and the 'ends of community'. The citizen has under his purview rights bearing on ethical autonomy and the state has under its purview rights bearing on the carrying-out of social roles. But the state is also an ethical leader and this function is a foundation of its supremacy and is essential as well to the achievement of social ends. As with Green, however, Bosanquet never reveals any detailed conception of the state's make-up, and it is thus
difficult to agree that he succeeds in his desire to tie the state's hands where questions of the autonomy of individuals are concerned. His account rests on two assumptions - one of a synonymity between the state's purpose and the good; the other of a synonymity between the good and the rational - and both remain questionable in his treatment. Moreover, his is a 'philosophical' account of the state in the sense that it is, certainly by comparison with those of Hobhouse and Hobson, rather unworldly, unconcerned with problems of public administration, and thus rests somewhat too easily on the assumed applicability and harmlessness of his proposals.

Chapter IV suggests that, for Hobhouse, the notion of the state is intimately related to that of liberty. His treatment of liberty is notably confused, but, as far as his account of the state is concerned, he seems to mean by 'liberty' individuals' actual decisions or spectrum of decisions in particular circumstances (those individuals enjoying a specific liberty to decide upon an action, irrespective of the value of the deed, or the character of their impulses, so long as they are not under duress). Moreover, each individual's essence is to be found in the context given him by the state. Like Green and Bosanquet, Hobhouse nowhere provides a list of the institutions or other elements that, according to his lights, constitute the state. Given his organicist conception of society and his avowedly collectivist prescriptions for state activity, this is a troubling omission in one who claims to be interested in liberty. Hobhouse's account,
too, rests ultimately on an assumption, namely, that, because the state is merely carrying out the will (to liberty, among other things) of the majority of society, and since that will represents the collective judgement of the members of society as to the general good, then it is unlikely that the state's actions will pose a threat to individual autonomy.

Chapter V argues that the key reference-point for an understanding of Hobson's view of the state is that of 'social utility'. Regrettably, it is not at all clear what Hobson means exactly by either of these terms. For Hobson, society is an organism evolving in much the same way as physical organisms evolve, and social utility seems to be a standard for evaluating whether or not (or the degree to which) a particular action is consonant with both that developmental process and with material facts and moral possibilities. Thus the state - which at times seems to be equivalent to 'government' and at other times to 'society' - is endowed with purpose. The logic of Hobson's perspective leads him away from any insistence that the state may not interfere directly with the private ethical existence of the citizen. Hobson's prescriptions for state activity, in fact, pose the least restricted threat to individuality of those considered in this study.

Thus, this is not an exercise in the fascinating but often disappointing business of tracing intellectual influences. To engage in such an exercise would necessitate a quite different study, and one of at least equal length to this. I shall, of
necessity, make a number of remarks comparing the four accounts under investigation. These, however, are intended to be simply that - comparative remarks. I do not mean to imply by them that one of the four thinkers had a greater influence on an aspect of a second thinker's views than did a third. Such matters are beyond the scope of my analysis. Moreover, although at various points I shall introduce some of the names of our thinkers' various intellectual predecessors, I shall do this for illustrative purposes only, not in order to claim that, for example, Bosanquet came more thoroughly under the influence of one such predecessor than another.

One further and related set of negative remarks is necessary. I should not be displeased if this study made some small contribution to the discussion of the nature and meaning of 'liberalism', but it is not a study which is intended as such a discussion. In a work of this length, it would be impossible adequately to engage in that kind of discussion, let alone to do both that and fully to treat of the nature, function and context of the concept of the state in the political thought of Green, Bosanquet, Hobhouse and Hobson. It may be that an appreciation of the latter set of problems leads to a view that 'liberalism' is best understood as embracing a more extensive role for the state than would have been allowed by some thinkers whom we have traditionally come to regard as 'liberals'. Or it may be that such an appreciation leads to a denial that 'liberal' is an apposite label to apply to any or some of the thinkers under
discussion here. Since I should be unable, within the limitations of this kind of exercise, properly to conduct such an investigation and elaborate each thinker's account of the state, I have, in both the text and the title of this study, retained the usual description of each man's political theory. It is for others to decide whether or not such nomenclature is warranted.

In the rest of this introductory chapter, I shall amplify my remarks made at its beginning. I shall provide a brief account of each of the relevant critical analyses of the four thinkers' politics that have been published in the past twenty years. I shall indicate the kinds of issues in which these critics have been interested, the further issues that these raise and the degree to which these have been dealt with satisfactorily. We shall see, as I have indicated, that, while most of the critics mention 'the state' as an important concept in the work of the thinkers in whom they are interested, very few provide a detailed analysis of the meaning, function and, above all, the context of this concept within the thinkers' broader political theory. While this criticism recurs throughout these next two sections, I should be delinquent were I to make it simply in a thematic way. To be fair to each of the contemporary critics of the political thought of Green, Bosanquet, Hobhouse and Hobson, I need to pay individual attention to these critics, rather than merely cite them as examples of this or that general tendency in the scholarly literature.
I.2 THE CRITICAL CONTEXT - GREEN AND BOSANQUET

The first full-scale modern analysis of Idealist social philosophy was A.J.M. Milne's book. It is a reassessment of the social philosophy and metaphysics of Bradley, Green, Bosanquet and Royce. He wishes to show that there is a valid and significant form of Idealism which is of permanent significance. For the student of Bosanquet's politics, however, and especially his view of the state, the book provides very little information. Milne is much more forthcoming on Green's work in this area. He discusses, explains and suggests objections to Green's theory of individual morality: that thought is central to action by 'rational agents' and that moral thought (developed as part of the human experience) motivates actions which inevitably have good consequences. From this comes Green's conception of citizenship as a rational human achievement (recognition by individuals of common interests) and of the state as a moral and social achievement (leaders move beyond the sphere of rational activity to recognize their moral duty to regulate the conduct of their group members on account of the common interests of the larger group).

Milne discusses Green's distinction between moral duties and the legal obligations of citizens to the state, drawing attention to the moral duty of each citizen to obey the law because a man has rights only as he is a member of society and as such the corporate organization is morally justified in claiming the power

to regulate members' conduct. He notes that Green further distinguishes between moral duties and legal obligations by saying that the state can, through means of punishment, enforce the latter but not the former. In many ways, Milne's remains the best account of Green on the state. In addition to being generally accurate in his perception of the correct ways in which to approach different elements of Green's system, he is one of the harshest readers of Green's account of the state. Although he suggests that Green is valuable as a starting-point for studying the roots of morality and politics in human experience, he criticizes his unsatisfactory answer to the question of a citizen's right to disobey the law. More broadly, he is critical of Green's optimism and his confidence in the future destiny of humanity. Nonetheless, perhaps because of the limitations imposed by his work's structure, Milne does not thoroughly pursue any of the useful critical hares which he sets running down the path of Green's account of the state. The reader is left with an impression of weaknesses having been hinted at rather than exposed and explored.

Perhaps the best-known work on the subject of T.H. Green is that by Melvin Richter. The book discusses Green's political philosophy by means of the analytical tools of the historian and the sociologist. In large measure, it is concerned more with providing an explanatory context for the origins of Green's thought than with analyzing it. But, to the extent that he does attempt

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the latter, Richter is guilty of several inaccuracies and oversights, with the most relevant of which for this study I deal in Chapter II. Richter states that, for Green, because society is composed of individuals who may not all realize or act towards the common good, the state exists as an apparatus to discipline men and make them more moral. Individuals have will and desire and consciousness, but the substance of these is supplied by the state. And the state is obeyed because individuals identify their interests with those of the community. But a reciprocity exists which prevents the extensive use of governmental action in the economic sphere. The state is not better than the individual: both are necessary for the existence of the other. Citizens are free to pursue the common good, while the state protects this freedom and disciplines actions which are not in the best interests of the common good. In this analysis, Richter overlooks the possibility of alternative meanings to Green's 'common good', seriously underrates the importance of rights for Green's view of the state, accepts too easily Green's own assumptions that his views protect individual autonomy and fails to take seriously Green's distinction between moral and political philosophy.

John H. Randall's 'Idealistic Social Philosophy and Bernard Bosanquet' is specifically concerned with Bosanquet's view of the state and the relationship of the individual to it. It is a distinctly uncritical account. Randall notes that Bosanquet's

political theory places the state at the apex of society as a higher inclusive social organism. Bosanquet's view of liberty is defended against the 'individualist's' conception of negative freedom. Since the state is 'our own mind extended', rational men are subject to its claims. The root of political obligation lies in this recognition that the ultimate goals of the state are identical with those of the private self. This section of the paper is in general an accurate account of Bosanquet, but it seems that Randall is unaware - perhaps because he does not connect Bosanquet's account of the state with his notions of rights and the ends of community - of just how far short that account falls of its aim of guaranteeing individual ethical autonomy. The same comments hold for the last section of the paper, in which Randall discusses Bosanquet's justification of the state's use of force and defends him against the charge that his theory is too narrow and too negative.

Anthony Quinton's 'Absolute Idealism'⁴ is a similarly uncritical treatment of the Idealist school, most prominently Green. He holds that Green met a need for a politics of social responsibility to offset *laissez-faire* and to counter the destructive idea that self-interested competition was the engine of human progress. Green's philosophy made the state responsible for defining morality and providing favourable conditions for the growth of individual moral perfection. Green offers a coherent and consistent philosophy which was appropriate to the religious and

political needs of Britain. Thus, Quinton too fails to note the intellectual context of the concept of the state within Green's system, the ambiguities inherent in the main elements of that context and the doubts which Green's view of the state raises about his having achieved his professed aim of safeguarding the individual's freedom.

Kenneth R. Hoover's 'Liberalism and the Idealist Philosophy of Thomas Hill Green' makes some interesting methodological criticisms of Green but fails properly to apply these criticisms to his crucial notion of the state. Green's idea of an eternal consciousness is a Hegelian answer to empiricism and utilitarianism. His political model lacks a formal philosophical methodology because it is metaphysically derived and rests on faith that reason is the underivable principle behind human behaviour. Hoover regards this as an unwarranted leap from epistemology to teleology. Green is further criticized for his model of the complete man, that is, his views that individuals have a moral duty to act in the public interest, that laws of society are instruments for advancing the common good and that individuals are obligated to obey the state as an essential step in self-government. This model rests on Green's belief in moral progress and as such misses the point that liberal values rest on the potential for progress and not necessarily the historical reality of progress, as Green's model requires. In general, Green's

5 Western Political Quarterly, XXVI (1973), 550-565.
model fails because it is rooted in a priori assumptions about – and abstractions from – human nature rather than a systematic analysis of behaviour. Clearly, there is food for thought here for the student of Green's account of the state, but Hoover seems unaware both of this fact and of the centrality of rights for Green's political thought. And he somewhat undermines his own thesis by concluding that Green provides liberals with a justification of positive liberty.

John Rodman's 'What is Living and What is Dead in the Political Philosophy of T.H. Green' criticizes Hoover's paper and then presents his own critique of Green. Rodman attacks Hoover for his acceptance of the modern technological/economic world view and for his conservative intellectualism in denying that any other perspective can be valid. He also criticizes him for thinking that Green's philosophy should be an answer to the secular needs of today's Left. Rodman then proceeds to review Green from a more radical perspective. Here he distinguishes between 'living' and 'dead' tissues in Green's political theory, not by the presence of the 'metaphysical' and 'empirical' components that Hoover identifies, but rather by the ways in which Green groups together his sociological realism about power, his historical view of rights, his view of reality as a single system of relations and his postulate of a universal and eternal consciousness; and separates these from his exaggerated emphasis on human consciousness and his sharp dichotomy between human and non-

6 Ibid., 566-586.
human realism. It is apparent that Rodman does not think that the state is relevant to these kinds of issues in Green's thought. In the light of the number of occasions on which Green raises the state and such issues in the same contexts, this is a difficult position to hold, and makes Rodman's paper less useful than Hoover's to the student of Green's political thought.

V.R. Mehta's 'T.H. Green and the Problem of Political Obligation' raises quite central issues but deals with them inadequately. He holds that Green's definition of a legitimate state is one that recognizes a common good and creates conditions favourable for its members to work towards its attainment. This is not a complete account of Green's understanding of the state. It omits rights as a central postulate of such an understanding and it overlooks the fact that his 'common good' may be made to bear more than one meaning. According to Mehta's presentation of Green's ideas, there is a moral obligation on individuals to obey the state because their own values and goals are recognized and furthered by their obedience. Rights do not exist outside the state; they are obtained only through citizenship and come into being through recognition by the state. As we shall see, this is an acceptable account of Green's view of rights, but it quite overlooks the possible alternative accounts. Mehta also takes for granted that there is nothing elsewhere in Green's theory which might cast doubt on his claim that, in extreme conditions, the individual has a moral duty to disobey the state if it is no longer seeking to serve the ideal of the common good or the general will.

7 Indian Political Science Review, VII (1973), 115-124.
Ann Cacoullos's work is a peculiar one. As her title implies, she recognizes the importance of rights in Green's system. She is one of the few students of Green to see the significance of his claim that rights require social recognition, that communities are a necessary condition for the existence of rights and that rights are further determined and justified by the common good. But she seems unaware that both 'rights' and 'common good' are ambiguous concepts as employed by Green. But she is aware that both concepts lie at the 'moral basis' of the state for Green and that any discussion of the relationship between the state and the individual in Green's theory must deal centrally with what rights individuals may hold and in what circumstances they are held. She also states, correctly, that Green's major problem is the determination of the extent to which the community can promote the freedom and self-development of individuals. But her own discussion of this problem is vague and does not form the central theme of her book. Moreover, she does not consider the effect on an understanding of Green's 'state' of keeping his moral philosophy distinct from his political philosophy.

Stefan Collini's 'Hobhouse, Bosanquet and the State: Philosophical Idealism and Political Argument in England, 1880-1918' is one of the most stimulating recent accounts of some of the issues with which this study is concerned. Collini examines both the philosophical works of Bosanquet and Hobhouse and their writings

8 Thomas Hill Green, Philosopher of Rights (New York, 1974).
9 Past and Present, 72 (1976), 86-111.
and actions on a non-philosophical level. He claims that the two 'change sides' - Bosanquet is concerned with the morality and supremacy of the state but actively opposes proposals of state welfare, while Hobhouse writes in favour of liberty but supports greater state interference. Collini attempts to resolve this paradox. He says that Bosanquet's philosophical statements are not completely clear and he suggests reasons for this confusion. Historically, Bosanquet was active in social reform as the philosopher of the Charity Organisation Society. As a consequence, he often states C.O.S. dogma in the language of Idealism, frequently adopting a defensive tone to counter rival philosophies.

Thus, Bosanquet presents the state as a complex of rules, practices and restraints which provide conditions for the expression of individual wills (which is consistent with the general will which the state embodies). But he also writes that, since the state operates through force, it cannot be properly motivated and may produce undesirable consequences, so state interference should be kept to a minimum. Yet his statements on the state's external relations leave him open to Hobhouse's criticism that he exaggerates the claims of the state while denying those of the individual. Further confusion in Bosanquet's writings arises from the very nature of Idealist philosophy. Couched in vocabulary that allows two interpretations, in a technical or an ordinary sense - that is, 'state' as embodiment of the general will or as the agencies of government - meanings become ambiguous. Idealist philosophy was also unable to set a criterion by which the essence
of things was to be defined and identified, and its concepts were both descriptive and normative. This last criticism is a particularly apposite one when directed at Bosanquet's 'philosophical' theory of the state, and Collini could have made more of it. Moreover, he seems to be unaware of the central importance of rights for Bosanquet's account of the state. Nonetheless, the paper stands out for its careful attempt to identify the precise character and weaknesses of that account. It provides, however, a much less critical and effective analysis of Hobhouse's view of the state.

Richard Bishirjian's 'Thomas Hill Green's Political Philosophy' is, despite its title, only marginally concerned with Green's politics, and not at all with his notion of the state, and thus is of little relevance to this study. P. Savigear's 'Philosophical Idealism and International Politics: Bosanquet, Treitschke and War' and Peter P. Nicholson's 'Philosophical Idealism and International Politics: A Reply to Dr Savigear' are addressed to Bosanquet's contributions to international relations theory, and thus are also of only marginal relevance to the interests of this study. V.R. Mehta's 'The Origins of English Idealism in Relation to Oxford' is an entirely historical account of Idealism's presence in Oxford and absence from Cambridge. Craig

12 Ibid., II (1976), 76-83.
Jenks's 'T.H. Green, the Oxford Philosophy of Duty and the English Middle Class' is concerned with some of the issues that Richter raises in relation to the intellectual context and climate in which Green formulated his 'reformist' ideas. Stefan Collini's 'Sociology and Idealism in Britain, 1880-1920,' like all his writings in this area, has many interesting things to say about Idealism (although considerably more about Bosanquet than about Green), but is centrally concerned to outline the connections between British philosophy and Sociology in this period and thus identifies Bosanquet's political concerns without analyzing them in any detail.

I.3 THE CRITICAL CONTEXT - HOBHOUSE AND HOBSON

It is only in the last fifteen to twenty years that any great amount of serious scholarly attention has been paid to the specifically political (as opposed to sociological or economic) elements of Hobhouse's and Hobson's thought. In the last decade, in fact, there has occurred a considerable increase in the number of such studies. It is true that the previous half-century had seen the occasional publication of work on (especially Hobhouse's) political thought, and this is mentioned in the body of this study, but these pieces were indeed occasional and often relatively unsophisticated. Only recently has this situation begun to be corrected.

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14 British Journal of Sociology, XXVIII (1977), 481-497.
15 Archives européennes de sociologie, XIX (1978), 3-52.
David Nicholls's 'Positive Liberty, 1880-1914' was perhaps the first contribution to this process. Nicholls gives an historical overview of the development of the concept of positive liberty, which he says grew out of and in response to the ideas of Spencer and later Green. Defining positive liberty as the freedom to choose and indicating the necessity for state intervention to increase such choices, he contrasts the views of two of its adherents, Hobhouse and Hobson, with those of Spencer (and his 'negative empiricist' conception of liberty). Hobhouse, he says, differs fundamentally from Green and Bosanquet as well, because he purges elements of Idealism from the notion of liberty, holding that the individual is free only when he can choose to do good or evil. Positive liberals such as Hobhouse and Hobson enlarged and adapted the inherited notion of liberty. Nicholls's paper has the merit of identifying the centrality of liberty in Hobhouse's political thought, but, beyond this, is severely flawed. He takes it for granted that the greater state interference which Hobhouse's positive liberty necessitated is so construed by Hobhouse as not in itself to pose a threat to liberty. He ignores the considerable confusion into which Hobhouse's account of liberty falls. He underestimates the importance of both Hobhouse's and Hobson's organicist conceptions of society. And he is simply wrong in identifying liberty as lying at the heart of Hobson's political thought.

17 American Political Science Review, LVI (1962), 114-128.
Peter Weiler's 'The New Liberalism of L.T. Hobhouse' concludes that Hobhouse's contribution to liberalism lay not in his philosophical arguments, which are confused, contradictory and ill-founded, but in their practical application by the Liberal Party. Much of the confusion in his writings, says Weiler, is due to an unsuccessful attempt to blend the Idealism of Green with a demand for empiricism. His belief that man acts of his own free will is a rejection of Green. But Hobhouse accepts Green's 'progressivism' and thus has to compromise his belief in individual liberty. He suggests that man is rational, recognizes his well-being as a part of the whole pursuing a common good, and thus acts in accordance with this common good. Through a harmony of individual ends, Hobhouse feels that he has empirically reconciled individual liberty with the need for social solidarity. It is this redefinition of liberty, though marred by major confusions, that serves as the basis of his advocacy of state action. Thus, state regulation of the economy is accepted as a political necessity to eliminate poverty, which Hobhouse perceives as the principle barrier to individual liberty. Weiler remains one of the few critics of Hobhouse both to perceive the centrality of liberty for his account of the state and to note the weaknesses of his treatment of liberty. It is a pity that Weiler has not produced a full-length study of Hobhouse's politics, for in such a work he may have gone on to investigate the kinds of issues raised, but not pursued, in his paper, especially the exact nature of Hobhouse's 'state' and the success of Hobhouse's purported attempt

17 Victorian Studies, XVI (1972), 141-161.
to guarantee a maximum feasible amount of individual autonomy.

H.V. Emy's work is mainly concerned with the political development and impact of the New Liberalism (although he prefers to describe it as 'Social Radicalism'). He shares the common perspective of regarding Hobhouse and Hobson as the leading theorists of New Liberalism. Up to a point, Emy's emphases are the correct ones. According to him, Hobhouse and Hobson stressed the right of the state to appropriate, through graduated taxation, socially created values for defined community ends. They further assumed a greatly augmented role for the state in guaranteeing minimum standards of life and labour. But Emy displays a considerable lack of theoretical rigour. His account of the differences between New Liberalism and socialism is ambiguous and evasive. More specifically, he is uninterested in exploring the question of precisely what 'the state' means for either Hobhouse or Hobson, underplays the importance of liberty for the former and organicism for the latter, and, in suggesting that the importance of individualism in nineteenth-century liberalism has been overemphasized, ignores possible 'individualistic' objections to Hobhouse's and Hobson's prescriptions for state activity.

Michael Freedon's 'J.A. Hobson as a New Liberal Theorist: Some Aspects of his Thought until 1914' examines two themes which Hobson combined and reconciled in order to place them in contemporary liberal thought. He adhered to Idealism - for him, a

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blend of Hegel with the liberal belief in universality, consciousness and rationality - and related this to a notion of the state as a social organism. Thus he was able to temper Idealism with an awareness of physical limitations and the physical roots of social life, yet retain his belief in the power of ideas and the human spirit. Drawing away from mechanical interpretations of evolution, Hobson saw an evolution of 'ethical fitness' triumphing over non-ethical conditions, social and political evolution being more akin to intellectual and moral progress. His socio-biological theme separated 'routine industries', for which the state should be held responsible, from the qualitative artistic work of individuals - a resolution of the liberal problem of socialism versus individualism. Freeden thus pinpoints the centrality of organicist notions such as social utility in Hobson's account of the state. But, despite the occasional critical comment, he does not attempt to put forward any fundamental queries of that account. He does not, in particular, ask what precisely Hobson means by 'the state' nor does he indicate the broadly unsatisfactory nature of Hobson's alleged 'resolution'.

P.F. Clarke's 'The Progressive Movement in England', like his earlier book, is much more concerned with providing an account of the impact of New Liberalism on party politics than with analyzing the content of that body of ideas. He gives as the central theme of his paper a study of how 'progressive' ideas at the turn of the century defined the intellectual relationship

of their holders with organized labour and their view of that relationship. Rejecting the basic tenets of Fabianism, the New Liberals defined socialism as the political end to be reached by means of collective action. Democratic processes allowed for the expression of the creative instinct of the collective mind, which was again reflected in rational government. The popular conception of Socialism as imposed by an enlightened few was rejected as not being Socialism 'in the moral sense'. Clarke is concerned with more thinkers than just Hobhouse and Hobson, but, as far as these two are concerned, he fails to note the centrality of, and the problems associated with, the concept of the state in their political thought. He properly notes the collectivist nature of their aims, but takes an almost thoroughly uncritical view of their arguments. The same criticisms pertain to Clarke's 'Introduction' to his edition of Hobson's *The Crisis of Liberalism.*

C.M. Griffin's 'L.T. Hobhouse and the Idea of Harmony' isolates 'harmony' as the cornerstone of Hobhouse's thought. He mounts a generally convincing argument concerning the ambiguity of Hobhouse's understanding of this term and the incompatibility of it, in its several versions, with notions of individual liberty. He thus emphasizes the importance of Idealism for Hobhouse and downgrades that of 'classical liberalism'. It is a valuable paper for all these reasons, but, in making these telling substantive

22 (Brighton, 1974).

criticisms, it tends to confuse Hobhouse's effect with his intentions. It is the collectivist effect of Hobhouse's prescriptions which stand out most immediately, it is true, but it is liberty with which he thinks he is most concerned. Moreover, Griffin seems unconcerned with questioning the precise characteristics of Hobhouse's 'state'.

Michael Freeden's 'Biological and Evolutionary Roots of the New Liberalism in England' argues that the restoration of liberal confidence in the state resulted from attempts by New Liberals, especially Hobhouse and Hobson, to interpret and adopt science to political thought. Freeden examines their treatment of evolution and organicism. Hobhouse uses evolutionary theory to support his efforts to apply ethics to politics. He places evolution of the mind in a position superior to physical evolution, in order to support the assertion that man is naturally progressing in a meaningful way. But he sets physical limits on this progress and thus shows the value of co-operation and the need for rational choice. A second New Liberal development in political thought was the location of responsibility and control over social developments with the state - 'social organicism'. Hobson gives this the fullest treatment, separating society as an entity distinct from individuals and as the prime creator of values. But the paper is not fundamentally interested in the role and importance of the state in both thinkers' politics. This is in itself a serious weakness of its argument and presentation. In addition, Freeden, despite giving proper emphasis to Hobson's organicism,
is far too uncritical of the implications for liberty of both that concept and Hobhouse's evolutionism.

John W. Seaman's 'L.T. Hobhouse and the Theory of "Social Liberalism"',\textsuperscript{25} contends that Hobhouse's commitment to institutions of the capitalist market economy and his employment of classical liberal morality in its defence are logically incompatible with his ethics of social harmony. The paper thus mounts a similar argument to that of Griffin, but with a closer attention to the economic detail of Hobhouse's system. For Seaman, Hobhouse's theory of social harmony demands a visionary \textit{Good Society} where individuals are able to develop those capacities supportive of others, an \textit{open} society where the claim to develop this social personality is effectively enjoyed by every individual and a \textit{classless} society where an equal freedom to develop personality prevails. But the significance and logic of Hobhouse's political thought is undermined by his theory of economic justice and the uses to which he puts that theory. The logical extension of the theory of social harmony into principles of economic justice should stress a 'need' principle in the distribution of economic benefits. But Hobhouse introduces 'exchange' principles along with 'need'.

According to Seaman, Hobhouse's principles of economic justice - the initial principle of equal value exchange and the principles of distributive justice - appear as an uncertain mixture of 'need' and 'exchange' principles of justice, of claims of wealth

\textsuperscript{25} Canadian Journal of Political Science, XI (1978), 777-802.
grounded on human need and claims based on giving an equivalent value in return. When his application of these principles is examined, it becomes clear that this uncertain mixture is one in which the 'exchange' principles play an overwhelmingly influential role. This is most clearly evident in the use of exchange principles to justify institutions of the capitalist market as the dominant distributive mechanisms in his model of the just economy. Hobhouse, he concludes, is therefore committed to two irreconcilable ethical doctrines. It is a convincing argument, but, perhaps for reasons of space limitations, Seaman does not amplify it in ways that he might have done. In the first place, he does not seem aware of the enormous difficulties into which Hobhouse drags himself in his propounding of the first, 'Lockean' principle - Seaman seems to think that Hobhouse's account of liberty is a straightforward and unambiguous one. Secondly, Seaman does not apply his argument to Hobhouse's account of the state, which lies, after all, at the heart of his political prescriptions.

Michael Freeden's book is, to the extent that it is relevant to the concerns of this study, an amplification of the arguments of his two papers discussed above, and thus subject to the same criticisms as made there. Indeed, one of the disappointments of the work lies in the degree to which it fails to come to grips with the essentials of Hobhouse's and (since he is clearly the volume's hero) especially Hobson's politics. To a large extent, this is a product of Freeden's quasi-historical

concerns - he is largely interested in arguing for the historical importance of the New Liberals as opposed to Green, for example. But it is nonetheless frustrating to find uncritical - indeed, unsearching - references to Hobhouse's interest in liberty or to both thinkers' prescriptions for state activity. Freeden is correct in pointing out the desired ethical bases of both men's political thought, but he glosses over the implications for individualism of those prescriptions.

Much the same criticisms can be made of Peter Clarke's most recent book. It, too, reproduces many of the points raised in Clarke's earlier discussions mentioned above; and it, too, is largely historical in orientation, being interested chiefly in the interplay between English politics and political thought. Finally, it treats of several thinkers in addition to Hobhouse and Hobson. All these factors act to limit the chances of Clarke's being interested in discussing the precise nature of the philosophical context of the state in the political thought of either man, what each man means by 'the state', what is the complete list of functions that each assigns to it and what are the implications for individualism of those functions. Clarke has many interesting things to say about the philosophical systems of both Hobhouse and Hobson - and he is particularly instructive on the question of Hobson's 'place' in twentieth-century English political and economic thought - and it is thus all the greater pity that he does not deal with those difficulties that lie at the heart of the political elements of those systems.

27 Liberals and Social Democrats (Cambridge, 1978).
By far the best of the recent books on the two thinkers is that by Stefan Collini. Once again, it is to a large extent historical in orientation, since Collini is interested generally in 'locating' Hobhouse's contribution to English social and political thought and particularly in arguing that Hobhouse succeeded in effecting a successful transition from nineteenth-century liberal political thought to twentieth-century sociological concerns. But in one chapter, the fourth, Collini does make a serious attempt to come to grips with the philosophical context of the state in Hobhouse's system and is considerably more critical than in his previously-mentioned paper of the implications for the individual of Hobhouse's account of the state. He is led, I think, to overstate the importance of the 'common good' in Hobhouse's politics - another example of confusing a thinker's intentions with his effect. This undue emphasis on the common good may well be a product of Collini's basic concern with Hobhouse's sociological contributions. But it remains true that this chapter of Collini's book is a stimulus for further investigations of the roots of Hobhouse's political prescriptions.

This brief summary of the work of the last twenty years indicates how much interest Green, Bosanquet, Hobhouse and Hobson have aroused and the variety of issues that that interest

has unearthed. It is clear that the state lies at the heart of the political theory of each man. It is equally clear that much work remains to be done in elucidating the philosophical context, nature and role of the state in each of those theories and the strengths and weaknesses of each thinker's treatment of these issues. What follows is intended as a contribution to that further elucidation.
CHAPTER II

T. H. GREEN: THE STATE AND RIGHTS

II.1 INTRODUCTION

In this chapter I approach the state theory of T.H. Green along the same route as he himself took in its elaboration and formulation, namely as a contribution to, and concomitant with, his theory of rights. What exercised Green and provided the point of his theory were the foundations and the justification of state activity. Specifically, he wanted to correct what he believed were the mistakes of the Utilitarians on these issues. He was less interested here in attacking the Utilitarians' particular projects for state intervention than in criticising what he understood to be the moral theory on which their philosophy of the state was based. That philosophy was constructed around 'interests' conceived in a particular way, and for interests Green wanted to substitute 'rights' as a standard and reference-point for judging the actions and activities of the state. The task of the state was, for him, to uphold, to promote and not to interfere with rights.

Accordingly many of Green's ideas about the state are stated by him as ideas about rights. It turns out, however, that although he discussed those ideas at length and with conviction in his Lectures on the Principles of Political Obligation, his discussion there is open to different interpretations. On the one hand there is what I call a 'teleological' interpretation
of Green's theory of rights, which stresses (or asserts) a continuity between the moral philosophy set out in the *Prolegomena to Ethics* and the political philosophy in the *Principles of Political Obligation*. On the other hand there is what I call the 'positivist' interpretation of his theory which sees rights as the artifacts of the state and as devoid of independent moral authority. The points at issue between these two interpretations are clearly vital for determining Green's view of the limits of the state's activity and the means of determining those limits. In particular, the 'positivist' interpretation provides powerful support for the charge that his account results in a form of state absolutism.

I propose to argue that, while each of these interpretations can be supported by solid evidence, neither can be accepted as a satisfactory account of Green's views. The 'positivist' interpretation virtually ignores Green's notion of the common good; the teleological stresses that notion but, by relying unduly on the *Prolegomena*, provides a misleading account of it. For a full appreciation of his views we need to look not only at his general discussion of rights but also at how he treats the questions of slavery, the right to life and civil disobedience. When we take both sorts of discussion into account, I believe that we find him adopting what is best described as a 'non-ethical' theory of rights, and a view of the common good which incorporates a notion of interest in a non-utilitarian sense. Once his position is understood in that way, we see that, while he does not wish to support state absolutism, and while he tries to set definite
boundaries to the positive role that he allocates to the state, his account, because it leaves recognition and maintenance of rights in the hands of the state, does not preclude the possibility of state absolutism. Thus, those who argue that Green's views necessarily result in a variety of state absolutism reach an acceptable, if somewhat overstated, conclusion, but do so by methods which overlook important aspects of his system.

Central to an understanding of Green's view of the state is an awareness of the intellectual context in which he saw himself as operating. From such an awareness may flow an appreciation of the sort of account of the state that he put forward and the importance of the arguments that he expanded. But a caveat should be entered at this early stage. A distinction needs to be drawn between the facts of political and intellectual history and Green's perception of those facts. To a certain extent Green thought that the point of contention between himself and his intellectual precursors was the question of state interference versus market economics. It can be shown fairly easily that that contraposition was erroneous - that 'utilitarians' from Bentham to Sidgwick proposed as great an extent of state interference (albeit possibly an alternative model of interference) as did Green.

But such a demonstration is beyond the concerns of this study. The major point here is that what exercised Green and supplied the purpose of his theory was the bases on which state interference could be defended, engaged in and evaluated, rather
than the nature or range of state interference. Green's main aim was to criticize what he took to be the Benthamites' state philosophy and the ethical philosophy on which it was founded: he was not concerned to criticize their specific plans for state interference. For Green, the utilitarians' 'state' is a rational device of the legal system. Citizens attempt to advance their particular interests by means of this device. To the extent that they are successful in that attempt, the state compels their fidelity to it. The state manages and orders the community by means of a finely reckoned system of inducements and sanctions which have as their purpose the integration of obligation and interest for every citizen. None of these elements finds a place in Green's thinking on the state. The aim of his exercise was to provide different explanations of the state, the citizen and the grounds of obligation and fidelity.

Green, although dismissing utilitarianism as a basis for political obedience and as a philosophy of ethical goals, does recognize and allow its worth in early nineteenth-century society. Nonetheless, he believes that Bentham and his followers opposed action by the state on false grounds: their grounds being that, although the state is essential, its intervention hinders freedoms and is thus morally wrong. So that the least amount of such moral wrong be committed, the scope and role of the state should be limited. That is, according to Green, the utilitarians equated minimum restraint with maximum freedom. But he claims that the true basis of objection to, say, laws pertaining to religious practices should be that they are likely to 'vitiate the religious
source of morality',¹ rather than that they interfere with freedom of religious practice as such. Similarly, the criticism of the Poor Law should be that it removes the opportunity to exhibit 'parental forethought, filial reverence and neighbourly kindness'.² The Benthamites, however, attacked state intervention in these various areas on entirely different grounds. In Green's words,

'Laws of this kind have often been objected to on the strength of a one-sided view of the function the laws; the view, viz., that its only business is to prevent interference with the liberty of the individual. And this view has gained undue favour on account of the real reforms to which it has led. The laws which it has helped to get rid of were really mischievous, but mischievous for further reasons than those conceived of by the supporters of this theory.³

Its task accomplished, this view is inclined in latter times to be a hindrance, since it 'affords a reason for resisting all positive reforms'.⁴ When Bentham wrote that pushpin is as good as poetry it was most probably not his intention to convey the meaning that it was as good for a person to be a player of pushpin as to be a reader of poetry, but rather that the state ought not to wield its authority to encourage individuals to find pleasure in poetry rather than in pushpin. According to Green, Bentham and the Mill of On Liberty determined that the key to individual freedom lay in the restriction of the state's powers.

² Ibid.
³ Ibid., s.18.
⁴ Ibid.
Green, however, argues for a less negative function for the state in order to advance the physical and ethical well-being of the citizens. Green believes that the ascendancy and reputation that Bentham and his followers gained derived from their having a most important truth to convey, namely, that the propriety of all behaviour, the worth of every practice and rule, should be gauged according to the welfare of every individual and that in gauging that well-being no person or group or race or country was to be given priority over any other. It is the enforcement of this truth, not its teleological hedonism, that has made utilitarianism a force for good. Green critically examines that contribution of utilitarianism in the last book of his *Prolegomena to Ethics*, and, after making the political point that hedonistic utilitarianism, with its blanket rejection of the value of self-sacrifice, had left many people dissatisfied, returns to the philosophical core of his argument.

In sum, his thesis is that utilitarianism, notwithstanding the praiseworthy attempts by Sidgwick and J.S. Mill, could not effectively be converted from a self-directed doctrine of pleasure as the chief good to an other-directed doctrine of pleasure as the chief good. Utilitarians like Sidgwick and Mill were caught in a struggle between, on the one hand, the conclusions that followed logically from their assumptions and, on the other hand, their motive of service. Thus Green deduces that the thinker who seeks change ought not to attempt to issue orders as to how the felicific calculus should be operated but rather ought to put forward a theory of self-sacrifice for the sake of others, a doctrine of the
repression of private in favour of public interests in order to facilitate the creation of the kind of personality which in future will automatically undertake that repression. But although there are clear and basic areas of disagreement between Green and his perception of utilitarianism, there remains one major area of accord. Bentham and his followers believe that no person will gain pleasure through compulsion: on the contrary, that kind of relationship can only decrease pleasure. But the state is able to allow citizens to attain pleasure - it does so by getting rid of obstacles to that attainment. Similarly, Green contends that the state cannot by compulsion make individuals moral.

As with the utilitarians so also Green holds that the state may grant individuals the opportunity to live well by getting rid of legal hindrances to such a life. Moreover, to a certain extent Green and the utilitarians tried to promote a similar kind of freedom - put another way, various types of state intervention were equally attacked by both. Green, like the utilitarians, sought to liberate the citizen from erroneous and dangerous varieties of state intervention. Green concurred with the utilitarians that the laws must take as a given the citizen's individuality and his potential. No matter what any one person's potential may be, the purpose of law must be to give that person the chance to realize it. But it is at this point that Green saw himself and the utilitarians parting company, as he believed it was obvious that eventually the boundaries of these activities of the state would be subjected to considerable strain. A notion of those actions which the state ought to undertake and those which it ought not
undertake must depend largely upon what may and what may not be asked or assumed of citizens. In Green's eyes, Bentham and his followers had taken the individual person for granted. His objection was not primarily that they believed that the effectiveness of every political action derives from personal effort and moral worth, once the state has done all that it may do. It was rather that they supposed that, except in politics, private persons exist co-operatively and concordantly if left to themselves.

Thus, Green's characterization of utilitarianism's central psychological error is: every person, in attempting to attain felicity, will bring about a general felicity. He concurs with what he takes to be the individualist core of utilitarianism: he holds that individuals ought to be permitted to decide what they like for themselves, since they are ethical and reasoning creatures. Moreover, he allows that many nineteenth-century laws, influenced by utilitarian thinking, had this as their aim. But he denies that the general well-being of the community would be promoted in the changed circumstances of the last third of the nineteenth century by the state's not involving itself in the political life of that community. But, again, Green's concern here is to postulate the bases on which state interference may be defended, engaged in and evaluated, and not to specify the nature or range of state interference. For Green, true liberty presupposes a choice of action. A true choice may not be possible when, for instance, the alternative to conditions laid down by a factory owner or a landlord is poverty or homelessness: Here
Green is making an equation between utilitarianism in political philosophy and *laissez-faire* in political economy. His attack centres on the claim that *laissez-faire* is simply a defence of class interests and thus pays no attention to the common good.

It could be argued that, had he permitted his argument to take its ratiocinative course, Green's deduction ought to have been that the common good cannot be achieved without the collectivization of capital and the forces of production, distribution and exchange. But he stopped at a point somewhere between collectivism and *laissez-faire*. Moreover, he was unable to liberate himself entirely from utilitarian moral philosophy, notwithstanding his attack on the fundamental stricture of Bentham and his followers that an act should be undertaken only after estimating its likely consequence:

'...we can only fall back on the generalisation, that the best man - the man most disinterestedly devoted to the perfecting of humanity,... - is more likely to act in a way that is good as measured by its results, those results again being estimated with reference to an ideal of character...'

In general, Green held that Bentham and his followers sought to use the criterion of happiness to determine whether or not an action by the state was desirable. Green sought to employ the criterion of ethical alienation or non-alienation for the same purpose. He wanted to use the state for the maximum advantage of the people, a task that he thought had been only partly completed by the utilitarians because of what he took to be their vulgar hedonism. These, then, were the chief purposive elements

5 Ibid., s.112.
in Green's thinking about the state. In what follows, I shall elaborate on this theory of rights and its contribution to that thinking, but I shall not be concerned to emphasize all of the characteristics of that thinking to which he himself wishes to draw attention, especially when he seeks to contrast his own and utilitarian responses to particular issues.

II.2 THE CONCEPTION OF THE STATE

Green's conception of the state rests on the historical development of social life and its realization of a 'sovereign' common good. His notion of the state was quite different from many traditional liberal views. The state does not consist of the sum of citizens under a sovereign; nor does the state endow its citizens with natural entitlements. 'A state presupposes other forms of community; with the rights that arise out of them and only exists as sustaining, securing, and completing them.' Historically, the elementary state arose when families or tribes 'voluntarily recognized' a power strong enough to enforce the rights that already existed before there was a recognized power capable of protecting them from encroachments.

In relation to the rights and usages of associations and of persons, the sovereign, when it did come into being, had to be an agent of those whom it governed. Will, not force, was the basis of the state. Historically the society came first,

6 Ibid., s.134.
7 Ibid.
then the state. In expressing this relationship between society and state, Green rejects Hegel's opinion that 'civil society... has no moral significance until it is brought under the control of the power of the state'. His view of the character and beginnings of the state is, thus, neither strictly Hegelian nor Benthamite. Green so far supports this account of the beginnings of the state as to be quite anxious to demonstrate the ways in which states arose historically out of good intentions.9

He is especially concerned about the case of Bonaparte and tries to demonstrate how the latter's egotism and self-seeking were "overruled" for good.10 To Green there is nothing mysterious or unintelligible about it. This beneficent power overruling bad intentions derived historically from the two ethical sources to which he consistently appeals.11 One is the 'eternal consciousness'; the other is the moralizing influence of civilization in contributing to the 'ethical personality'. Individuals as ethical beings in turn acted upon civilization at large to elevate it to new heights. Selfish intentions played a role in the setting-up of states, but ethical considerations were weightier and overruled the bad.

As J.H. Muirhead explained this Idealist interpretation of the origins of the state, 'In its genesis all kinds of accidental

9 Green, op.cit., ss.126 ff.
10 Ibid., s.129.
11 Ibid., s.131.
causes and motives are operative, but the general result can only be explained by supposing that underneath all accidents there is something more than accident underneath the mixture of motives of basal element of unselfish devotion to a common good, however vaguely this may be conceived. This account of how states were founded is probably the closest that Green comes to any of Hegel's actual views. The overruling of selfish emotions and the passions by those more beneficent and moral could almost be termed 'the cunning of reason'. What Green means by the term 'state' is, nonetheless, decidedly ambiguous. As Sabine puts it, 'Sometimes it meant government, sometimes it meant nation, sometimes it meant society - all vague words but certainly not interchangeable - and sometimes it meant an ideal entity which, like Rousseau's general will, is always right but which cannot be identified with anything on earth'. All the English Neo-Hegelians made somewhat confusing use of the term and Green was no exception.

He varies mainly between an ideal of what the state should be and his recognition of actual states as they existed in the past and as they exist in the present. A state which does not win the willing loyalty of its subjects he seems to think is 'not a true state;...it is not fulfilling its primary function of maintaining law equally in the interest of all, but

is being administered in the interest of classes...\textsuperscript{14} There
is a true or ideal state to which existing states might or might not attain. The nature of the state as an ideal is particularly evident when Green comes to consider the rights of the state over individuals in war. He distinguishes the state from the nation and described a state as a nation organized in a certain way. 'National feeling' has to underlie a state but the nation deserves the name only 'so far as the perfect organisation of rights within each nation, which entitles it to be called a state, is attained...\textsuperscript{15}'

On this theme, he argues that no condition of war can make destruction of human life right, though the fault is not always chargeable to the parties at war. And he says quite emphatically that 'international conflict arises chiefly because states do not fulfil their true purpose, that of giving free scope to the capacities of all persons' living within their territory.\textsuperscript{16} Again and again he admits that states do not do all that they might do to better human character, even if his tendency is undoubtedly to idealize their role. His partial rejection of Hegel's view of freedom derives from this very willingness to see faults in existing states. In sum, Green seems to assume an ideal Platonic form of what 'the state' should be and to measure all existing states as less perfect than the norm.

\textsuperscript{14} Green, op.cit., s.121.
\textsuperscript{15} Ibid., s.171.
\textsuperscript{16} Ibid., s.166.
Some are decidedly better than others, but none is entirely up to the mark.

Most briefly expressed, Green's ideal of the state means the direction of political power by a moral purpose. The idea of the state combines power and morality. Still, on Green's view, it is the general will which normally prescribes and maintains rights. While legal sanctions and outright force are also necessary, these powers only add to the power of a spontaneous and normally willing obedience already created by the general will. Otherwise the sovereign, in trying constantly to coerce obedience, will himself suffer and finally be dissolved.

This governing moral purpose at the basis of the state is itself a complex idea. One element of it is the 'patria' or national feeling by which an association of people evolves historically into a stable community. The nation is the all-important form which the realization of common ties of affection and interest in modern societies is likely to take. Men become bound by ties of 'family, ties derived from a common dwelling-place with its associations...common memories, traditions, and

17 A similar confusion, if confusion it be, is noticeable in Hegel. Carl J. Friedrich notes that Hegel has been called the 'philosopher of the modern nation-state' and adds 'What Hegel is manifestly talking about is the great cultures of civilisations'. (17A) On this view, Hegel's well-known expression of the state as the 'march of God in the world' (17B) means something a good deal less ominous than it is often taken to mean.

customs, and...the common ways of feeling and thinking which a common language and still more a common literature embodies'. At times Green uses the term 'state', as in reference to the Roman empire, when the element of national feeling is lacking. But, in the modern world, 'the community' usually means 'the nation'.

The nation is the communal form which has evolved historically in the modern world as the basis for the state. Since the common good is, in a very real sense, the governing purpose of the good society, the state is itself governed by a moral purpose. For this purpose there is both legal and political expression. The political expression of it is the general will. The legal expression of it is the \textit{jus natural}, the system of rights which the positive law should maintain.

Because of these relations between the sovereign and the common good the state becomes an institution for 'the more complete and harmonious maintenance of the rights of its members'.

In operation, this means a constitutional system. A power that altered laws otherwise than according to the law of a constitution, written or unwritten, would be incompatible with the existence of a state, which is a body of persons, recognized by each other as having rights, and possessing certain institutions for the maintenance of those rights. The state takes form in constitutions, written or unwritten. It is not

\begin{itemize}
  \item[18] Green, op.cit., s.123.
  \item[19] Ibid., s.132.
  \item[20] Ibid.
\end{itemize}
just a disembodied spirit of good will. So far as the state as an ideal is defined specifically in Green's writings, it therefore means something quite different to the previous natural law and utilitarian theorists' views. For Green, there is no mere aggregation of men whose relation to a determinate sovereign has to be explained as a literal form of consent, either by resort to a contract or because of the utility of that sovereign.

According to Green, to reduce relations between sovereign and citizen to these bases focuses attention on the problem of consent, but does so in terms that are almost impossible to resolve. In Hobbes the contract creates a prior form of consent in the form of an agreement to abide by the will of the sovereign, a sovereign whose creation is made dependent on the act of union by egoistic individuals. His will becomes law and the subjects' unchecked freedom depends mainly on the silences of the law. To the contract creating a society Locke adds a constitutional system of government and vague provisions for majority rule. Again, freedom depends chiefly on the absence of restraint. For this reason, 'freedom' means lack of intervention in the citizens' affairs, a view which puts Locks as well as Hobbes in line with the *laissez-faire* individualistic tradition.

Locke, far more than Hobbes, tries to generalize the sovereign's will by means of a constitutional system which limits and checks the sovereign's power. But the resulting 'general will' is of an attenuated and emaciated kind. Rousseau's idea of a *moi commun* is much the same as Green's notion of the ethical
personality. And, like Green, Rousseau founds the *moi commun* on what could be called a philosophy of history as to the growth of community life as a moral force on each man's personality. Since Green wrote when national feeling and its historic roots were far more evident and recognizable than in Rousseau's time, he could appeal more clearly and plainly to these factors.

There is thus no need for Green to use a metaphorical social contract to indicate the combination of reforms and historical change necessary to the *moi commun*. Essentially Rousseau begins from a position similar to Green and one therefore quite distinct from the assumption of a self-centred individualism as found in the modern natural rights tradition. Sovereign and subject are never so much separated and opposed as these abstract terms indicate. The general will links sovereign and subject in a common sense of community. The general will is sovereign because this is the nature of a free community in which each has respect for others and guides himself by what is good for all together, rather than his own private and particular desires. Rousseau more than Green stresses the need for political assemblies by which the community reaches agreement on its common tasks.

In this respect Green is more 'Idealist' and less democratic. To Green the state is more of a moral ideal governing each man and all together. On this view the state as an ideal means virtually the common good. More precisely the state is a combination of national community, good laws, the general will, and the determinate sovereign who gives commands. The state is
an association of men with roots in a past that created common ties; they give obedience to a *jus natural* or body of just law which they themselves create; and the determinate sovereign who applies sanctions is bound to those whom he rules by the general will. The state is an association of men organized politically for the purpose of furthering their common well-being.

Since the community - and to Green the 'community' means chiefly the 'nation' - precedes the state, the state does not create rights. Rather, it exists to harmonize and adjust rights already in existence. Whatever force the state exercises it exercises in the light of this moral purpose. The state does not transcend and dominate society, as Hegel holds. To Green it exists only to serve and complete the work of the community. As already noted, he rejects Hegel's view that civil society has no moral significance until it comes under the control of the state, and returns, instead, to the earlier view of Locke and natural law thinkers that the community itself is ethical and entails a system of power, not on account of the state's power, but by virtue of changes that occur in the ethical consciousness of its members.

It will be apparent from the above that Green does not exhibit a 'theory of the state' in the correct understanding of that term. That is, he does not provide a clear account of the nature and character of the state, its distinctive features, capacities, and so on. Strictly speaking, then, it might be said that Green's justification of state activity, elaborated
below, while interesting and important, appears to be a theory relating to but not 'of' the state. For reasons of stylistic simplicity, I have chosen not to employ this terminological inconsistency, but rather to refer in the conventional manner to Green's thinking about the state. Clearly, though, when I do so, I wish to draw attention to these considerations.

II.3 IDENTIFICATION OF RIGHTS

As noted above, for Green the state is an institution for the more complete and harmonious maintenance of the rights of its members:21

'...a state is made a state by the functions which it fulfils of maintaining the rights of its members as a whole or a system, in such a way that none gains at the expense of another (no one has any power guaranteed to him through another's being deprived of that power). Thus the state...does not create rights, but gives fuller reality to rights already existing.'22

Green's defence of his definition of 'state' is an historical one:

'...as a matter of fact societies of men, already possessing rights, and whose dealings with each other have been regulated by customs conformable to those rights, but not...having a systematic law in which the rights recognised are harmonised, and which is enforced by a power strong enough at once to protect a society against disturbance within and aggression from without...have come to take on that form. A word is needed to express that form of society....The word "state" is the one naturally used for the purpose.'23

21 Ibid., s.132.
22 Ibid.
23 Ibid., s.133.
Thus Green's account of the state is intimately connected with and derived from his theory of rights. Accordingly an appreciation of the former depends on an understanding of the latter. This and the next section of this chapter will analyze Green's theory of rights. The next section will deal with the connections between Green's concept of the common good and his theory of rights. This section will deal with the question of the identification of rights. In many passages, Green seems to be thinking in terms of a right as a vindicated or warranted right:

'It is...the social duty of the individual to conform, and he can have no right...that is against his social duty; no right to anything or to do anything that is not involved in the ability to do his duty.'\textsuperscript{24}

'What does the assertion that [the citizen] can have no right to act otherwise than as a member of his state amount to?....The only unqualified answer that can be given...is...that so far as the laws anywhere or at any time in force fulfil the idea of a state, there can be no right to disobey them; or, that there can be no right to disobey the law of the state except in the interest of the state...'\textsuperscript{25}

The theoretical point to be settled, then, is what renders a right warranted. In an important section, Green puts forward two tests which have to be passed before an individual can properly be said to enjoy a right

'No one...can have a right except (1) as a member of a society, and (2) of a society in which some common good is recognised by the members of the society as their own ideal good, as that which should be for each of them.'\textsuperscript{26}

\begin{footnotes}
\item \textsuperscript{24} Ibid., s.100.
\item \textsuperscript{25} Ibid., s.25.
\item \textsuperscript{26} Ibid.
\end{footnotes}
This is an extension not only of Green's understanding of a right, but also of his definition of a warranted right. He states that if a right meets these two tests, it is a right in the complete sense of 'right' and is, thus, what should be understood by a warranted or justified right. When these tests are passed, the outcome is a 'political' or 'civil' right; when they are not passed, the outcome is something less than a complete political right. Moreover, simple identification within a community is not enough. For Green, the community must be a political community and identification must be official - in other words, the identifiers must be the elements of the state apparatus - the courts, the parliament, and so on.

Green makes this point throughout the *Lectures* in a number of ways:

>'...many rights exercised by individuals would not only not be secured but would not exist at all but for legal enactment.'

>'...these institutions for the regulation of a common life without which [members of a society] would have no rights at all.'

>'...the...embodiment of this recognition [of rights] in the laws of the state is [families' and tribes'] admission as members of it.'

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27 Ibid., s.29.
28 Ibid., s.24.
29 Ibid., s.22.
30 Ibid., s.113.
31 Ibid., s.135. See also ss.6, 114-116, 121-122, 131-132, 134, and the quotation from s.7 in II.4. (p.67)
One interpretation - which I shall call the 'teleological' interpretation - of Green's theory of rights concentrates almost exclusively on a moral construction of the common good, and the notion of communal identification is virtually eliminated. On this account, when a mode of behaviour is for the common good - that is, tending to 'the realisation of a given [moral] type of character',\(^\text{32}\) - that mode of behaviour constitutes a civil right, properly understood. Regardless of its being identified and maintained (or not) by the organs of the state, it is a warranted right. Thus, according to this view, those actions which the state recognizes need not be warranted rights.

Alternatively Green's theory of rights can be construed basically in terms of such political notions as authority, state recognition and a non-ethical view of the common good. Such an interpretation - which I shall call the 'positivist' interpretation - would hold that his theory is free of moral considerations and should be comprehended fundamentally as a theory of legal and political entitlements with state recognition as the distinguishing mark. Thus, if a mode of behaviour has been recognized and secured by the institutions of the state, it is a warranted entitlement. It can be seen that both of these interpretations stress one half of Green's theory at the expense of the other. The first interpretation stresses its account of the common good, and hardly mentions recognition. The second

interpretation acknowledges the notion of the common good, but makes this depend on the fact of state recognition. The implication of each interpretation is that Green's notions of the common good and acknowledgment are opposed in character.

Notwithstanding the fact that both accounts can mount strong cases, grounded in Green's discussion of warranted entitlements, it appears that they can defend their interpretations merely by selecting one - but not both - of his core concepts. What they do, in effect, is to ignore or deny half of his account. Indeed, one interpreter's appraisal is exactly that. In his view when Green's two core concepts are joined, each frustrates and operates against the other in every decisive and critical instance.33 This needs to be investigated.

The positivist account of Green's theory logically implies that for him legal rights are the one form of rights that exists. In other words, this account holds that he denies the existence of such things as ethical rights, let alone natural rights. For Green, on this account, recognition occurs only within a political community: when a mode of behaviour is not a right, although it may be considered a rights-claim, founded, for instance, on the ethical capacity of the species. To state the matter simply, this account is not completely faithful to Green's words. According to Green, inside a state rights may be propagated via two avenues. The first is that rights from prior interchange, communication and agreements are still operative:

33 Ibid., pp.245-6.
'A state presupposes other forms of community, with the rights that arise out of them, and only exists as sustaining, securing, and completing them. In order to make a state there must have been families of which the members recognised rights in each other (recognised in each other powers capable of direction by reference to a common good); there must further have been intercourse between families or between tribes that have grown out of families of which each in the same sense recognised rights in the other.'34

So rights can be found in permanent co-operative arrangements such as a tribe or family. Such rights thus appear to be temporally prior to the state, although the state is of a higher logical order.35 Rights are propagated on a communal basis, and the state acknowledges and harmonizes those prior rights that are still operative. But such rights do not become rights in law unless and until the political authority defines them, approves them, and puts them into operation with its full weight behind them. Green replaces the social contract theorists' notion of natural man with his own notion of social man. 'While seeming to agree with them that the sovereign maintains already existing rights and obligations, he represents these as possessed by the subjects not as men but as members of a society.'36 The other avenue by which, according to Green, rights can be propagated inside the state is by acknowledging a novel mode of behaviour:

'The extended intercourse between individuals, which the formation of the state renders possible, leads to new complications in their dealings with each other and with it to new forms of right especially

34 Green, op.cit., s.134.
35 See ibid., s.132.
in regard to property....The administration of the state gives rise to rights, to the establishment of powers necessary for its administration....New situations of life may arise out of the extended dealings of man with man which the state renders possible...which make new modes of protecting the people a matter virtually of right'.

Evidently Green believes that the state has as a postulate the existence of other types of societies, such as the tribe and the family, and that it defends, implements and reconciles previously established rights. The words cited immediately above can only mean that the state's chief role, as far as rights are concerned, is to uphold previously established duties and entitlements and to acknowledge fresh modes of behaviour essential for a continued existence inside the developing state. But if Green holds that certain entitlements are antecedent to the state's formation, does this invalidate the positivist interpretation of his theory of rights? Perhaps not, for other passages in Green's text have been found to support the view that political institutions presuppose all varieties of rights. In his discussion of Rousseau, for instance, he states:

'If he had seen...that rights do not begin till duties begin, and that if there was no morality prior to the pact there could not be rights, he might have been saved from the error which the notion of there being natural rights introduces into his theory...only through a recognition by certain men of a common interest, and through the expression of that recognition in certain regulations of their dealings with each other, could morality originate, or any meaning be gained for such terms as "ought" and "right" and their equivalents'.

37 Green, op.cit., s.135.
38 Ibid., s.116.
Commenting on the use of the term 'regulations', one critic has observed that 'A regulation...implies the existence of a body which imposes and enforces the rule which, therefore, is in fact at least the analogue of a ruler'.\(^{39}\) This is the really vulnerable point in the positivist interpretation. Clearly, Green's 'regulations' do not imply a ruler, but rather Common Law — just as his state is not primarily a legal entity.

Were Prichard's account accurate, the state (or the sovereign inside the state) would in fact make and implement rights, rather than simply protect them. The positivist interpretation of Green's theory of rights claims that Green's argument is that there is only imperfect regulation in societies such as tribes which are not states. In such settings, rights are imperfect and only become rights, in the full sense of the word — that is, legal and political rights — in a state. Indeed, the interpretation holds that, in Green's view, the elements of the state's structure must acknowledge a mode of behaviour before real rights can be enjoyed. This interpretation would be more accurate and defensible, however, if it acknowledged that Green recognizes a second class of rights, which for convenience we may call 'membership rights'.

'The other forms of community which precede and are independent of the formation of the state... become its organic members, supporting its life and in turn maintained by it in a new harmony with each

\(^{39}\) Prichard, op.cit., p.64.
other. Thus the citizen's rights, e.g. as a husband or head of a family or a holder of property though such rights, arising out of other social relations than that of citizen to citizen, existed when as yet there was no state, are yet to the citizen derived from the state, from that more highly developed form of society in which the association of the family and that of possessors who respect each other's possessions are included as in a fuller whole; which secures to the citizen his family rights and his rights as a holder of property, but under conditions and limitations which the membership of the fuller whole — the reconciliation of rights arising out of one sort of social capability with those arising out of another — renders necessary'.

Green finds such membership rights in political and non-political societies alike, and typically in forms of association smaller than or prior to the state. They are rights to the extent that they are modes of behaviour or powers mutually acknowledged and agreed upon by each for each. In other words, they exhibit the fundamental characteristic of other kinds of rights: mutual acknowledgment of modes of behaviour in the light of a shared good. Membership rights, however, differ from political rights in two respects.

In the first place, they lack the element of specifying, defending and reconciling rights which the political state alone can supply. In other words, membership rights, as is the case with ethical entitlements, are not classified: no institutions exist either to defend and implement them or to arbitrate between competing entitlements. Secondly, membership rights, unlike political rights, do not treat individuals as persons. Membership rights are frequently concerned with the association that

40 Green, op.cit., s.141.
individuals enjoy with one another - as creditors, teachers, children and so on - but political rights are enjoyed by citizens.

To take an obvious illustration of this difference, within the institution of the family, each individual enjoys various rights. These rights are enjoyed, however, not as persons *qua* persons, but as brother, son and so on, according to the connection of each with the other individuals in the family. Thus membership rights frequently have to do with the entitlement that an individual enjoys as a *member* of an association, family or other groups *vis-à-vis* his fellow-members. Political rights treat every individual as a person and not as the product of a set of connections and associations with other individuals. For example, the political rights of liberty of discussion, association and worship are granted to *every* person *qua* person in the state: they are not granted to every person as a professor, an heir, a magistrate, etc. This is, of course, too sweeping an assertion. It is true of certain forms of political communities, but not of others. I suggest that this is an instance - not the first - of Green's broadening his perspective too easily and quickly from his own type of polity to polities in general.

The positivist interpretation of Green's theory of rights has not explicitly taken account of such membership rights in his view of the world. It could, however, easily accommodate them without falling into incoherence. It would still be able to maintain, most importantly, that these rights are not rights in the complete sense of the word, in the way that rights in law are.
This the positivist interpretation of Green's theory of rights may allow. What it cannot allow - and this is crucial to this interpretation - is the existence of rights which are in some way tangible, general and external to shared recognition. The interpretation rejects the view that individuals enjoy 'human' or 'natural' rights to, for example, security of property or food, clothing and shelter. Nothing about individuals' humanity, as such, entitles them to such things, according to this account.

But this interpretation virtually ignores Green's notion of the common good. The assumption at work here is that because the mode of behaviour is validated by the state's organs it thus ultimately meets the criterion of being for the common good. This, surely, is inadequate. Green stresses the concept of the common good so heavily and so often that it cannot be included under recognition. I shall thus turn to a closer examination of the connection, for Green, of rights, the common good and the state.

II.4 RIGHTS, COMMON GOOD AND THE STATE

Although Green's theory of rights constitutes the largest single component of his theory of the state, it is not the sole component. His understanding of the state rests also on a set of historical and other considerations into which his ideas about rights must be fitted. The first set of those considerations relates to the development of social life and its realization of a 'sovereign' common good. Green's 'common good' has frequently been interpreted as indicating a suprapersonal
ethical unity. When viewed in this light, Green is held to be a 'real will' or 'true self' thinker in the manner frequently claimed for the writings of Hegel and Rousseau. Two instances of this interpretation of Green are essays by H.A. Prichard and J.P. Plamenatz. Despite the fact that their interpretations are not exactly of the 'real will' variety, in their accounts the single person does give over his singularity in the service of a shared ethical interest among all individuals. Plamentaz and Prichard take what H.D. Lewis describes as the 'usual interpretation' of Green's views, namely, that he 'was seeking to reconcile duty and interest by holding that in order to realise my "private" or "personal" good, I must include within it "the good of others". Prichard commences by citing a number of Green's statements, of which the following two seem especially important for Prichard's account.

-No one can have a right except as a member of a society...in which some common good is recognised by the members of the society as their own ideal good.'

-An interest in common good is the ground of political society, in the sense that without it no body of people would recognise any authority as having a claim on their common obedience.'

41 Apart from the work of Prichard, cited previously (see fn.36) see also E.F. Carritt, Morals and Politics, (Oxford, 1968).
42 Prichard, op.cit.
45 Green, op.cit., s.25.
46 Ibid., s.98.
For Prichard,

'...these passages show that Green considers (1) that a subject cannot have the realisation of the general interest as his purpose unless he conceives it as his own good, and (2) that he cannot really be bound to obey unless the general interest is his own, in which case the subjects will have a common good.'

At this point, a crucial feature of Green's moral philosophy is imported into Prichard's account of his political philosophy. Green claims in the *Prolegomena to Ethics* that with each purposive deed the individual takes as his aim his optimum personal good. Given that the shared feature of all 'goods' is that they fulfil desires, my 'good' is that which makes me fully satisfied. When this is grasped, Prichard claims, there can be but a single way in which the achievement of the common good can be interpreted by the state's citizens as their personal good:

'...since by "a good" Green means something which excites satisfaction, there cannot be such a thing as a good common to two different persons. For even if X and I want the same thing, and so have a common object, as where X and I want X to get a certain post, we cannot have a common good, i.e. a common source of satisfaction connected with these desires, since the source will be respectively his thought that he has the post and my thought that he has, and his thought cannot be mine and vice versa, unless he and I are really the same individual.'

This is also the case with the public interest, which should properly be construed as those conditions of every person which make every person fully satisfied. Each of these lumped

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47 Prichard, op.cit., p.69; original emphasis.
48 Ibid., p.71; original emphasis.
together 'Cannot be that of a single person, unless he is identical with the others, nor again can a single individual conceive the public interest as being identical with his own, unless he conceives the other as identical with himself'. It is precisely this exact similarity that Prichard holds to be so impossible and takes Green to be claiming. In the light of this account of Green, it can be perceived how he squares a person's carrying out of 'disinterested' deeds (actions taken regardless of the actor's personal interest and pleasure), which he adamantly claims that men perform, and his belief that with every purposive deed individuals habitually wish to meet their own wants. So as to square these two claims, Green, as read by Prichard, holds 'that where one man A has a disinterested interest in the welfare of another B, B and A are really identical.'

Therefore, the common good is equivalent to 'a common source of satisfaction, since if B is A, what would excite satisfaction in B would excite satisfaction in A; and it would be to speak of B's good as identical with and also as thought of as identical with A's'.

Prichard condenses and demonstrates the effects of his interpretation in this section:

'Having laid down that in all deliberate actions a man's notive is desire of what would satisfy himself, he nevertheless, when he comes to consider disinterested acts, at first thinks of them as moved by the desire of what would satisfy another. Then to square the two ideas he untruly represents the disinterested agent A, in desiring what would satisfy

49 Ibid.; original emphasis.
50 Ibid., p.72.
51 Ibid.
B, as really thinking of B as a being who is not another than himself, and if he were right here, A's desire would have lost any appearance of disinterestedness, since then, e.g. there would be no difference in kind between desiring, say an honor for himself, and desiring an honor for B, i.e. disinterestedness would resolve into interestedness. \(^{52}\)

J.P. Plamenatz's interpretation of Green's concept of the common good is fundamentally similar to Prichard's. As a result of Green's version of purposive action as a whole, and more especially the promotion of good, the common good ipso facto cannot be shared. Green 'found it difficult to reconcile himself to the view that it can be a man's duty to promote what does not in any way benefit himself....If another's good is really to be common to the other with himself, he must not only think of himself as identical with others, but he must in fact be identical with him.'\(^{53}\)

This is so inasmuch as the one manner in which a number of individuals are able mutually to enjoy a good is to enjoy an identical mental condition. Although Green is unwilling to concede a distinction between individuals concerned with the common good, he is also unwilling to reject the notion that individuals do occasionally behave without regard for their private interests. 'But, if their notives for co-operating with others in this way consisted merely in the desire to promote their private goods, they would be treating their fellow men as means only and not

\(^{52}\) Ibid., p.73; original emphasis.
\(^{53}\) Plamenatz, op.cit., pp.73-74.
as ends.\textsuperscript{54} Were Prichard's and Plamenatz's accounts to be taken as accurate, then Green's concept of the common good would appear to be analytically muddled and flowing inexorably to a very dubious position. It may be possible to rebuild a version of this interpretation which would not be hampered by so many contradictory results, but I doubt that it would be a useful exercise if one were attempting to comprehend Green, for I think that it fails as an accurate presentation of his views.

There is an alternative account of Green's common good which can be derived within an ethical and teleological framework, namely, that provided by the interpretations of H.D. Lewis and Melvin Richter. Lewis commences his analysis by referring to Green's moral theory of the common good as it is revealed in his \textit{Prolegomena to Ethics}. It is a product of a synthesis of various elements of the systems of Kant and Aristotle. Green holds that the individual has a basic potential which it is his role to realize. The seeking of his goal involves his regarding the good of all other individuals as if these ends were his own. Lewis convincingly claims\textsuperscript{55} that this 'ideal of mutual service' is not a product of Green's giving up his faith in the singularity of men, as Prichard and Plamenatz claim.

As Lewis puts it, Green 'rated the individual far too highly for that, and he explicitly cautions the reader against metaphysical theories which absorb the individual into some vague

\textsuperscript{54} Ibid., p.75.

\textsuperscript{55} Lewis, op.cit., p.62.
suprapersonal whole'. In the *Ethics*, Green states:

'...there can be nothing in a nation however exalted its mission, or in a society however perfectly organised, which is not in the persons composing the nation or society. Our ultimate standard of worth is an ideal of personal worth. All other values are relative to value for, of, or in a person. To speak of any progress or improvement or development of a nation or society or mankind, except as relative to some greater worth of persons, is to use words without meaning.'

He holds that the peculiar potential of men, the realization of which they are compelled by their nature to seek, is the potential for higher ethical merit.

The 'true good' of one man 'includes' the 'true good' of others because the 'true good' of everyone is fundamentally a 'moral good'. This derives, in Lewis's view, from Green's account of self-awareness, which Lewis explicates concisely:

'The idea of something which "should be", of an end which is "absolutely desirable", presents itself inevitably to a rational creature. He is aware of some "better state" of himself which implies a "best". Green sought to derive the idea of a categorical imperative from an analysis of the nature of man and to present his fulfilment as the end which each individual really desires.'

For Green, it is claimed, the common good is the realization of an ethical potential without which persons would not be persons. Richter, who does not fully concur in this construction, arrives at a slightly different formula: ' "common good" must mean

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56 Ibid.
58 Lewis, op.cit., p.62.
"the realisation of a given type of character\textsuperscript{59}, in other words, the achievement of a conscientious ethical character.

This character calls us to service and disallows conflict in the quest for the 'true good'. A good deal of what has been reported thus far is reflected in this passage from Green:

'...the end...described as the conviction that the true good is good for all men, and good for them all in virtue of the same nature and capacity. The one process is complementary to the other, because the only good in the pursuit of which there can be no competition of interests, the only good which is really common to all who may pursue it, is that which consists in the universal will to be good – on the settled disposition of each man's part to make the most and best of humanity in his own person and in the person of others. The conviction of a community of good for all men can never be really harmonised with our notion of what is good, so long as anything else than self-devotion to an ideal of mutual service is the end by reference to which those notions are formed.'\textsuperscript{60}

The perception of men as ends in themselves seeking after their own ethical improvement and that of their fellows; and the perception that the interests of one's fellows are bound up with one's own interest, are the core of the meaning of the common good, according to this account.

The common good, interpreted in this light, it is claimed, is quite crucial, not merely in Green's moral philosophy, but also in his political theory as well. The last two passages from Green have been taken from his \textit{Ethics}. But teleologists claim for their

\textsuperscript{59} Richter, op.cit., p.235.
\textsuperscript{60} Green, \textit{Ethics}, p.262.
view that this ethical account is discoverable also in his 'Political Obligation'. The argument is advanced that his concept of the common good and his rights philosophy are linked by his notion of a person. Through the use of the term 'person', which for Green is a technical word, it seems that the moral notion of the common good is carried into the 'Political Obligation'. He employs the term 'person' to indicate 'everyone capable of being determined by the conception of a common good as his own ideal good, as that which unconditionally should be (of being in that sense an end in himself)...'.

He who fulfils this condition should enjoy rights. But rights are an outcome of a shared awareness by individuals, not merely of their personal value but also of other individuals as ends, as well as an awareness that the interests of their fellows are bound up with their personal interests:

'A power on the part of anyone is so recognised by others, as one which should be exercised, when these others regard it as in some way a means to that ideal good of themselves which they alike conceive: and the possessor of the power comes to regard it as a right through consciousness of its being thus recognised as contributory to a good in which he too is interested.'

It can be appreciated from this quotation how a teleological notion of rights could be buttressed by an ethical account of the common good. Rights are essential for the attainment of various ethical goals shared by everyone. The teleologists hold that their moral account is strengthened as well by other factors.

61 Green, 'Political Obligation', s.25.
62 Ibid.
They are able to refer to a number of sections in the 'Political Obligation', where, they claim, Green's development of various points consolidates their interpretation. For instance, in the first section of that work, Green adumbrates the aim of the lectures: 'My purpose is to consider the moral function or object served by law, or by the system of rights and obligations which the state enforces...'. The teleologists may say, in addition, that in the pages immediately following this section Green reviews his philosophy of ethical virtue. In responding to the inquiry, 'What has been the value of institutions of civil life?', Green puts forward a teleological interpretation of political structures according to which the ethical goal is the end to be pursued.

'The value then of the institutions of civil life lies in their operation as giving reality to these capacities of will and reason, and enabling them to be really exercised...they render it possible for a man to be freely determined by the idea of a possible satisfaction of himself, instead of being driven this way and that by external forces, and thus they give reality to the capacity called will: and they enable him to realise his reason, i.e. his idea of self-perfection, by acting as a member of a social organisation in which each contributes to the better-being of all the rest.'

It is this type of ethical and teleological inquiry that the teleologist believes dominates the 'Political Obligation', not excluding Green's accounts of the common good and rights. In the light of this account of the common good, a warranted political right will be a mode of behaviour which contributes to the common

63 Ibid., s.1.
64 Ibid., s.7.
good, when the latter is interpreted as the ethical improvement of
the individual and his fellows. It appears that when a mode of
behaviour advances this ethical goal, it is a warranted political
right in the complete sense, regardless of its being acknowledged,
or not, or converted, or not, into a right in law by the organs
of the state. The problem with this analysis that is at once
obvious is that it holds that a mode of behaviour can be a warr­
anted right and a political right regardless of whether or not it
is officially acknowledged.

One attempt at comprehension of the teleological account
may be made by saying that these rights are not political rights
but rights of nature; they are not rights in law at all, but rights
that persons enjoy regardless of their being acknowledged or not in
an state. In the light of Green's seeming denial of rights of
nature, this version, in this form, does not appear to be par­
ticularly tenable. The ethical and teleological account of the
common good, I claim, does not provide an accurate representation
of Green's concepts of rights and the common good. The non-
ethical interpretation of the common good that I prefer to that
of the teleologists derives from Rex Martin's account of Green's
philosophy. Martin, however, does not elaborate upon or-emphasize
it as an integral element of the understanding of a right. He
stresses acknowledgement and underplays the notion of the common
good.

65 Ibid., ss.23-27.
66 Rex Martin, 'On the Logic of Justifying Legal Punishment',
The understanding of the common good which I propose is 'in the interests of each and all the members; each claims [the mode of behaviour] for himself and recognizes it for all others on the basis that it is good for the association of all to be associated in what is good for each'. It is this ethically indifferent idea of each individual for everyone, for the sake of each and everyone, that I think Green in fact understands by 'the common good' in the 'Political Obligation'. But this ethically indifferent common good needs some elaboration. By a non-ethical account of the common good, I mean a cluster of values and ideals, or, more broadly, a mode of existence for the individuals in the community which is broadly assented to by those individuals. It is true that, the more complicated a community becomes, the more difficult it is precisely to comprehend what that community's common good is. Notwithstanding such complexities, however, sense can be made of an idea of a common good of which the community's individuals all partake.

Included in this non-ethical common good are common communal values and a shared ethical code. The non-ethical account

67 Ibid.

68 A discussion of 'ethical' and 'non-ethical' understandings of the 'common good' involves many of the same issues as are raised in classical discussions of similar concepts. I have in mind here, in particular, Aristotle's ambiguity about the ideas underlying the polis and Augustine's criticism of Cicero's coupling of justice and the state. Both Aristotle and Augustine are here pointing to a community's own conception of its good as decisive for it. See especially Aristotle, *The Politics* (Harmondsworth, 1972), pp.113-114; and St Augustine, *The City of God* (London, 1945), vol.2, pp.258-9.
of the common good includes ideals and values, but, importantly, that account is a descriptive idea of determinate communities, which embraces the communal ethics of that community. This differs from the conception of ethics offered by the teleologists, which is all-embracing, absolute and over-rides the values and ethics that are in fact acknowledged by a particular community. When I refer to rights in the light of the non-ethical account of common good, I understand by these certain modes of behaviour that are acknowledged and maintained as rights within that determinate cluster of communal ideals and arrangements. It might be claimed that a demand to behave in a particular manner should be converted into a right according to the (non-ethical) current common good. If, however, we venture outside the acknowledged common good and refer to various transcendent or all-embracing ethical values in order to vindicate a claim and perhaps in order even to attack the acknowledged notion of the common good, we are in fact venturing outside politics and into an ethics that over-rides the current ethics and values.

When I refer to Green's notion of the common good, I am referring to the ethics and values which are in fact acknowledged inside a community. When the teleologists speak of Green's common good, they understand by it an idea that is all-embracing and transcendent. In order to differentiate my notion from the teleologists', I have called it 'non-ethical'. Rights may be found only in a social context and are the outcome of shared acknowledgement, with the qualification that this in addition contributes to the common good. If these requirements are fulfilled, a true
political right exists. In Green's words, 'the free exercise of [a man's] powers is secured to each member through the recognition by each of the others as entitled to the same freedom with himself.'

With the notion of political rights, the common good and acknowledgement are, for Green, linked. If the state acknowledges a mode of behaviour as beneficial for each and every citizen in the interests of each and every citizen, the outcome is not simply a right in law, but a political right. The common good interpreted in this manner is not equivalent to the ethical growth of oneself and one's fellow or to the notion of self-perfection, even though political rights can render these sorts of ideals possible. To emphasize, Green's non-ethical idea of the common good is the standard that is in fact acknowledged inside a community. Green's 'common good' interpreted from my non-ethical angle is an essential prerequisite for the existence of rights. Where no mutual values and ideals exist, nor a shared mode of existence, nor some common assent to what constitutes the good life, there rights as a whole, and especially political rights, cannot evolve.

In A.J.M. Milne's words, rights may exist solely in a community of 'substantial agreement about the fundamental character of their way of life.' In a community which lacks such a shared framework of assent, according to him, there can exist no foundation

69 Green, 'Political Obligation', s.25.
on which modes of behaviour can be commonly guaranteed. There are numerous stages on the continuum, from communal concord on the nature of life to an utterly divided community in which conflicts over rights cannot be resolved. As one progresses towards either end of the range, rights which exist for each and everyone for the sake of each and everyone will be more or less difficult to bring about. The greater the conflict in a community, the more probable it will be that political rights will not be guaranteed for everyone, and that those rights which are guaranteed will serve the concerns of the dominant communal group, reflecting its ideals and values of the good life. Granted, membership rights can yet be found between citizens and associations of individuals, but my concern in what has gone above has been to demonstrate the fundamental importance for Green of the fact of a commonly acknowledged common good in a community if political rights, especially, are to exist.

An outcome of this is that, inside actual states, rights properly so-called frequently do not exist, although modes of behaviour may be called rights. Complete rights, and thus warranted rights, exist solely when the mode of behaviour is communally acknowledged for each and everyone for the sake of each and everyone. The question of whether or not these modes of behaviour, even commonly acknowledged for the benefit of each and everyone, are ethical in some universal and objective way, is a different type of inquiry. In contradistinction to the teleological interpretation, my account of Green stresses that the mode of behaviour has to be acknowledged and guaranteed by the organs of the state -
it is the state's duty to do so - and, in this way, I do not need to explain a political right's not being a right in law. Thus, I do not need to bring into my interpretation the notion of rights of nature. Nor does my interpretation of Green fail to take account of the notion of the common good, as the positivists' accounts tend to do.

By this I do not mean that 'natural rights' have no part in the understanding of rights, but it is apparent from the preceding account that, properly speaking, for Green natural rights are not rights. But another method of examining the conflict between my non-ethical analysis and the teleological account appears to lie in the view that is adopted of the difference between ethical and political duty which Green outlines in the opening sections of the 'Political Obligation'. The non-ethical interpretation accepts - indeed, stresses - this contrast, but the teleologists, having agreed that a difference exists, cloud it so greatly that it quite vanishes. Green outlines a contrast between politics and ethics by demonstrating what varieties of behaviour are susceptible to enforcement. He claims that ethically virtuous behaviour cannot be governed or policed by a legal system, but that political duties are susceptible to such enforcement. Although this account is not as coherent as might be wished - the definition of the term 'moral', in particular, is not clear - I think that a sound argument may be advanced that this difference is claimed by Green and ought to be treated seriously.
I claim that he employs the word 'moral' in 'moral obligation' to pertain particularly to his own ethical philosophy, as expounded in the Prolegomena to Ethics. In the light of this philosophy, it would not be analytically helpful even to inquire as to whether or not ethical obligations are susceptible to enforcement. In his own words, that kind of inquiry 'is really an unmeaning one'. Ethical obligations, he says, 'are duties to act from certain dispositions and with certain motives, and these cannot be enforced'. Only external deeds may be enforced. He draws up a complex account of what is intended by an 'external action', the outcome being that 'an external action is a determination of will as exhibited in certain motions of the bodily members which produce certain effects in the material world...'.

On this view, the legal system does not enforce duties through physical might ('no force can produce an action, since it cannot produce a determination of the will'), but through threats that present the motive of fear and thus affect behaviour on the 'inner side' for the sake of an external deed. That the reason for fidelity to the law is fear is of no moment from the legal point of view. From the ethical perspective, the reason for behaviour should exhibit a particular characteristic. It is the quality of disinterestedness that is crucial. 'It appears, then, that legal obligations - obligations which can possibly form the subject of positive laws - can only be obligations to do or abstain

71 Green, 'Political Obligation', s.10.
72 Ibid.
73 Ibid., s.13.
74 Ibid.
from certain acts, not duties of acting from certain motives, or with a certain disposition.\textsuperscript{75} If the understanding of 'moral' as being Green's own moral philosophy is accepted, it lends itself to the non-ethical analysis that I have put forward.

This is so, since I treat his contrast between politics and ethics seriously, or at any rate take it for granted that, in the 'Political Obligation', he is writing not moral but political theory. Moral philosophy is the concern of the \textit{Prolegomena to Ethics}, and does not bear on the questions that I have discussed in his political philosophy. The ethical and teleological students of Green's rights philosophy want to include as much of his moral philosophy as possible in his account of rights and his concept of the common good. They hold that there is considerably greater continuity in his works than I do, and that there is a clearer link than I grant between the notions put forward in his moral and political philosophies. The teleological account of his philosophy of the common good and rights is morally charged; my account is not. My account is morally indifferent to the extent that it does not embrace any individual philosophy but does not dismiss any out of hand.

This suggests that the teleologists either ignore or do not treat seriously Green's distinction between politics and ethics. Even more fundamental than this is the fact that behaviour acknowledged and guaranteed by the political organs of a community can

\textsuperscript{75} Ibid., s.14.
be quite unlike those modes of behaviour that ought to be guaranteed and acknowledged in the light of Green's ethical values and what he perceives as the goal for individuals as communal creatures. The teleologists blur this contrast and claim that rights are actually those modes of behaviour that his ethical philosophy holds to be essential for a man to expand his ethical personality. By contrast, I hold that the difference between what is true and what should be true is kept clear in Green and ought to be kept clear by his commentators. It might seem sensible to aver that his ethical philosophy can be a sound indicator when one is contemplating what modes of behaviour ought to be acknowledged and made rights or when one is examining a common good to be found in an actual political community, but this is not to claim that such values or ethically vindicated modes of behaviour are rights. Moreover, simply because an actual right in law does not match up to Green's moral standards, we cannot say that it is not truly a right.

Thus the essential point between my non-ethical account and the teleological ethical interpretation of Green's common good is the fact that what should be true is not necessarily true. It appears that when Green expands his idea of the common good, he is expanding it in a non-ethical manner, as I have interpreted it, and is distinguishing it from his ethical philosophy and his ethical account of the common good. An alternative approach to the conflict between the two accounts is to note that they are pursuing two distinct inquiries. My account wants to ask of Green what to understand by 'rights', what types of rights exist,
in what way rights begin and develop, and what conditions must objectively be met for individuals to enjoy political rights. The teleologists primarily want to ask of Green what political rights individuals in a state should enjoy and which people may enjoy rights. The responses to my inquiries are discoverable only by means of a philosophical account of the notion of rights, and perhaps additional political concepts, and do not embrace any moral questions as far as Green's philosophy is concerned.

The teleologists' inquiries are moral and are answered by examining his moral philosophy. This takes us to a third stage. Both I and the teleologists agree that Green, in the opening sections of the 'Political Obligation', contrasts political and moral philosophy, but while I treat this seriously, the teleologists do not. This is not a matter of muddleheadedness or stubbornness on their behalf. Green's terminology is occasionally unclear and the lectures are sometimes confusing. The crucial point is that he accepts that there are two fundamental prerequisites for the existence of political rights: they can be found only in communities that acknowledge and maintain modes of behaviour and acknowledge the latter as contributing to the common good.

He holds that the foundation of rights is the common good. But he uses two different variants of this idea - one moral, the other not. The first is to be found in the Prolegomena to Ethics, and the second in the 'Political Obligation'. I have enlarged on the teleological interpretation of the common good.
and the way in which it attempts to bring the moral idea of the common good into Green's political theory. But the transplanting of the moral account into the area of political rights and duties, as I have attempted to argue, is a misreading of Green. Furthermore, if we do agree with the teleological interpretation of the common good, then Green's two prerequisites for rights (the common good and acknowledgement) are very hard to square with one another.

Indeed, this is precisely the view of Melvin Richter, one of Green's teleological readers. He says that Green's account of disobedience is inconsistent: "No critic could make out a better case against using Green's double criterion [of the common good and acknowledgement]." In another passage, he claims that

'Green's theory...is simply inconsistent with itself. It is impossible to reconcile the assertion that rights are such only when socially recognized, with the contrary view that there exist rights which ought to be granted, whether or not they are in fact recognized'.

I shall return to the question of civil disobedience in the next section, but before doing so I should like to consider some possible objections to my non-ethical account of the common good, and to present my responses to them. The first criticism might be made when it is remembered that a political right, according to Green, is a mode of behaviour (guaranteed by the state's organs) by each and everyone for the sake of each and everyone. What, however, if such a right were established in

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76 Richter, op.cit., p.246.
77 Ibid., p.264.
line with each of the institutional processes, although it none­
theless had nothing to do with the common good or were not guaran­
teed for each and everyone? To respond to this question, it should
be recalled that Green is performing two exercises in his account
of rights, notwithstanding the fact that he frequently muddles
them. Firstly, he is presenting an analytical account of what
constitutes political rights and what are the prerequisites for
the emergence of those rights. Secondly, he is contrasting his
account with real states.

What I have been explaining and enlarging upon is his
first exercise. It is crucial to maintain these two questions as
separate ones. It is one exercise to examine the notion of some­
thing; it is quite another exercise to study the way in which it
is actually illustrated or what shape it adopts in objective
circumstances. Thus, the notion of rights may be held to be a
value and it may not be fully realized in actual states. The
notion of rights presents us with a theoretical understanding
which may reveal that few or no rights exist in contemporary states.

Typically, no sure rule can be devised as to the circum­
stances in which we shall no longer name an objective approximation
a structure of rights or something else, but we should appreciate
that some types of moral phenomena may be encountered rarely in
real life. Moreover, we should try to find out whether, where
Green talks of rights, he understands political rights. If,
indeed, he is alluding to political rights (in the sense in which
I have explained them), then it is essential to discover whether
or not these rights have ever or could ever exist - in other words, rights for each and everyone for the sake of each and everyone.

For instance, liberty of speech is frequently a political right acknowledged and guaranteed in a political state. But questions of both Green and my account of him arise here. Firstly, what do we understand by 'liberty of speech'? Does it embrace pornographic literature and films or deliberately and publicly damaging one's country's flag? Secondly, this political right is typically not, if ever, a right for each and everyone for the sake of each and everyone: do the mentally ill or infants have it secured to them? Ought they to have it? And what of subversives who would in all probability not allow this right were they in authority? These sorts of complexities are to be found with virtually all objective expressions of political rights. The upshot, it is claimed, is that Green's prerequisites are by themselves not enough.

In answering this second criticism, one should remember the contrast for Green between the theoretical idea or value of rights and actual existing structures of rights. It appears that in any one structure of rights there will be modifications of the all-embracing nature of rights. Granted that our actual rights are 'broken' and our structure of rights insufficient, this does not for Green weaken the ideal or theoretical notion of rights. I admit that Green makes it somewhat less than obvious that he is referring to political rights when he speaks of 'rights'. But he very frequently does speak of rights in this way, and where these

78 For example, in 'Political Obligation', ss.23-25.
instances occur, his aim in important sections appears to point to his being concerned with rights that pertain to every citizen for the sake of every citizen in the state. A further criticism which can be made of my account, however, centres around the third prerequisite for a demand to be a right, that is, that it is acknowledged as part of the 'good' of each, or as essential to realizing it.

Men hold something to be virtuous, and, since they hold it thus, they claim it for everyone. What, however, if it is not virtuous? What are the conditions for 'good' in 'common good'? Is everything to which all men assent virtuous? This issue crops up in both Green's moral philosophy and his politics. In the Prolegomena to Ethics, he takes the view that there exist two realms, from which men's obligations derive - the goal of fulfilment of one's potential; and the facts of actual political existence.

Perhaps for Green there exists a transcendent determinate ethical meaning of 'good', but he is not completely lucid on this question. But if there is a transcendent meaning of good - or, as he occasionally terms it, the Spiritual Principle - operative in history and which is the condition for ethics, then he does state that men cannot be aware of it except historically. H.D. Lewis cites Green - the notion of the good 'gradually creates its own filling...and arrives at a more definite consciousness of its own nature and tendency through reflection on its own creations...

reflection on the product which it has thus yielded', 79 and then

79 Lewis, op.cit., p.38.
observes that

'...the person who is anxious to discharge his duty
will find clear and reliable guidance, so far as
it goes, in standards accepted by society at the
time and...if he wishes to advance beyond this, to
raise the prevailing standard of morality, he will
find his clue in the nature of the progress so
far achieved'.

Within the state there exists no means of determining what the
universal 'true good' is, not even from an historical viewpoint.
It thus appears that, so far as even the moral idea of the common
good is concerned, Green would concur that appreciation of its
sense in particular historical and political contexts flows from
referring to the existing store of ethical and political know­
ledge, which embraces historical developments like the growth in
the number of men secured political rights.

Thus, although we may not say that Green exhibits a
theory of the state, properly speaking, it is apparent that he
does have a theory of rights. These are not simply artifacts of
the state or its organs, but follow from the common moral con­
sciousness which (according to Green) precedes and underlies
the state. So, although they are not natural rights, they are
moral entitlements and can be used as criteria for judging the
performance of states and supporting claims to legal rights.
When Green speaks of political rights, he does mean moral rights
(like 'ethically validated claims') that existed prior to the
formation of states and not just positive rights (the rights that
people are actually able to exercise) that arise only after the

80 Ibid.
establishment of states. The questions at issue are when and how such rights can be said to come into existence - because they are 'natural', because they are legally recognized, or because they are authorized by the moral consensus that (allegedly) underlies the state and hence acknowledged by the state's institutions. I have been arguing in favour of the third of these alternatives. When Green refers to rights he is referring to rights that people are able to exercise because they are entitled to claim them.

II.5 THE QUESTION OF STATE ABSOLUTISM

In this section, I shall elaborate upon my account of Green's philosophy of rights by looking at how he treats the questions of slavery, the right to life, and civil disobedience. Only in the second case can any credence be placed on the notion that he does not reject determinate absolute rights, founded on human nature and arising regardless of common acknowledge­ment. But, even with this case, my interpretation of Green, I shall argue, is the more consistent. It will be recalled that he believes a right to be a power or mode of behaviour acknowledged and maintained in the light of a common good for each and everyone, and that, by my account, he claims that a complete political right is present in the state alone. Rights can also be found in less sophisticated associational existences, like a tribe.
They can exist as well in informal connections between individuals inside the state. I have termed these latter two sorts of rights 'membership rights'. That these are 'weaker' or not complete flows from the fact that, in relatively unsophisticated associational circumstances, the official organs which may clarify, reconcile and guarantee rights are either not present or underdeveloped. In addition, these communities do not have official acknowledging institutions like a parliament. The official processes of acknowledging and securing modes of behaviour for the sake of each and everyone are most effectively carried out in the political state. In the light of this, I shall first examine the way in which Green treats the question of slavery.

Green was a determined opponent of slavery and took an active part in the British support of the Union forces in the War between the States. In his examination of slavery, Green may be construed as holding that a slave enjoys rights that are in conflict with the state. But I shall argue that this is a somewhat limited account of Green's position. The relevant inquiry in this regard concerns the slave's possession of complete rights quite unconnected with the rights that the state acknowledges and maintains. I shall first elaborate an account of Green that claims that such rights are to be found. On this view, the slave possesses various capacities that mean that he enjoys various rights which are 'natural', it is claimed, in the sense that they are unconnected with, and indeed are in contrast to, the state's regulations and statutes.
It can be argued that, in Green's view, the slave does enjoy membership rights by virtue of his communal links with other individuals: fellow slaves, employer, wife, and so on. Indeed, Green states that he must be regarded as a 'person' by everyone, and thus even his employer recognizes the slave's entitlement to be dealt with on an ethical foundation. 'The slave thus derives from his social relations a real right which the law of the state refuses to admit'. In his communal associations, the slave is guided by a good, shared by himself and his fellows, as demonstrated by the objective circumstances of his existence.

'Now that capability of living in a certain limited community with a certain limited number of human beings, which the slave cannot be prevented from exhibiting, is in principle a capability of living in community with any other human beings, supposing the necessary training to be allowed; and as every such capability constitutes a right, we are entitled to say that the slave has a right to citizenship, to a recognised equality of freedom with any and everyone with whom he has to do, and that in refusing him not only citizenship but the means of training his capability of citizenship, the state is violating a right bound on that common human consciousness which is evinced both by the language which the slave speaks, and by actual social relations subsisting between him and others.'

Therefore, in one light, Green appears to hold that the slave, since he belongs to a family and enjoys other communal associations according to which various shared goods are acknowledged, possesses rights unconnected with any rights that might be bestowed by the state.

81 Green, 'Political Obligation', s.140.
82 Ibid.
83 Ibid.
The bare prerequisite for possessing a claim, this account argues, is associations of persons in which a common good is acknowledged. This is not inconsistent with my interpretation, as I do not claim that a slave cannot possess membership rights. Indeed, this would reinforce the argument that individuals may possess rights solely as members of some type of society. In another light, however, from the above sketch of Green's views a more extreme argument is apparent, namely, that any being with a capacity for human associations possesses a rights to be regarded in a particular manner, that is, as an end in himself and not solely as a tool. Were this true, then Green would appear to concede the fact of various human rights that every individual as an individual would possess as a result of various capacities that he enjoyed. But I claim that a close inspection of his position reveals a more coherent and convincing interpretation of Green along the following lines.

Green is in fact trying to demonstrate to his students that a slave is a human being and should properly be regarded as belonging to a political society. It will be remembered that one who is 'capable of being determined by the conception of a common good as his own' should possess political rights. A slave is not an inanimate object or a sub-human creature. It is true that Green states that the slave possesses rights, but this may be read as intending that he possesses membership rights and is a human being and, thus, ought to possess those complete rights that citizens have. What he is in fact referring to are the bases
for regarding the slave as a person and thus a 'subject of rights'. The slave may make ethically valid demands, but he does not possess objective political rights, in the complete meaning of the term, apart from those which are acknowledged and guaranteed by the state.

An ethically warranted demand does not imply any objective rights. The only rights which a slave may possess, apart from those acknowledged by the state, are membership rights. He can make an ethically validated demand, but not possess a political right. But what if the state transgresses the membership rights which its members possess by virtue of their belonging to families or other varieties of society that came before the state or are to be found in the state? These societies are not superseded by the state, Green tells us, and they are not to be found outside it; instead they gain a new completeness as the state reconciles and clarifies certain rights. The point is made clear in a passage that has already been quoted:

'Thus the citizen's rights, e.g. as a husband or head of a family or a holder of property, though such rights, arising out of other social relations than that of citizen to citizen, existed when as yet there was no state, are yet to the citizen derived from the state, from that more highly developed form of society in which the association of the family and that of possessors who respect each other's possessions are included as in a fuller whole...'

No person may put forward a demand, says Green, if he does not belong to a community, 'the state being for its members the society of societies, the society in which all their claims upon each other are mutually adjusted'. Teleologists can

84 Ibid., s.141.
85 Ibid.
indicate, in addition, that a little further on in his text Green appears to stress that the state may not remove various rights of the slave.

'The state may refuse him family rights and rights of property, but it cannot help his living as a member of a family, acting and being treated as a father, husband, son, or brother, and therefore cannot extinguish the rights which are necessarily involved in his so acting and being so treated.' 86

He possesses 'rights which the state neither gives nor can take away, and they amount to or constitute a right to freedom...'. 87

This section implies that Green did think that there exist rights that are unconnected with acknowledgement by states. I do not disagree with this, but think that the whole of Green's meaning is better grasped by saying that he is contrasting 'being a subject of rights', which a slave is, and possessing complete rights, which a slave does not, but should, possess.

I suggest that this formulation is less complicated than that of the teleologists. Green frequently draws this contrast, and, where he does not, he consistently could do so. Further, the teleologists' account blurs this contrast. In other words, the teleological interpretation identifies the sorts of creatures who enjoy a capacity for possessing complete rights and who should possess them. But simply because such a creature should possess various rights, it does not follow that he does possess them. According to my interpretation, an individual possesses simply such complete rights as are acknowledged by the state because they are ethically valid claims and if a mode

86 Ibid., s.145.
87 Ibid.
of behaviour is not acknowledged by the state, then either it is not based on such a claim or else the state is no true state.

As to the first quotation on the preceding page in defence of the teleological account, the rights of a son, brother, and so on, are not ethical rights so much as membership rights. Moreover, it appears to me that where Green refers to the right to liberty he is in an indirect manner referring to 'subject of rights'. It is solely as a free citizen, and not as a slave or an object, that an individual may completely realize his potential and participate fully in his community, which Green holds to be man's goal.

Green's account of the right to life and freedom - or, as he occasionally terms it, the right to free life - is analyzed by the teleologists in a way not unlike their account of the slave's rights. Green says: 'If there are such things as rights at all, then, there must be a right to life and liberty, or, to put it more properly, to free life'. The basis of this right is the individual's potential for belonging to a community and for being shaped by the notion of a well-being shaped by himself and his fellows. It is interesting that Green appears to be claiming that simply possessing this potential is the basis of a right. The teleologists take this to mean 'all men who possess it have a right', but I interpret it as 'all men who possess it ought to have rights'. The teleological interpretation holds that we need not have our potentials realized before we possess the right to life.

88 Ibid., s.151.
Green states that '...the right is one that belongs to every man in virtue of his human nature (of the qualities that render him capable of any fellowship with any other men)....' But over and above this, Green's two prerequisites for the enjoyment of rights exist even in the general right to life. This gives rise to some broader considerations. This right means that all individuals make up one community and that there exists a common good of human community in general, unconnected with the particular circumstances of individual communities. This community, however, must be a political community with arrangements for the acknowledgement and maintenance of modes of behaviour as political rights. The organs of the state (the executive, the legislature, the judiciary, and so on) make 'rights talk' official, comprehensible and clearly defined.

In the absence of official organs which acknowledge rights, 'rights talk' would be utterly subjective and muddled, conditioned by numerous values and ethical notions. Such organs are essential for securing and regulating modes of behaviour that serve the common good.

He does hold with a common good which embraces all of human society, notwithstanding the confusion that we have witnessed in his employment of the phrase 'common good'. I have claimed that an ethical account of it exists in his moral philosophy but not in his political writings. The teleologists deny that there are two accounts, and embrace simply the ethical one.

89 Ibid.
90 Ibid., ss.149-155.
Thus, they claim that despite the fact that distinct communities possess distinct common goods, there is a common good which every community should seek as its end. Such an idea of common good, the criterion according to which every individual notion of it is assessed, is the achievement of a moral character for every person in every community, and therefore, for all mankind. The notion of a 'moral character' is developed in the *Prolegomena to Ethics*. If Green's philosophy is analyzed teleologically, an individual community's idea of the common good can be contrasted with the common good to note how closely it resembles it and whether or not it is progressing correctly. The positivists, alternatively, claim no standard for assessing one common good against another, but it ought to be recalled that, even where Green does mention a determinate common good, as occasionally in the *Ethics*, he never says that one can know it or somehow sense its contents. Such a determinate common good may be recognized only historically.

Thus, even were we to accept the teleological interpretation of the common good, it would be of no great use in judging between competing objective conceptions of the common good as exhibited in individual historical communities. Green holds that ethics is socially based and is not a vague conceit unconnected with individuals as communal beings. He specifically says that 'all particular moral ideas...are embodied in the laws, institutions, and social expectation which made conventional morality'.\(^91\) In the light of this notion, the public interest

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\(^91\) Green, 'Political Obligation', s.6.
or communal good will not be advanced by employing unworldly criteria of ethics (which are alien to the individuals in the community) as those things which validate modes of behaviour as rights. As for civil disobedience, the teleologists employ the ethical version of the common good in order to try and establish that Green (at least occasionally) recognizes rights that do not require state acknowledgement. They claim that his account leads to the view that individuals may hold rights against the state.

But I think that he consistently and persistently holds the view that 'every right depends on some social relation' and that the state is 'the sustainer and harmoniser' of social relations. Granted, he does claim that

'as actual states at best fulfil but partially their ideal function, we cannot apply this rule to practice. The general principle that the citizen must never act otherwise than as a citizen, does not carry with it an obligation under all conditions to conform to the law of his state, since those laws may be inconsistent with the true end of the state as the sustainer and harmoniser of social relations'.

This kind of assertion strengthens the view that individuals do enjoy certain rights that states neither bestow nor maintain and may not remove. When citizens possess rights to disobey states, they surely are not guaranteed for them by those states. But these are rights against states which are not pursuing the 'true end' of 'the state'. In such circumstances, the following condition would be met:

92 Ibid., s.143.
'...no exercise of a power, however abstractedly desirable for the promotion of human good it might be, can be claimed as a right unless there is some common consciousness of utility shared by the person making the claim and those on whom it is made'.

The communal good to which we claim a right has to be a good that not only can be understood and enjoyed, but also is understood and enjoyed by the citizenry as a whole and not simply by limited 'private interests'. Because a right is a power demanded and acknowledged as adding to a common good, says Green,

'A right against society, in distinction from a right to be treated as a member of society, is a contradiction in terms. No one, therefore, has a right to resist a law or ordinance of government, on the ground that it requires him to do what he does not like, and that he has not agreed to submit to the authority from which it proceeds...'.

Note that what Green rejects here is a right against society (which is consonant with the state), not a right against states; he rules out certain claims against or on states which involve a claim against society, but not others. Yet there is still a seeming conflict in his account of civil disobedience. (That there is an internal conflict is recognized by both the teleological and positivist interpreters.)

Green appears to claim that a right against a democratic state is not only not allowable, but even a contradiction in terms. But he appears to claim also that, because existing states carry out their proper role imperfectly,

93 Ibid.
94 Ibid., s.99.
95 Richter, op.cit., p.246.
97 Green, 'Political Obligation', ss.89-100.
98 Ibid., s.143.
'The general principle that the citizen must never act otherwise than as a citizen, does not carry with it an obligation under all conditions to conform to the law of his state...'. 99

We may grant that he is not as coherent or as clear as he ought to have been on this question, but my analysis of Green's views partially resolves the contradiction in his theory. I think that we should approach him on this question bearing in mind the difference between rights and obligations as he openly acknowledges it. We might not possess a right or a warranted claim to disobey, but we might enjoy an ethical obligation to do so. The state is the reconciler and sustainer of complete political rights, and thus we may not possess rights against it, but we can possess an ethical obligation not to adhere to certain of the regulations of states in particular circumstances.

I shall revert to this difference and to the way in which it pertains to the idea of state absolutism at the end of this section. The greater our familiarity with Green's account of the state, the more I think we appreciate the state's function as the one entity able to acknowledge and maintain political rights. Individuals have just two fundamental types of rights, complete political rights and membership rights. But even membership rights possess the two essential qualities of true rights (although not, as I have said, in the complete sense) - shared acknowledgement of a mode of behaviour, given a commonly held good for each and everyone involved, and life only inside communities or associations of individuals. The example of civil disobedience supports such an

99 Ibid.
account by demonstrating that, in the light of the prerequisites for rights, we may not possess a right against the state, and this includes 'human rights' and 'rights of nature'.

Some thinkers have held it to be eccentric to reject the common notion that people possess rights other than those acknowledged and maintained by the state. Indeed, some\textsuperscript{100} claim that the prerequisite of acknowledgement amounts to the dictum: to be is to be perceived. One's failure to perceive or to be familiar with a right, it is claimed, does not mean that that right is a fiction nor that it enjoys no basis. For instance, thinking of Green's later assertions against the existence of rights of nature, Plamenatz\textsuperscript{101} holds that the prerequisite in fact presupposes that which Green wishes to refute, namely, the existence of rights of nature. Green does state that there exist modes of behaviour that are not acknowledged as rights, even though they ought to be.\textsuperscript{102} Plamenatz claims that, if this is correct, then Green is taking the peculiar view that we should be permitted something to which we enjoy no right. Granted, we cannot possess rights in law, but what about ethical rights?

Green does state that an individual can possess an ethical obligation to disobey a government and not enjoy a right to disobey it.\textsuperscript{103} As is so often the case, his test for the existence of the

\begin{itemize}
\item \textsuperscript{100} See, for example, Plamenatz, op.cit., pp.90-91.
\item \textsuperscript{101} Ibid.
\item \textsuperscript{102} Green, 'Political Obligation', s.15.
\item \textsuperscript{103} Ibid., s.108.
\end{itemize}
right is not legality but consensus. For instance, in a despotic state we might possess the ethical obligation to disobey but not the right to do so. It might appear strange that we may possess ethical obligations but not rights to disobey the government's statutes for the sake of the common good. It could be claimed that, although we cannot have a legal right to disobey the government, if it is our ethical obligation to disobey then we must enjoy an ethical right to disobey. The issue revolves around whether or not an ethical obligation entails an ethical right. It is relevant here to observe that Green never employs the term 'ethical rights'.

This is not a completely fortuitous limitation on the employment of 'right'. Green is trying to clarify the pre-requisites for the possession of rights, and especially political rights. He claims - in my view accurately - that an element of the very definition of a right is common acknowledgement. If we wish to employ the term 'ethical right' we are at liberty to do so, provided that we bear in mind that common acknowledgement remains essential: 'ethical rights' are not enjoyed regardless of a shared perception that a particular mode of behaviour is good for the individuals concerned.

Notwithstanding this, there remains the issue of whether or not an ethical obligation entails an ethical right. A resolution of this issue in the positive proceeds thus: If a person A enjoys an ethical obligation to perform action X, then any individual B enjoys a duty to permit A to perform X. If B
possesses a duty to permit A to perform X, then A at least possesses a justifiable ethical right to perform X. My response to this is that we can talk of ethical rights and yet keep inside Green's analytical framework provided that 'ethical right' involves shared acknowledgement, in a communal context, of a common good. To repeat, however, he does not himself employ the term and he restricts 'right' to those modes of behaviour maintained and acknowledged for the common good by the organs of a political state.

What he is particularly keen to reject is the idea that there exist determinate and absolute ethical rights. For him, there exists but one type of complete right, namely, an entitlement acknowledged by communal institutions. The two prerequisites for rights, analyzed from the teleological point of view, seem particularly feeble because they appear to be at odds. The reason for this is that the teleologists perceive acknowledgement as a positivist idea and the common good as an ethical and teleological idea. But, in the 'Political Obligation', the common good is, as indicated, more amenable to a non-ethical account than to an ethical one. If this is so, then the two prerequisites are not at odds, but are in harmony. The teleological account blurs the contrast between the potential for possessing rights, an essential condition that is the basis of rights, and the prerequisites for possessing objective rights.

A right is a mode of behaviour if two prerequisites are satisfied: if the mode of behaviour is acknowledged by communal institutions and if it is for the common good of each and everyone
in the particular communal context. It thus appears that Green's account of rights rejects the idea that complete rights may be found independent of state acknowledgement. If this is the case, it could be claimed that he makes the state absolute twice over. Firstly, the state is the society of societies which maintains, reconciles and defines rights; in other words, it is the one vehicle of acknowledgement. Secondly, because he occasionally says that the state with its sovereignty is the common good, individuals may in no circumstances possess rights against the state. The state bestows both acknowledgement and the common good and thus enjoys complete authority in the matter of rights - every right, since the only rights that exist are those maintained by the state.

I think that he in fact tries to refute the assertion that his philosophy of rights promotes state absolutism. For Green, a right is a power or mode of behaviour which is demanded by each for everyone in the interest of each and everyone. This does not mean that it is simply a power demanded, indeed, that sort of demand would not be valid, either politically or ethically, because if a power is to be a right, it has to be acknowledged and maintained in a community. But it is unquestionably the state that does that acknowledging and maintaining. It is true that Green claims that, when a demand is not acknowledged by the individuals of the community in which the demand is made, then it is not a right, irrespective of the question of whether or not it should be. But this must logically be an insufficient criterion for Green. He says that, '...rights are made by recognition. There is no right "but thinking makes it so"'.\textsuperscript{104} It seems that he wants to

\textsuperscript{104} Ibid., s.136.
demand a double recognition - by both individuals and the state. But he cannot consistently claim that individuals' 'thinking' makes 'it so' if the organs of the state do not share that thought.

Rights do not 'float around' in nature or abstract space. They can certainly be based on or defended by reference to human nature; but by men's actions and institutions alone may a claim or power become a right. If claims or powers require acknowledgement in order to be rights, then a method of bringing this about must exist. The form of acknowledgement might be a whole range or sequence of actions - a set of inhibitions, protests and judgements reflecting a shared notion of what is fair or proper - by the community's members that lets it be known that a particular mode of behaviour is good for everyone. But in modern societies, this is not practicable, and thus institutionalized methods are required. Such methods are to be found in the organs of a true political state that maintain rights.

Given that the state carries out the role of acknowledging demands, and that solely by means of acknowledgement may demands become complete rights, it appears to follow that Green renders the state absolute. States, however, are not absolute for Green. Only the state acknowledges, reconciles and defines rights. 'Right' is fundamentally an idea that needs political structures. An individual may, however, make an ethically warranted demand against states and may possess an ethical obligation physically to rebel against them. For example, were a tyrannical government to legislate against the recognized common good, and were there no possibility of the citizens' turning over the legislation by lawful
procedures, Green says that there might be an obligation to disobey.

'In such a case, there may arise a social duty to resist, and the exercise of men's powers in fulfilment of that duty may be sustained by such a general recognition of its being for the public good, as to become a right; but the resistance may be a duty before a majority of the citizens approve it, and does not necessarily become a duty when a majority of them do approve it...'105

Thus individuals can enjoy an ethical obligation to disobey an individual government even prior to their having a right to disobey. Green cannot, however, consistently claim the same for 'the state' of his account. That is, the state is absolute where the maintenance of complete rights is concerned; states are not absolute where ethics is concerned.

II.6 SUMMARY

The state, for Green, is an institution for the more complete and harmonious maintenance of the rights of its members. 'Rights' must be identified by the political community - the identifiers must be the elements of the state apparatus - and that community must be one in which some common good is recognized by the members of the community as their own ideal good. Inside a state, rights may be propagated via two avenues. The first is that rights from prior interchange, communication and agreements are still operative. Such rights appear to be temporally prior to the state, although the state is of a higher logical order.

105 Ibid., s.108.
The state acknowledges and harmonizes those prior rights that are still operative.

The other avenue by which rights can be propagated inside the state is by acknowledging a novel mode of behaviour. The state's chief role, as far as rights are concerned, is to uphold previously established duties and entitlements and to acknowledge fresh modes of behaviour essential for a continued existence inside the developing state. Complete political rights are to be found only within a true political state. The latter alone can supply the element of specifying, defending and reconciling rights. The state acknowledges modes of behaviour commonly recognized as beneficial for each and every citizen, and the outcome is not simply a right in law, but a political right. For modes of behaviour to be called rights, they have to be commonly acknowledged and guaranteed by the organs of the state - it is the state's duty so do so - in the interests of each and everyone.

Green's notion of rights may be held to be a value: its connection with actual existing states may not be very clear. A right is a power or mode of behaviour acknowledged and maintained in the light of a common good for each and everyone, and a complete political right is present in the state alone. The official processes of acknowledging and securing modes of behaviour are most effectively carried out in the political state. The organs of the state make 'rights talk' official, comprehensible and clearly defined. Green consistently holds the view that every right depends on some social relations and that the state is the
sustainer and harmonizer of social relations; thus for the sake of the community, the state's statutes and regulations enjoy ultimate authority.

The state functions as the one entity able to acknowledge and maintain political rights. Green restricts 'right' to those modes of behaviour commonly acknowledged as being for the common good and thus maintained by the organs of a political state.
In his thinking about the state, the important question for Bosanquet, like Green, was what principles should govern the determination of its functions and the scope of its actions. Like Green, again, he sought those principles partly in a consideration of the nature of the state and its relations with the community and its individual members, and partly in a consideration of rights and their bases.

The outcome of his thinking about these matters turned out to be complex and to include what appeared to be markedly different tendencies. His account of the state and his general view of rights led to the conclusion that the welfare of the many must take priority over the demand of the one for the fulfilment of his potential. According to Bosanquet, the character of the citizen is formed by the community and by his role inside it. Thus, how a citizen realizes his potential is also, and more fundamentally, the citizen's carrying out of his role in adding to the common good. The state acknowledges and reinforces rights so that the citizen can do his best to add to the general welfare, and his rights are defined by what he needs for that social task. But when Bosanquet comes to deal with
particular political questions, he appeals to another conception of rights altogether. In the latter kind of case, he treats rights as the manner by which the community upholds the citizen's unique and discrete ethical character. In this part of his argument, the standard by which the equity of any state is judged is how much it upholds the requisite rights that permit the citizen to fulfil his potential, and a citizen has a valid claim to rights whether or not they are acknowledged and reinforced by the community.

These different perceptions of rights, and the views of the functions of the state to which they lead, may seem antithetical, but I maintain that they are consistent and indeed mutually supportive. I argue that, in Bosanquet's view, both rights and individuals have a dual character which explains and justifies the two accounts of rights. Every right possesses, for him, a first-order element (on which a citizen may make a claim) and a second-order element (which relies on its acknowledgement by the state). The first-order elements support the individual's ethical autonomy and are properly his, irrespective of the general welfare's being taken into account; the second-order elements relate to the performance of his social role. The individual is correspondingly seen as the potential bearer of ethical autonomy and as the performer of a social role. I argue, however, that Bosanquet's notion of first-order elements of rights, and his consequential adjustment of his treatment of individuals, leave essentially unchanged his tenet of the community.
I argue this case in two main phases. In the first half of the chapter I seek to establish whether, for Bosanquet, the rights of the citizen are basic to him *qua* human being or bestowed on him by the state. For this purpose I examine successively his conception of the state (section 2); his account of rights as the tools by which a citizen's ability to add to the common good is guaranteed (section 3); and his alternative account which takes rights to be demands which a citizen may validly make to guarantee his ethical autonomy (section 4, focussed on the question of economic distress, and section 5, focussed on the question of revolt). I complete this phase of my argument in section 6 where I conclude that, according to Bosanquet, the citizen is entitled to rights bearing on ethical autonomy while the state manages those rights bearing on the carrying out of social roles. It is implied that ethical autonomy and the performance of social roles are non-competitive. In the second half of the chapter I look more directly at Bosanquet's account of the state and of its functions. As in the first phase of my argument, this involves an examination of several distinguishable issues: a familiar kind of critique of Bosanquet's ethical account of the state (section 7), and of his account of the methods by which the state ought to carry out its ethical obligations (section 8); and his account of social legislation, in which he enhances the role of the state in relation to other social groupings by allocating to it the task of supervising those groups which come within its ambit (section 9). The discussion of these issues confirms that while
he finds an ethical role and justification for the state, he believes that its field of action need not and should not limit - and indeed can and should protect and support - the ethical autonomy of the individual. Nevertheless, the degree to which the ethical autonomy of the individual is in fact protected is unclear. It is unclear pre-eminently because Bosanquet's is a 'philosophical theory of the state' in the sense that considerations of governance and administration never detain him for very long. The reader is left unconvinced that the practical workings-out of Bosanquet's rather abstract prescriptions would not threaten individual autonomy.

III.2 THE STATE AND THE COMMUNITY

Bosanquet's theory of the nature of the state is at the same time a theory of the community and how individuals find their place in it. Its most striking characteristics are an attempted rejection of that particular individualist approach which represents self-contained individuals as entering into social relations, and an adherence to the view that individuals are in some respects constituted by their relations or cannot be separated from them. He sees individuals as enjoying and sharing in a multiplicity, or more correctly differing multiplicities, of such relations, and he therefore understands the community as a network of intersecting and interacting groups. In this sort of community he finds that the state is the total working system towards which the groups contribute, and that its role must be defined in relation to the groups as well as to the
individuals who are their members. His positive attempts to define it are rather thin, and point to an ambiguity in his thinking about the appropriate locus of political obligation, but he does succeed in finding a distinctive role for the state.

Bosanquet holds that, because the general will involves human beings and human relationships, it is sometimes easy to confuse such a will with what can be called the good will. There are times when a need is felt to strip away all the cumbersome institutions in which human beings find themselves and to approach a person as a person and then to feel towards such a person the way it is thought human beings 'should' feel towards one another. Yet when such an attempt is made, it is bound to fail unless we are willing to accept a person as more than an abstraction. It is bound to fail because a person carries his societies with him. He is, to a large degree, what his loyalties make him. There are, however, other reasons why such an attempt must prove futile.

To respect a person as a person must mean, at the same time, respecting that which he has committed himself to. If he is a property owner, then respect means respecting his right to own property. If he has a family, then respect means respecting his right to provide for that family. There is nothing which can be abstracted from his relations to certain groups and certain institutions. The respect which is given to him must in some way be given to these institutions as well. This is one of the reasons why Bosanquet insists so strongly on a man's station as the point at which his participation in the society begins.
While a man's station is not to be seen merely as his trade, it is nevertheless what he does, and, if he does what he does with care and concern, then it is also part of what he is. The other side of the coin is also important in any consideration of the general will. For if a man cares, then he does, and what he does is done through the institutions of which his station is a part. Thus institutions qualify the general will in two ways. They are that for which the general will must work (if it is to work for anyone at all) and they are that through which the general will does work. Human beings are not just in society, they are of society.

They are what they are through the relations that they have and the institutions through which they operate. This is the reason for Bosanquet's insistence that the general will and the institutions of society are two sides of the same reality.

'For a true comprehension of group-life it will always be necessary to refer its inward and spiritual side to something like the general will, and its outward and visible form to a complex of institutions, and thereby to set its outward and inward aspect in their true relation to each other and to the social unity.'

When Laski, for example, criticizes Bosanquet for not recognizing that 'the state is...merely the body of persons to whom...power has been entrusted', he has failed to understand Bosanquet's distinction between the state and the government. This distinction recognizes that those entrusted with power, that is, the


government, are limited by the history and the nature of the institutions which they care for, that is, the state. Institutions themselves, however, exhibit a complexity equalled only by the multitude of outlooks which the expression of the general will finds in the members of a society. Both of these, exhibiting only degrees of unity, need to be involved in constant readjustment and self-criticism. It is the state which is the coercive aspect of such a readjustment. How precisely the state is to effect that readjustment is not revealed. Indeed, there is, throughout Bosanquet's account, an uneasy tendency towards evasiveness whenever questions such as these arise as to the role of governmental instrumentalities in his theory. Nevertheless, he suggests that there is a direct relationship between the institutions to which we belong, the station which we occupy and our view of the world.

These provide the focus through which we organize that world. He makes a distinction between 'organisation' and 'association'.

'By organisation, then, as opposed to association, we mean determination of particulars by the scheme or general nature of a systematic group to which they belong, as opposed to their determination by immediate links uniting them with what, relatively speaking, are other particulars in casual juxtaposition with them.'

The principle of organization is, he feels, one which can be applied to human organizations as well as to human institutions.

3 Bosanquet, op.cit., p.151.
'Every mind...is more or less organised under the control of dominant ideas, which belong to its habitual preoccupations and determine the constant bias of its thoughts.' As with the general will, the ideas that dominate the mind and determine its point of view are not necessarily in harmony with one another:

'A mind has its dominant nature, but is no single system equally organised throughout. It is rather a construction of such systems, which may be in all degrees of alliance, indifference, and opposition to one another. Each of such systems, or groups of ideas and experiences, has its own dominant scheme, and its own tendency in controlling thought or action. And, as a general rule, in proportion as one system is active, all others are quiescent; in proportion as we are intent or engaged upon one train of thought or one pursuit, we are not alive to suggestions belonging to any other.'

The organizing principle of human minds, called by Bosanquet the 'appercipient mass', is determined by the relation of the individual to the groups of which he is a member.

'There are wheels within wheels, systems within systems, groups within groups. But, speaking generally, the business and pleasure of society are carried on by persons arranged in groups, which exhibit the characteristic of organisation that the capacity of every person is determined by the general nature and principle of the group considered as a whole, and not by his relation to the units who happen to be next to him.'

In the workings of the everyday world, it is clear that both groups and the organizing principles of individuals are not always in harmonious relationship.

5 Ibid., p.154.
6 Ibid., p.156.
Groups conflict with groups and one man's commitment conflicts with other commitments belonging to the same man. The activity, then, of criticism and readjustment, while not denied to the groups themselves, needs also to be placed in the hands of an institution which has the authority to make readjustments when other means fail. This need, Bosanquet feels, must be served by the state:

'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.'

Human beings are of such a nature that the loyalties which they carry with them are not always consistent with each other. It is not possible to act in a multitude of ways, and it is not always possible to find a solution which is satisfactory to all these loyalties. The same considerations apply to the groups and the institutions to which these loyalties attach themselves.

If they are to be parts of a society, itself taking action and having direction, then sometimes certain demands must go unsatisfied. Even given the spirit of collaboration, it is not always possible to make adjustments merely through the initiative of the conflicting parties alone. There must eventually be some one authority upon which all these groups can rely and the judgement of which these groups can respect and then follow.

7 Ibid., pp.157-158.
'The uniqueness of the general will of the state, and necessity that it should be unique is a... peculiar feature, depending on the necessity referred to above, that an absolute power should be single in reference to each individual.1^

Thus the state, for Bosanquet, is not just a composite of groups; it is more than the totality of these groups. It is the total working system to which these groups contribute. because it is a working system, the authority which it uses is not used merely to adjudicate disputes or to right wrongs; it is used with a purpose and to achieve an end. The end is the good life for its members. To see that state as composed of groups means seeing it as composed of nothing but groups, that is, of groups in external relation to one another, and this is nothing more than a more widely based individualism. Suppose, for example, that vocational representation were taken seriously and that a person's major needs could be expressed through such representation. The effect would then be to divide group from group, to view one's own vocation as separate from and as vying with other groups.

Yet to do this is to lose perspective on the purpose of a vocation as a vocation. For, as a vocation, the major reason for its existence is as a contributor to something which is larger than itself, and not only to fill the pockets of those who practise it. The distinction is the same one as made by Plato in the Republic when refuting Thrasymachus: an artist, as artist, does not practise his art for the sake of his own self interest. Yet interest as it is to be found in the practice

8 Ibid., p.xxix.
of one's profession is not of the same nature as the interest which binds men of the same profession together into pressure groups for the purpose of advancing their own particular, non-professional ends. The state is thus able, for Bosanquet, to unify these groups by recognizing the members of them as not only demanding creatures but contributing ones as well. The state as the force of adjustment for these groups comes into play when there is a division of group from group and when, because of this division, there is an intolerable breakdown in the contribution which a part feels capable of making to the whole.

Without some such source of adjustment, there is no reason or power to prohibit doctors or teachers from walking out of work or slowing down services for the sake of higher salary. In such circumstances, the state as unifier and force of adjustment is absolute, but it is absolute only because it is an expression of the general will of a total community.

'There is reason to expect that the community which organises itself as a state will be for every group the largest body which possesses the unity of experience necessary for constituting a general will. There is...no other body at all comparable with it in intensity of unity.'

It must be pointed out that the word 'expect' in this passage provides a major difficulty, which revolves around the distinction between a probability and a demand. For it is not clear

whether in finding a community which has organized itself into a state we must expect, in the sense of probably find, a proper expression of the general will, or whether in any such community we are to expect, in the sense that a teacher is expected to care for his students, an expression of the general will. In the first case, we probably will, while, in the second, we should find such a will. The difference is extremely important when it is understood that in the first instance the total obligation is placed on the member of the state to follow its dictates, while in the second it is placed on the state itself to make sure that its dictates are expressions of the general will.

Although Bosanquet is never quite able completely to resolve this ambiguity, he does show more than a passing concern for the right of an individual to take exception to the general will:

"A national purpose is the most unconquerable and victorious of all things on earth". And the individual's private will, we must bear in mind, is certainly and literally a part of the communal will. There is no other material of which his will can be made. If he rejects the communal will in part, he rejects it on the basis of what it is in him, not from any will of his own which has a different source. This is the ground of the duty of rebellion."

Although any consideration of the state and its authority must eventually deal with the rights and the duties of the individuals and the groups within that state, there is the prior need to consider the way in which a particular state for Bosanquet is

10 Ibid.
said to be absolute. The state is said to be absolute as the force of adjustment of the particular groups within it. Yet the very fact that the state is to be seen as 'the force of adjustment of particular groups' places a limitation upon it. While the ultimate end of the state is, as Bosanquet suggests, 'the promotion of the best life', the use of force and the adjustment and harmonization of groups to one another deals only with the externals of that life.

'Insofar as the doing of the action is due to the distinctive mode of operation which belongs to the state, due, that is to say, to the hope of reward or the fear of punishment, its value as an element in the best life is ipso facto destroyed, except insofar as its ulterior effects are concerned. An action performed in this sense under compulsion is not a true part of the will. It is an intention adopted from submissiveness or selfishness, and lacks not only the moral value, but what is partly the same thing, the reliable constancy of principle, displayed in an action which arises out of the permanent purpose of life.' 11

If we consider the self-limitation of the power of the state, it would seem that one of its major tasks would be to establish conditions which would give particular groups the means and the opportunity to adjust their own differences. The unity and the life that Bosanquet desires is always more firmly established when differences are resolved without the interference of the direct power of the state. And it is only when such a resolution cannot take place, when intelligent action is not possible, or not considered by the conflicting parties, that the force of the state must take hold. Here it is important to note the function and significance of Bosanquet's method, for he

uses his method as a tool of philosophical analysis. It is not used to solve specific problematic situations, but rather to establish a context in which differences are supported and reconciled. In social affairs, the institutions of the state are seen to be part of this context.

Bosanquet would not at all deny the validity of a method of inquiry which sought to trace the causes and to judge the consequences of specific events. He might deny that we can ever neatly cut off causes and consequences. He might suggest that a thorough investigation of one event would lead us to a total universe of events, but he would most likely admit that this is an investigation which no man will ever be able to perform. The continuously open nature of inquiry is one of the reasons for the state's being a necessary part of society. Since inquiry continuously reveals new consequences, there is never a time when all the evidence is gathered, but there are times when society itself must act in the light of the evidence at hand. Because men cannot always agree either upon an action or upon a time to take action, there is a need for institutionalized channels through which decisions can be made.

Men need not agree about the value of every decision made, but they ought to agree on the general need to provide a way in which decisions can be made when other, less formal, avenues of inquiry have broken down. Whether or not Bosanquet would allow inquiry to examine the institutions of the state is another question, but I should not think that the method that
Bosanquet uses to argue for the validity of the state would necessarily preclude such an examination, although, regrettably, he himself never conducts such an examination. When considering the state as absolute, it is important to keep in mind that the state, for Bosanquet, is but one side of society, that it is that side of society which has, as part of its essential function, the exercise of force. Yet, for this very reason, Bosanquet observes, the absoluteness of the state is limited by the nature of its end. It is limited to the function of removing hindrances, but it cannot impose harmony and agreement upon its citizens. Such an imposition is a self-contradiction.

The state cannot force groups to want to work together, nor can it demand that every effort and energy of the individual be directed towards the community or towards itself as a member of the community. It cannot demand that groups deliberately take the initiative to produce a wider and more complete integration of differences, nor can it force individuals to do more than they feel impelled to do for the community at large. It can only offer a working resolution to conflicts, but it cannot impose the willed resolution that the good life demands. If the state is seen for the moment as just the external institutions affecting the adjustment of the various groups of society, then it is clear that it can order the parts into a working relationship. Here there is one of the closest analogies between Bosanquet and Hegel. For in Hegel's Civil Society there exist working relationships between the various groups of that society.
and, even though each group perceives itself as working only for itself, it is at the same time contributing to the whole.

The institutions of government, the police, the judiciary, and so on, serve merely to mediate conflicting claims. At this stage, the claims are merely private claims and a man's station is just his station. There has not yet arisen any recognition of the contributions of others to the sustenance and fulfilment of oneself, a recognition which comes only when the full meaning of the state is understood. The realization of this state results when there is a union between what Bosanquet calls the general will and the institutions of the state. When the functions performed by various people, or by the various classes to which these people belong, are set one against the other, emphasizing the demands, neglecting the contributions, then the institutions are divided from what is perceived to be the general will. The words 'perceived to be' are intentional, indicating a loss of broad perspective and an intense focussing upon the parts of society:

'The minds of the classes are not in thorough reciprocal contact; and while this is so, the fully developed class consciousness can hardly mean anything but the war of classes. The fact is undeniable; and its consequence is obvious. If you do not know how a man feels things, where the shoe pinches, what are his dearest ambitions, you cannot but be censurably stupid in dealing with him. It works both ways alike; from wage-earner to well-to-do, and from well-to-do to wage-earner. Each is stupid about the other.'

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Of course, given institutions such as the courts, the police and the legislature, adjustments can and must be made, but, in the absence of a willingness to enter into and to understand the view of the other class, such adjustments will continue forever to be made. Moreover, they will continue to be made by these institutions. It is both hypocritical and futile for the well-to-do to say to the wage-earner, 'Forget your petty grievances, forsake your own perceived self-interest, discover your humanity by finding your place in the total community'.

These are all fine principles but they become empty slogans when used by a class which itself fails to abide by them. The unity of society demands, as far as it can be demanded, that one class enter into the experience of the other and attempt to perceive its point of view. In this way the class struggle can become a critical re-evaluation of the society as a totality.

It is probably only through the meeting of the classes of society that such an evaluation can begin:

'Of course, the old difficulty is, and will be present, on which Socrates put his finger. The working class, he said, knew all sorts of fine things that other people did not, but because of that, they fancied that they knew all sorts of things which they did not know. But that is surely the case with all of us, and more or less, I suppose it always will be. To some extent, plainly, it must be. And it is no worse with them than with us.'

III.3 BOSANQUET'S PHILOSOPHY OF RIGHTS

In Bosanquet's general discussion of rights, as distinct from his treatment of rights in action, a demand for rights made by any citizen is based on his additions to the general welfare. Bosanquet here denies that the citizen enjoys a valid claim for rights purely on the basis of his being a person. In addition, Bosanquet does not view rights as based upon the claim that they are essential prerequisites for the fulfilment of personal potential.

'Rights are then claims recognised by the State, i.e. by Society acting as ultimate authority, to the maintenance of conditions favourable to the best life....This point of view is essential as a full contradiction of that uncritical conception by which rights are regarded as something with which the individual is invested in his aspect of isolation, and independently of his relation to the end. It...compels us to consider the whole State-maintained order in its connectedness as a single expression of a common good or will.'

Bosanquet's basic tenet on the question of rights, as outlined in this quotation, may be defended in three ways. In the first place, personal attributes may not form the basis of rights, since they are open to change by non-personal, non-private factors. The community determines the developmental structure of a great deal of these attributes within the limits set by the necessities of human nature. The community's ethical perspective, or its view of the general welfare, is the grounds for its specifying the attributes that the citizens need qua

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citizens. Because these attributes are determined by the community's decisions, they cannot be the single grounds of the organization of personal rights. Thus the community, because ultimately it takes these decisions, is the arbiter of the validity of the various demands for rights that the citizens make.

The same is true of the notion of fulfilment of potential. Because this notion is based on communal judgements, it may not act on its own as the grounds for any demand for rights. Secondly, the inherence of rights may not be argued for on the basis of the generality of rights (in other words, the acknowledgement by a great variety of communities of the same kinds of rights), since it may be claimed that such a generality betrays the shared features of those communities and not any inherent features of rights. Indeed, the natural rights theory does not readily accommodate the fact that there are differences between communities on the question of rights. A natural rights theory has to deny the importance of this phenomenon by arguing either that some states are unenlightened in not acknowledging particular rights, or that, though apparently different, states approach the issue of rights in similar ways. In either case, appeal cannot be made to the notion of the naturalness of rights alone. But it is indisputable that communities do vary greatly on this question, and this gives weight to the argument that rights are communally based.
According to Bosanquet, diversity should be taken as an excellent sign of the communal basis of rights. Indeed, that his political philosophy takes account of the explicit indications of variety can be viewed as one of its strengths. The third defence is to be found in Bosanquet's own words. If rights adhere to the citizen naturally, and if ethical considerations are superimposed on these rights, then morality is weakened since it is excluded from the basic aspects of human life to which rights pertain. The priority of rights to ethical standards, or to the determination of the general welfare, is tantamount to removing ethics from a significant part of the citizen's existence, because rights are a basic and pervasive element in that existence. For ethics to perform a crucial function in the citizen's existence, it must perform a decisive function in regard to the citizen's rights.

Therefore, anxiety about the function of ethics in personal and communal life must point to the rejection of the idea that rights are inherent and that ethical questions are secondary to them.

'The ground of the right to live..., is simply the recognition that life is a good; and if the positive element of this good is non-social, and only the negative is of social origin, and this alone is ethical, it seems clearly to follow that the making the most of life - its positive expansion and intensification - is excluded from the ethical aspects of individuality, and, indeed that the individual has no ethical aspect at all....'  

15 Ibid., pp.67-68.
These three claims defend that element of Bosanquet's system that rejects the idea that a person has entitlement to rights regardless of his participation in general welfare. They demonstrate that it is the citizen's function in the community and his potential contribution to the common good that buttress any demand for rights. Expressing the point in this way, however, makes it imperative that we now examine precisely what Bosanquet has in mind by the 'common good' as the overriding objective of a community.

I suggest that two alternative constructions may be put on Bosanquet's phrase. It might be interpreted to mean the benefits of which all citizens partake or the norms underpinning a community's broad objectives. One critical work interprets the phrase in the first way, as analogous to the model of substantive equality between citizens. This leads its authors to attack Bosanquet's system. They claim that it is a fact that some rights are justified even when they do not achieve 'an advantage in which every member of the community will have some share'. But this fact does not square with the definition of the 'common good' which they attribute to Bosanquet. The interpretation of the term as the aggregate of the good of all persons in the community necessitates a proof that the bestowing of a right does carry with it a benefit to each person.

Reality shows that rights may be warranted without carrying that benefit. Thus, we must either deny the justification of rights on the basis of the common good, or deny the significance of the empirical fact that points to the recognition of such unjustified rights. These two critics bow before the factual circumstances and claim that the idea of the common good may not act as the foundation of the validation of rights.

'They [Bosanquet and others] repudiated the classical theory of natural rights because, in divorcing the individual's interest from the community's good, it separated his claims from just that principle which would establish whether or not they were justified. Now it is not clear that all the rights we should consider justified could be defended in terms of a common good, if by that we mean an advantage in which every member of the community will have some share.'

This attack is founded on an employment of the phrase 'common good' that is at odds with Bosanquet's own meaning of it, and misrepresents his basic perceptions of community and of nature.

He means it to pertain to the objectives of the community and to its fundamental norms. This interpretation of the term is evident in passages in two different works by Bosanquet. The first occurs at the end of an examination of inequality:

'We have been brought by the consideration of justice to a plain statement of the problem which all social ideals must attempt to solve. There are individual rights, prima facie equal or tending to equality, and there is the imperative public good, enjoining functional differences with differences of equipment (what we call property)

17 Ibid., pp.112-113.
as their corollaries...so long as we think more of justice, good loses something of its unconsidering unity; while so long as we think more of good, individual rights lose something of their hard quality."18

He separates a pair of desirable ends - the citizen's entitlement to rights founded on the goal of egalitarianism, and the general welfare which can frequently necessitate the existence of different levels of income and status.

He puts forward a two-sided explanation of the incongruence of egalitarianism and the general welfare. In the first place, the intricacy of communities gives rise to the collapse of the straightforward laws which form the foundation of egalitarianism. In the second place, the 'high imperatives' of society, in other words, the urgent demands that arise in crises, force the neglect of simple equality.19 He holds that stress on the ideal of equality deprives the notion of the general welfare of its authority, while stress on the general welfare diminishes the strength of the ideal of equality. The central thrust of the words cited above is that the general or common good can be distinguished from the equality of rights that the persons in a community possess. The second piece of evidence for Bosanquet's understanding the 'common good' in the way in which I have argued occurs in his analysis of the character of community. Here too he is anxious to point to the difference between personal benefit and the common good.

'Society prima facie exists in the correlated dispositions by which a plurality of individual minds meets the need for covering the ground open to human nature, by division of labour in the fullest sense. But we have further pointed out that the true particularisation of the human universal does not necessarily coincide with the distinction between persons. The stress seems therefore, to lie on the attainment of the true particularisation, which does justice to the maximum of human capacity, rather than on the mere relations which arise between the members of a de facto plurality. Not that the presence of human nature in any individual does not constitute a claim that it shall be perfected in him, but that its perfecting must be judged by a criticism addressed to determining real capacities, and not by the accidental standard of a given plurality.'

He indicates that the prime objectives of community (the fulfilment of human potential and the fulfilment of the personal potential of each citizen) may clash, because human potentialities are not distributed evenly among all members of a community. He holds that the fulfilment of potentialities, which is a general good, should take priority over the fulfilment of each individual potential, which is a private good.

This latter view is congruent with Bosanquet's demand that the community take priority over the citizen, as it is by means of the community that the communal character of the citizen is formed. The social support necessary for actualizing the capacities that are unequally dispersed over individuals may be weakened if self-realization is the first goal of society. Thus the citizen's demand for personal fulfilment ought to be secondary to the objective of realizing the general welfare. From this it

is apparent that for Bosanquet the idea of the common good is not represented by the aggregate of all the benefits for all citizens. The concept of the common good is to be understood as support for human capacities generally. Taking account of the latter, or of the general good, is the condition for the building of an edifice of rights in a community.

He holds that the validation of rights through the idea of the common good (the latter interpreted as the aggregate of potentialities that have been dispersed unevenly) can produce a validation of rights that do not achieve the same benefits for every citizen. *Pace* Benn and Peters, his idea of the common good simply does not carry with it the acknowledgement of 'an advantage in which every member of the community will have some share'. These two critics concede that the 'common good' can be construed to mean communal instead of personal wellbeing. Such a construction would be similar to Bosanquet's use of the term 'common good' as the realization of human capacities rather than individual self-realization. But Benn and Peters also criticize this interpretation of the common good as a basis for the justification of individual rights. In their view, the community does recognize the rights of persons who do not seem to carry with them any return advantages for the general society.

'Neither is it clear that they [rights] must always be necessary conditions for the performance of a social function, however widely that phrase is interpreted. Even congenital idiots and condemned murderers might properly be said to possess some rights, though they make no contribution to any good
that others enjoy, and, on the contrary, impose on the rest of the community the burden of feeding, housing, serving, and guarding them. There seems to be meaning of some sort, therefore, in speaking of the rights of men, 'as men', as distinguished from their rights as members of a community.\(^1\)

But rather than shoring up an attack on the notion of the common good as the validation of rights, the cases to which Benn and Peters point reinforce Bosanquet's account. Benn and Peters assert that idiots and murderers 'might...be said to possess some rights' [emphasis added], thus admitting that they are not to be regarded as possessing all rights. It is precisely because rights belonging to these kinds of persons are limited or qualified by the community that we have an indication that those rights are not inherent in those persons qua persons.

Clearly, the rights of such persons are ended since their entitlement to them is decided communally. The rights that do adhere to them may be explained, in consonance with Bosanquet's view, as vestigial rights, that is, as remnants of a former claim, or on the ground that other persons have ties to them. Such explanations are acceptable to Bosanquet because circuitous advantages, by means of rights acknowledged by the community, play a significant role in the fostering of human potential. The acknowledgement of rights by the community, in Bosanquet's view, is housed in the state, which has administrative jurisdiction in the community.\(^2\) But this position is not one of total concentration on the state and its glorification and the concomitant

\(^1\) Benn and Peters, op.cit., p.113.
downgrading of the individual. Bosanquet's account is not hostile to the citizen's fulfilment of potential as one of the state's goals.

The acknowledgement of rights is decided by abilities to use them. The ability to fulfil personal potential decides the validity of a demand for rights. Bosanquet would have to deny that recognized rights would affect such a capacity, an assumption which is arguable. But, on the basis of this assumption, Bosanquet's views on the common good and individual self-realization are clear. The state's concern for the common good is tied to a concern for the individual's self-realization since it is through the individual that the common good is realized. Therefore the state's accountability for a citizen's future attributes and character is of fundamental importance to it. '...it is in these selves [individuals] that the end of the state is real, and it is by maintaining and regulating their claims to the removal of obstructions that the state is able to promote the end for which it exists.'

Moreover, because the state is concerned with what the citizen will become, it has to be concerned as well with the citizen as he exists now.

Laws and institutions have to reflect such an appreciation of the citizen's personal capacities - 'the restrictive influence of law and government, which are the measure of the restraint imposed, cannot be alien to the human nature which they restrict, and ought not to be set down as in their own nature antagonistic to liberty or to the making the most of the human

23 Ibid., p.188.
Unfortunately, Bosanquet never goes into any detail as to how these institutions are to provide such a reflection. The state's interest in the future fulfilment of the citizen's potential and his present abilities is not necessarily at odds with Bosanquet's opinion that the state is the setter-out and organizer of personal rights. These concerns may set the boundaries of the establishment of a structure of rights, but within these boundaries the state is the arbiter of the claim to rights. But Bosanquet does seem to be at odds with himself on this question of the state as the judge of rights, for he occasionally maintains that rights are inherent in the citizen as a person irrespective of their being acknowledged or not by the state. This latter account, that rights are inherent in the individual and not decided by acknowledgement by the state, I shall examine by considering two questions to which Bosanquet devotes quite some attention, namely, revolt and poverty. The question of revolt against, as opposed to fidelity to, the state is, of course, a traditional one for political theorists to consider, indicating as it does a thinker's position on the question of the precise nature of the state's relationship to the citizen, and vice versa.

On the other hand, the question of poverty, although by no means of traditional concern for political theorists to the same extent as obligation, is an entirely apposite one for Bosanquet to dwell on, for, from his perspective, it relates to the further question of social reform and flows directly from his account of the citizen. Moreover, the issue of poverty has a

24 Ibid., p.55.
special significance in Bosanquet's life because of his close association, over forty years, with the activities of the Charity Organisation Society. His views on poverty thus reflect his life-long opinions on the relation of the individual to society. On both these issues, revolt and poverty, he assumes that the state does not grant rights, but merely acknowledges and defends them so as to guarantee the citizen's ability to exercise ethical power. Such an account is seemingly at odds with the view of rights that I have already outlined, according to which rights are determined communally since they are fundamentally the means by which the citizen makes his addition to the common good. The possibility of reconciling the two views is accordingly the issue underlying my discussion in the next two sections.

III.4 ECONOMIC DISTRESS

Bosanquet's ambiguous views on the citizen and his rights is apparent in his account of economic distress. This account can best be appreciated by means of a prior examination of Bosanquet's views on philanthropy. He claims that the crucial thing about philanthropy is not the wish of the donor to give, but rather his attitude to the receiver. The object of charity is not the zeal of the donor for the amelioration of need; it is the effects of that charity on the basis of human nature. Philanthropy is warranted if it is bestowed in such a way as ultimately to allow the person who benefits from it to take part in the most complete way possible in communal life. He will be able to do this if those acts of charity directed at him enable him to surmount
his defects of personality and display his own ethical authority.

'The full modern conception of the poor as an institution, if they must be an institution, ought at least to avoid the pitfall of acquiescence. Granting the fire and love of the Christian mind to be a gain, yet its object must be brought into relation with the true meaning of a mind or a commonwealth. Devotion to man at his weakest must not be separated from devotion to the possibilities of man at his strongest - possibilities either existent or at least symbolised in the most unhappy of the functionless poor. Self-sacrifice for the poor should not mean tribute to the maintenance of a vicious status, but an abiding and pervading sense of the claims which the weaker humanity has to be made strong.'

He is antagonistic to 'acquiescence' in respect of the 'helpable poor', and he insists that full acknowledgement be made of the 'claims which the weaker humanity has to be made strong'. This account reflects the Charity Organisation Society doctrine that sympathy shown toward the poverty-stricken is inappropriate if it creates dependency. Philanthropy must be carried on with the aim of allowing the 'helpable poor' to attain, as soon as possible, the level at which the usual difficulties of daily life can be faced autonomously. Philanthropy has to have its own cessation as a goal, wherever possible. If it does not, then it casts doubt on the capacity of the poverty-stricken citizen to display ethical autonomy (or, indeed, endeavour). Such doubt effectively destroys its object.

Granted that Bosanquet allows an exception to this last set of claims - namely, the person who shows that he is not at all

25 Ibid., pp.297-298.
concerned with reaching autonomy and would rather spend his life receiving public welfare payments - nonetheless, given his account of charity, it is clear that the community ought not to consider philanthropy and economic distress as permanent phenomena, at least not as far as the 'helpable poor' are concerned. The community has an obligation to encourage those in need of support to overcome the barriers to a normal life. If the community does not do so, then it is not living up to 'the true meaning of a... commonwealth'. Clearly, Bosanquet is in this case placing personal rights prior to their acknowledgement by the state, and a closely-related view of the precedence of personal rights constitutes the foundation of his hostility to the idea of eradicating economic distress by means of some kind of collectivism.26

   Such hostility does not include opposition to employees' shared possession of the means of production,27 nor opposition to the state's management of big commercial and business enterprises, provided that the communal good requires it.28 But he holds that collectivism is unacceptable, for, by eradicating private property, it extinguishes the citizen's change of expanding his ethical autonomy. Private property is the objectification of a person's opinions, sentiments and wants, and is therefore

the means of his expression of his free choice.\textsuperscript{29} 'You must let
the individual make his will a reality in the conduct of his life,
in order that it may be possible for him consciously to entertain
the social purpose as a constituent of his will'.\textsuperscript{30} Therefore,
the chance of personal growth by means of private property is a
fundamental necessity that the community must guarantee.

It is apparent, then, that on the issue of economic
distress and its alleviation, Bosanquet seems to place the
personal rights of the citizen before their acknowledgement by
the state.

\textbf{III.5 REVOLT}

The foundation of the necessity of fidelity to a state
lies in the citizen's impetus towards a full life, towards the
fulfilment of his potential in concord with his fellows. Bosanquet
names the origin of this impetus the 'rational will'. Thus this
denotes for him the mind 'in itself' acting to attain a unified
life in harmony with the lives of others. The mind 'in itself'
is a different thing to the mind 'for itself'. The latter is
exhibited in the seeking after momentary wants which are not in
harmony with the wants of others. The existence of the rational
will thus has to be one of 'lateral unity',\textsuperscript{31} that is, the
existence of a person in harmony with his fellows. Because such
an existence is finally attainable solely inside, and by means

\begin{itemize}
\item \textsuperscript{29} Ibid.
\item \textsuperscript{30} Bosanquet, \textit{Civilisation}, p.330.
\item \textsuperscript{31} See Bosanquet, 'Do Finite Individuals Possess a Substantive
or an Adjectival Mode of Being?', \textit{Proceedings of the
Aristotelian Society}, n.s. XVII (1917-1918), 499.
\end{itemize}
of the assistance of, the state, the necessity of fidelity to the state derives fundamentally from the citizens' fidelity to their own reasoned wills.

Fidelity to the state, however, does not rule out revolt against it. Revolt is warranted against a deceptive state which pays mere lip-service to the protection of rights, and is thus clearly warranted in the face of a state which is utterly unconcerned with them. The validity of revolt rests on a superior obligation - 'the imperative obligation as we recognize it' - to the reasoned will. The state that provides the prerequisites for and protects the rights necessary for affirming the reasoned will is alone deserving of fidelity. Because the reasoned will is established within a person, he is plainly the final judge of the state's demand for his fidelity.

The citizen is therefore finally the adjudicator of the equity of the organization of rights inside a state.

'Any system of institutions which represents to us, on the whole, the conditions essential to affirming such a will, in objects of action such as to constitute a tolerably complete life, has an imperative claim upon our loyalty and obedience as the embodiment of our liberty. The only question that can arise is whether the system is that which it pretends to be. But even if rebellion is a duty, it can only be so because the imperative obligation, as we recognise it, is irreconcilable with the particular system which claims our obedience in its name.'

32 Bosanquet, State, p.139.
A similar deduction may be made from Bosanquet's view on revolt inside a legitimate state. Here he is mainly interested in stressing the prior worth of communal cohesion over personal rights.

A prior right is prior to communal stability provided that two criteria are satisfied. Firstly, there must be a necessity for producing discontent in the community for the sake of the right. Secondly, it must be unlikely that the right will be secured in a lawful way.

'To maintain a right against the State by force or disobedience is rebellion, and, in considering the duty of rebellion, we have to set the whole value of the existence of social order against the importance of the matter in which we think Society defective. There can hardly be a duty to rebellion in a state in which law can be altered by constitutional process.'33

The import of Bosanquet's words here is to limit the validity of making a claim, by revolt, for a personal right. He does, however, admit that there is a chance of revolt by stating that, 'there can hardly be a duty to rebellion...': the words 'duty to rebellion' hint that revolt is possible and may be validated.

That he does conceive of the chance of revolt gives rise to the view that, for Bosanquet, the citizen in the last analysis assumes precedence over the state. Perhaps it might further be claimed that Bosanquet's emphasis on communal stability is a verbal representation of his interest in the well-being of each person, inasmuch as stability must first be achieved if an

33 Ibid., p.199.
environment is to be created which is conducive to the realization of the complete life. Supposing, however, that we do not adopt such a position, then the citizen's priority over the state emerges sufficiently starkly from Bosanquet's notion of a duty to revolt. His account of revolt and fidelity is restricted to the reasoned validation of both impulses, which is, of course, a significant element of the problem. But because Bosanquet fails to deal with the rest of the elements that make up this problem - the role of outside pressures and extra-state environmental factors; the importance of individual rulers in fomenting revolt or encouraging fidelity; and fidelity to sub-state groups - his account of it remains incomplete. Indeed, even inside the boundaries that he establishes for himself, the failure to provide any account of the good life and of what is needed from the state for its achievement renders the account inadequate as a reasoned validation of these impulses.

His account of fidelity and revolt themselves is thus deficient. But from the point of view of this study, the short description given above of his position on revolt and fidelity is adequate, for it shows that each person is imbued with the right to rebel, a point which can be illuminated by the fact that the connection between these impulses is symmetrical. When a person is obliged to revolt, fidelity is no longer a consideration; similarly, when a person is obliged to obey, revolt is no longer a consideration. The personal duty of fidelity to the state has its source in the impulse of the reasoned will
towards fulfilment of potential without inconveniencing others. The state's superiority to the citizen may be validated on the grounds that it establishes and maintains the environment in which the reasoned will may fulfill its potential. If a state fails to establish and maintain such an environment, the demand of the reasoned will validates revolt.

The structural connection between the dual impulses shows that the right to revolt, as with the obligation of fidelity, hangs on personal adjudication. Because the demand of the reasoned will is fixed by each person, the right to revolt against the state is found in the citizen as well. Such an interpretation conflicts with the tenet that Bosanquet posits as the foundation of his philosophy of rights, namely, 'Rights are then claims recognised by the State, i.e. by society acting as ultimate authority...'. But in the above account of revolt, it was seen that the state does not bestow the right to revolt. Each person is imbued with such a right before any such decision by the state.

III.6 THE TWO ELEMENTS OF RIGHTS

The two problems on which I have concentrated - economic distress and revolt - indicate a common interpretation. For Bosanquet, a person's demands for rights are prior to their acknowledgement by the state. I need now to consider the degree to which such an interpretation is in harmony with his claims that a person's demands are inferior to those of communal well-being, and that communal acknowledgement produces rights.

34 Ibid., p.188.
Melvin Richter has pointed to this apparent inconsistency, but has not unravelled it. Its existence is accounted for, he says, in the competing philosophical pressures at work on Bosanquet.

'The Philosophical Theory of the State, in which Bosanquet assigns absolute value to the state, is clearly inconsistent with itself whenever there is any question of private property or charity. These constitute areas in which individual character becomes the overriding consideration for Bosanquet.'

On this account, the designation of 'absolute value to the state' ought to make Bosanquet support socialization of private property, and actions by states aimed at relieving economic distress.

But he did not support such developments, and Richter points to two reasons for this. The first lies in the influence of Green, who held personal rights to be autonomous goods alongside the communal good. The second factor was the influence of the Charity Organisation Society, which was a staunch defender of the propertied classes and a strong opponent of any social welfare legislation that might provide unearned benefits to the poor. The result of these two influences, according to Richter, was an unflinching emphasis on the maxim of private property and a zealous hostility to the amelioration of economic distress by means of state action. Richter's mistake here is to concentrate on the sources of Bosanquet's alleged inconsistency. The latter may be resolved if we draw a distinction between first-order and second-order elements of rights. The former designates those which are the necessary conditions for any

society, and the latter designates those which are subject to
the recognition of society and are shaped by its practices and
institutions. In first-order elements consists the very under­
standing of a person as an ethical creature: denying or inter­
fering with such elements brings about the dissipation of indiv­
iduals' abilities to live as ethical creatures.

Second-order elements pertain to the particular role
of an individual in his community: the character of the communal
structure and alterations to it can inhibit or possibly eliminate
such elements and yet not thereby change the individual's funda­
mental ethical potential. On particular questions of political
philosophy, Bosanquet wishes to delineate the function of per­
sonal ethical purpose, which, he holds, is a fundamental end of
all communal existence. In Bosanquet's theory, the individual
is the only vehicle for the achievement of his ethical life, and
he must be treated as a justified claimant to the absolute right
to pursue the objective of realizing himself ethically. Any
limit on his autonomous capacity for the realization of his
potential is tantamount to snuffing out personal ethical capacity,
which is the *sine qua non* of human community. Because communal
associations are based on the greatest ability to employ ethical
agency, a person's entitlement to that employment ought to enjoy
priority over the structures and customs of the community. Thus,
to review both the issues which reveal that rights are inherent
in a person is to note that in the two instances the crux of the
matter for Bosanquet is basic ethical potential.
In his account of revolt and fidelity, Bosanquet states that, 'Any system of institutions which represents to us, on the whole, the conditions essential to affording [the rational] will, in objects of action such as to constitute a tolerably complete life, has an imperative claim upon our loyalty and obedience as the embodiment of our liberty.' He is here focussing on the issue of the affirmation of a person's reasoned will. Such affirmation is a basic condition of the imperative of fidelity. Without an affirmation of a person's capacity to choose rationally, the obligation to be faithful is meaningless. Fidelity requires the recognition of the reasoned will, because the autonomous and free human will alone may be truly faithful. The entitlement to the recognition of his basic ethical capacity is thus vested in a person and is prior to state acknowledgement.

So the precedent right of the reasoned will validates revolt against a state that fails to acknowledge the existence of the reasoned human will. On the question of economic distress, Bosanquet addresses himself to the 'true meaning of a mind or a commonwealth', which, he holds, is 'devotion to the possibilities of man at his strongest'. This latter amounts to the employment of ethical power, and he thinks that this is the 'true meaning of a...commonwealth'. Since the community is a collectivity of ethical actors, to ignore ethical capacities is to adulterate the essential character of human communities. On the question of economic distress, therefore, as on that of revolt, when Bosanquet

36 Bosanquet, State, p.139.
examines the basis of ethical agency, he is examining an essential prerequisite of human communities. A like interest in a person's capacity for employing his fundamental ethical power lies at the heart of Bosanquet's antagonism to the idea of doing away with personal possessions.

He rejects the view that considers the right to personal possessions as irrelevant to a person's development and, indeed, as a hindrance to encouraging a communal ethic in a society. Instead, he considers personal possessions to be basic to the fulfilment of a person's potential, since what a person owns is the worldly expression of his inner will. The chance to identify with physical objects is essential for the growth and development of the will, in line with its purposes. Were personal possessions to be done away with, there could be no autonomous personal will. This does not imply that Bosanquet's support for the idea of personal possessions constitutes a validation of the accumulation of huge capital resources by a few individuals. He supports the idea of the ownership of the means of production by workers' co-operatives and, indeed, by the state itself, if the welfare of the community demands it.

He insists, however, that the citizen ought to enjoy the right to some personal possessions. The title to the physical conditions for life is an element of what being an autonomous actor means. It is by such means that a person moulds his will. Bosanquet does not say how great or small these means ought to be, and there could well be wide variations in interpretation as
to what he means to posit as a minimum amount. The central point, however, is his maxim that a person's right to some possessions precedes any communal determination. But in treating the question of rights he attacks a view that considers second-order elements of rights, connected to a particular role, as natural and inviolable. He claims that a person enjoys no inviolable title to second-order elements of rights.

He wishes, in fact, to attack any natural rights position according to which second-order elements of rights are inviolable. He indicates that a role needs conditions or rights for its fulfilment. The claim to such rights is validated by the common good, for roles support the communal structure. The community, in its capacity as the upholder of an arrangement that 'enables life to be lived' 37, must determine the scope of rights in relation to such a position. Because such rights are the essential prerequisites for the carrying out of a role (which is the manner in which the citizen contributes to the communal whole), they are imperative on the citizen and others. These rights are not of the first-order kind, since the citizen may fulfil his potential by means of an alternative role.

Thus, a person's claim to such second-order, role-connected elements of rights is not inviolate. Bosanquet speaks of rights as relative to role in this way:

37 Ibid., p.189.
'My place or position, then, and its incidents, so far as sanctioned by the State, constitute my rights, when thought of as something which I claim, or regard as powers instrumental to my purposes. A right thus regarded is not anything primary. It is a way of looking at certain conditions, which, by reason of their relation to the end of the whole as manifested in me, are imperative alike for me and for others.'  

Even in the account of role, however, a contrast is drawn between first- and second-order elements of rights. The rights connected to a specific role depend on communal choices, but the right to function, as such, which a person needs so that he may fulfil his potential and add to the general welfare, is a first-order element.

The latter is an essential prerequisite for the realization of the will, and, as such, an essential prerequisite for man's existence as an ethical actor. Bosanquet elaborates on the importance of role for the individual in this way:

'What comes first, we may say, is the position, the place or places, function or functions, determined by the nature of the best life as displayed in a certain community, and the capacity of the individual self for a unique contribution to that best life. Such places and functions are imperative; they are the fuller self in the particular person, and make up the particular person as he passes into the fuller self. His hold on this is his true will, in other words his apprehension of the general will.'  

He emphasizes that the assumption of the responsibility for a role is an essential prerequisite for ethical existence. The choice of a role is influenced, on the one hand, by the

38 Ibid., p.192.
39 Ibid., p.191.
requirements of society for most completely fulfilling its spirit ('best life') and, on the other hand, by the citizen's ability to enact it.

An appropriate role for the citizen would be one by means of which he contributed to the community and fully realized his potential. Through such a role the individual identifies with society and exercises his moral power. The individual will and the general will are linked through function. Obviously, a necessary condition for the assumption of a responsibility for a role is the opportunity for the individual to perform it. In this sense, the right to a role, as such, joins the other inalienable and indefeasible elements of rights that are related to moral capacity. These include the right to rebel against a hypocritical society which does not allow for the realization of the rational will, and the right to realize one's moral character. Such first-order elements of rights are inherent in a person since they are the conditions of human community.

Bosanquet's devotion to these basic elements of ethical capacity renders them prior to communal acknowledgement in his scheme. The dualistic character of the idea of role - that is, both first- and second-order elements of rights are apparent within it - can be seen as well in the notion of equality, when Bosanquet examines the problem of harmonizing the ideas of perfect and actual equity. He raises a dilemma - the tension between the need to treat individuals equally and the need to give precedence to inequality, at times, for the sake of the public good. The
latter can require the absence of equality either on account of distinctions between persons or to achieve political efficiency.

'In the first place, the claims of the individuals based on justice must be recognised in the structure of any social system which is to be satisfactory.... In the second place, it is quite impossible to avoid recognising that there are higher claims than that of simply justice to individuals as such, whether we find these in the transformation of a direct rule of similar treatment into Ideal Justice, or in those greater commands before which the individual repudiates his separate claims and even his separate being. Only it is necessary to remember that in order truly to sacrifice himself a man must first have possessed himself.'40

To deal with the dualistic character of equality, I need first to connect these words with my differentiation between first- and second-order elements of rights, bearing in mind that the major feature of the common good is its function as a standard according to which the validity of claims to personal rights may be assessed.

The common good is the standard according to which a decision is reached about recognizing these rights (because of their addition to the fulfilment of potentials), or rejecting them (and recognizing alternatives that bear on more potentials, or more important ones). This is exactly what Bosanquet says about 'higher claims'. These he defines as 'Ideal Justice', by which he means a more significant capacity; and as 'greater commands', by which he means political efficiency. In these circumstances, the demand for equal consideration may be rejected, because it pertains to second-order, role-oriented elements of rights. But there exists an additional element of the demand

40 Bosanquet, Ideals, pp.210-211.
for equal treatment. This is not just a demand for equal rights or roles, but constitutes the acknowledgement of a person's standing as a human person with an equal right to ethical self-fulfilment. It may therefore be considered as a first-order element, taking priority over any communal acknowledgement.

Bosanquet, in fact, has this in mind in the passage reproduced above when he states, 'Only it is necessary to remember that in order truly to sacrifice himself a man must first have possessed himself'. A sacrifice of second-order elements of rights may occur only when the person is an autonomous ethical actor who is able to perceive that sacrifice. Such autonomy is founded on the idea of equality, which therefore possesses a dualistic character: first-order vis-à-vis ethical character, second-order vis-à-vis role. This differentiation between the two elements of rights that I have pointed out on the questions of revolt, economic distress, role and equality points to a conclusion for Bosanquet's political theory along these lines - typically, rights exhibit a dualistic character: a first-order element pertains to the ethical character of a person, a second-order element pertains to a person's role in the community.

This contrast is crucial since it serves to bridge an apparent gulf in Bosanquet's account of rights and suggests that he is not as completely removed from the long line of individualist thinkers as many of his commentators have thought. Bosanquet's distinction, however, lies in his choosing not to
locate the responsibility for upholding rights with the individual. Let me conclude this section with a few brief comments on his approach to the task of defending the first-order elements of a person's rights. Bosanquet wishes to know who should be the final arbiter of whether or not the state does in fact take into account the fulfilment of a person's ethical potential. Secondly, he wishes to know how the state may be moved to improve a person's lot in circumstances in which it is uncertain as to whether or not the persons's rights allow his ethical potential to be fulfilled.

Such inquiries lead back to the problem of revolt, which is, after all, the most extreme means of seeking relief when every more moderate means has failed. Bosanquet's account of revolt is the precise locus of his answer to the question of the extent to which a person is charged with exercising and is able to exercise sway over the state in order to ensure that it continues to aim at achieving its core ends. We have noted that Bosanquet does not deny the possibility of revolt, but he is not concerned to demonstrate precisely what grounds are or would be valid grounds for revolt. There can be little doubt that his stress lies on a stable communal order. Bosanquet's political philosophy is geared to the constitutional states in which he regards the relief from possible negligence, oversight, or disdain for individual destiny, as amply provided for. Thus the question of revolt is for him less one of empirical likelihood than one of philosophical interest. He allows for its possibility, but clearly discounts its probability.
Moreover, he does not take into consideration the chance that legitimate, responsible states might once again take on their former despotic character, in which case revolt would be validated much more easily. In Bosanquet's opinion, the age of revolt, at least as far as Western civilization is concerned, is over. Although he denies that progress in human affairs will inevitably erase all evil, and agrees that it does not proceed forward in a linear fashion, he does regard it as a fairly certain characteristic of civilized life; 'The nature of consciousness in retaining the past as a basis for the future, together with its imperative demand for improvement, does make it fairly certain that man must tend on the whole to add to his moral and social achievements.' In the light of this thesis, it is apparent that a total or wholesale reversion to a more primitive order is not conceivable, according to Bosanquet. He allows for the possibility of retrogression on particular rights alone.

Presumably, then, given his basic hostility to the absence of order, we may conclude that he holds that particular retrogressions of this kind would still not validate the upsetting of a firm communal order. His account will not be agreeable to one who believes that the state in industrial society can be sufficiently iniquitous or despotic to make revolt justifiable. And it will not please someone who holds that each individual person is the best judge of his oppressed condition, nor one who seeks a radical solution, through a fulcrum beyond the

41 Ibid., p.299.
community, by which to ameliorate seemingly unalterable conditions of oppression. In a way, however, these are not criticisms of Bosanquet's account so much as clarifications of its limits. His account is one of stability rather than one of change. He may hold that a theory of change itself must in the final analysis make reference to the basic character of the community.

The desire for a radical change, Bosanquet may say, is never indicative of appeal to principles beyond those of a given community, but is merely a desire to restructure the community on the basis of those tenets that are at its heart. Bosanquet is, as we have seen, an advocate of the fulfilment of each person's ethical capacity, but such advocacy is indicative simply of his emphasis on the importance of selfhood and individual character. His commitment to ethical fulfilment does not move him to regard the individual as the repository of the rational wisdom necessary for the determination of whether or not individual claims to rights are sufficient for the attainment of a moral realization. I shall, in fact, show that such a basic absence of dependence on the reasonableness of the citizen is, in addition, fundamental to Bosanquet's account of community.

III.7 THE ENDS OF COMMUNITY

In the previous four sections, my account of Bosanquet's view of rights concentrated on the duty of the state to supply the environment for the maximization of the general good and for the fulfilment of the citizen's potential. My fundamental
interest lay in discovering if, for Bosanquet, the rights of the citizen are basic to him \textit{qua} human being or bestowed on him by the state. My answer was that, for Bosanquet, the citizen has under his purview elements of rights bearing on ethical autonomy, and the state has under its purview those elements of rights bearing on the carrying out of social roles. In this and the following two sections, I shall go on to elaborate upon the idea of social roles through an examination of Bosanquet's notion of the ends of a community. Such ends, he says, are ethical ends, broadly interpreted.

These ends refer to the general structure of human associational existence, not merely to the shape of the most equitable society. According to Bosanquet, the state acts as organizer of associational existence, and this is a crucial element of the basis of its claim to authority. In this section, I shall examine the attack on Bosanquet's ethical account of the state. We shall find that the attack is valid to a large extent inasmuch as Bosanquet falsely holds the state to be the single judge of the good embodied in the community's ends. I shall conclude the section by arguing that, notwithstanding these criticisms, Bosanquet's ethical account of the state is not without relevance to an analysis of the growth of the contemporary state. I shall begin the section by emphasizing again that an examination of Bosanquet's theory of rights highlights his view of a compact between the state and the citizen. An essential element of that compact is the state's acknowledgement of the personal ethical potency inherent in each citizen.
I have already indicated that the state's legitimacy and power are founded on its taking on the task of establishing and upholding the environment essential for the citizen's enjoyment of the fullest kind of existence. Loyalty to the state which is faithful to this purpose is thus based on the citizen's need for self-realization. According to Bosanquet, however, there exists a further element of the link between the state and the citizen, over and above the relationship of the two to the compact. He says that the state is, perhaps even pre-eminently, 'a working conception of life'. Thus, the very point of the state is to be an example to and adviser of the citizen in the various parts that he has to play in society. Such an account of the link between the citizen and the state hits on a central element of this link, in Bosanquet's opinion. The citizen, he says, seeks such advice from the state, notwithstanding the fact that, at the same time, he seeks to avoid coercive direction by the state. The state must not be a simple reflection of the citizen's wants; it must also direct each citizen towards self-realization. State actions in this respect may be few and very general, but they are crucial in the determination of each persons' life. The citizens' reliance upon the state results from the state's being the one means by which they may achieve a more complete fulfilment of their ethical potentials.

'Its [the state's] system is constantly reminding us of duties, from sanitation to the incidents of trusteeship, which we have not the least desire to neglect, but which we are either too ignorant or too indolent to carry out apart from instructions and authoritative suggestion. We profit at every turn by institutions, rules, traditions, researches, made by minds at their best, which, through State action are now in a form to operate as extensions of our own minds.'

Such an account of the state as an ethical director implies that the deeds of the state ought to be informed by an interest in the ethical development of the citizens.

According to Bosanquet, to take a perspective on politics as, say, a phenomenon derivative only of economic issues is to deny that politics has anything to do with the development of personality of even with ethics in general. Such an outlook, he says, fails to note a crucial element of communal existence. The economic and political injustices and inequities in any society require rectification, because they are unjust and because they deter the possibility of a truly human life. Restricting the activities of the state to just this area, however, means turning a blind eye to a central reason for the state's existence, namely, the ethical development of each person in society. This kind of restriction, moreover, can fail to achieve even its own relatively undemanding goals. If the emphasis in any community is only on the material conditions of life, and if there is no concern for the moral tone of social life, then the rectification of injustices and inequities is hampered, and the objectives of society may be subverted. It is

43 Ibid., p.142.
the degree to which individuals are imbued with moral purpose which determines the moral strength of society. The citizen's fidelity to ethical precepts guarantees that the unfair aspects of the community will be opposed and that the meeting of the community's ends will be made that much easier by correcting such instances of unfairness.

The very framework of the community can be eroded by an absence of ethical feeling in the citizens. Thus Bosanquet is at pains to emphasize the necessity of the state's concern for the community's ethical environment in order that the state is better able to achieve its aims. The function of the state as an ethical leader is a foundation of its supremacy as well as being essential to the achievement of its ends. Political power is legitimate when its ultimate goal is the advancement of the moral life of the individual. The state's right to rule can be based only on its responsibility to the individual's own drive to moral self-realization. Such rule can alone properly be called 'self-rule'.

The purpose of the communal framework - in a state that takes the citizen's ethical fulfilment as its final end - is to mould personal existence. The objective in the rectification of injustices and inequities in social institutions and practices is change in individual character. (But, again, Bosanquet does not provide those institutions with any kind of guidelines as to the manner in which they are to rectify these wrongs and thus meet this objective.) Underlying this objective
is the idea that the attitudes and beliefs of the individual are the most significant aspects of life in the state. At the same time, the attitudes and beliefs of the individual are also the most effective means of achieving this objective of the moral state. Since the citizens' persuasions and viewpoints already indicate the final design that the community seeks, development in individuals is by no means out of the question. The emphasis on the significance of those persuasions and viewpoints (already held by the citizen) in achieving the state's sought-after ethical ends indicates Bosanquet's belief that a feeling of an ethical role is unmistakable - even dominant - in the citizen.

Bosanquet holds that each citizen enjoys a clear conception of the general welfare. Indeed, he emphasizes that his view requires the belief that such a sense animates the members of the community. This belief regards the common elements of society and the bonds between groups as more dominant factors in the consciousness of the group's members than the differences between individuals or the divisions between groups. Bosanquet's assertion of the fundamental oneness of the community obliges him to reject the notion that material distinctions divide the community into basically discrete and/or hostile sections. But he does draw attention to the evil of class distinctions which are tied to accidents of birth and wealth, rather than to role

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and social logic, and he acknowledges the great moral necessity of a fairer apportionment of material goods.

He asserts, however, that the community cannot be neatly categorized into a small number of material groups. A great number of these groups exist and much evidence can be found of interaction between them leading to developments in each. Bosanquet does not deny that material distinctions hamper the development of communal concord. He holds, however, that the cohesiveness of society is sufficiently potent to overcome such distinctions, by virtue of the common bonds in the community.

It follows from Bosanquet's acknowledgement of class distinctions that the state's sovereignty is not founded on that body's flawless unity or on the unalloyed nature of its ends. Bosanquet points to the inherent defects that weaken the state in its role as a moral guide. Apart from anything else, an actual state does not constitute the fullest achievement of the good and the reasonable.

Moreover, because human nature is flawed, the state cannot ever bring off such an achievement. Indeed, even the utopian notion of a complete and coherent state is illusory.

46 Ibid., pp.293-294.
48 Ibid., p.298.
49 Ibid., pp.274-276.
51 Ibid., p.141.
So actual states are not flawless. Nonetheless, Bosanquet sees the state as the chief ethical agent in the citizens' lives. He believes that the actual state embodies a sufficient realization of the good to support the advance of the members of society to higher levels of self-realization. This belief is grounded on the identification of the good and the rational. It follows from such a compounding of the two that any state that is not fundamentally influenced and led by the good is flawed by inconsistencies.

These considerations are of central methodological importance for Bosanquet's account. He clearly wishes, like Green, to draw a distinction between states and the state. But the clarity and import of such a distinction are somewhat undermined by his failure to address himself properly to questions of administration. The reader may grant that Bosanquet demonstrates the moral dissimilarity of the two, but will still wish to know to what extent (or if) such a dissimilarity is reflected in the day-to-day workings of each - that is, in the carrying-out of ethical functions. Any state, the shared ends of which are not basically reasonable or virtuous, cannot survive, because - as in philosophy, so in reality - inconsistencies cannot stand.

The state's continuing existence, according to Bosanquet, indicates

52 Ibid., pp.268, 273.
its inner unity and its adherence to the good. On his account, the shared ends of the (admittedly flawed) state are sufficiently influenced by virtue for the state to act as the leader of the citizens' ethical development. However, Bosanquet's assertion that he views the state as not without flaws has been rejected by several of his readers. Hobhouse, for example, believes that Bosanquet's political theory requires the attribution of near perfection to the state. He claims to observe in Bosanquet's 'conservative' values and his stress on communal order the explanation of his failure to see community dangers and weaknesses.

A later writer, J.D. Bourn, concentrates his attention on what he claims Bosanquet's account necessitates, namely, a conception of a general will. He says that the theoretically flawless nature of the general will gives rise to an inconsistency, because Bosanquet perceives the general will as an empirical fact, the realization of which in the state is flawed. Superficially, each of these attacks fails. In view of Bosanquet's clear statements which underscore the defects of the state, it is apparent that he is not at all blind to the state's faults, as Hobhouse claims. Bourn's attack, too, fails as it stands, since,

55 Ibid.: 'The underlying explanation...is the fundamental conservation of the idealistic attitude'.
according to Bosanquet, a perfect conception of the general will is simply not possible.\textsuperscript{58} These lines of attack can be redrawn however, to indicate a genuine difficulty with Bosanquet's account.

Notwithstanding the fact that he concedes that the state can be flawed, Bosanquet takes it for granted that the shared ends of the state are a close enough approximation of virtue for those ends to act as ethical signposts. I have already stated that, for Bosanquet, a state's effectiveness points to such an identification, if it is assumed that the good and the rational are identical. But both assumptions, of a synonymity between the state's purpose and the good, and between the good and the rational, are questionable. The state's purpose may be evil (I am thinking here of the state which sets for itself the goal of domination by way of genocide, for example). Moreover, it is not self-evident that such a state (which, on Bosanquet's account, would be a state riddled with inconsistencies) must eventually collapse on account of its defects. In this regard, Bosanquet's assertions are a product not so much of proof as of optimism.

Social life, for Bosanquet, serves as a foundation, as a series of learnt yet unconsciously and habitually practised behaviour, which underlies the examination of the solution-to new problems.

'Social life is necessarily and increasingly constituted by adjustments which have become automatic, and are in a large measure withdrawn from public attention. The formation of such adjustments would then appear to be the condition of social progress. A definite habit of orderly action, which received the \textit{imprimatur} of the

\textsuperscript{58} Ibid., p.141.
state, and is thus put beyond the range of discussion, effects an economy of attention. The public mind is no longer preoccupied with it; it becomes part of the rationalised substructure of conscious life, and sub-serves the social end, while so far as it is concerned, setting free the social mind for new ideas.  

It is at this point that some support is provided for Hobhouse's charge of conservatism, but Bosanquet's 'conservatism', if such it be, is not without some measure of ambiguity. For while he lauds the automatic workings of society, he desires at the same time a constant criticism of the relations between institutions. His own theory of punishment, however, does seem to support the workings of a given system, and to strengthen the automatic channels which, through crime, have been thrown temporarily out of balance. Thus punishment, he says

'is not the furnishing of a new motive to make us do or omit, by the weighing of pains against pleasures, what otherwise we should have violently objected to doing or omitting. It is not essentially directed against intentional rebellion, and would not be rendered superfluous if all men became well-meaning. It is much more analogous to the start of pain which recalls to ourselves when an automatic activity has failed to be self-regulating. We stumble in walking and hurt our foot; we pull ourselves together, give full attention for a moment, and see that we were off the path....As long as an imperfect mind has to meet progressive requirements, and to maintain a complex activity in excess of its powers of attention, a system of such reminders will be essential to society.'


60 Ibid., p.247.
Here the burden is placed on the individual to meet the pre-established requirements of society.

The reminder always seems to refer to a given set of social regulations which have been disrupted. Punishment seems designed to right a wrong by resurrecting the given system of automatic responses. But while there is certainly a need to re-establish a working order, the working order which should be re-established surely need not be seen as synonymous with the pre-existing order. A crime should provide an opportunity not only to punish the individual and to reassert the principles and automatic workings of the establishment, but it should, if society is intelligent, be a chance to examine those things which have become automatic in order to understand whether or not they still meet the requirements of the time. There are situations in which even the criminal serves a social function, but Bosanquet's own treatment of this area is at best ambiguous.

The same ambiguity is found in his concept of the general will. It is never quite clear whether that will must subscribe to a given order of automatic relationships or whether the will itself involves a re-examination of those relationships. That is, when the particular will wills something which rests upon the assumed but unexamined institutions of the general society, does the fact that it implicitly wills these also actually give sanction to them? Is this what Bosanquet means by the general will? Or is it possible to have institutions which themselves give the lie to the general will?
Bosanquet certainly does not want completely to identify the general will with the given institutions of any particular moment. He wants this will to be part of a community which persists through all its moments and which, as a community, has a certain direction. But this does not answer the question: Is the general will to be identified completely with that direction, or can the direction itself give the lie to the general will? If the latter is the case, then by virtue of what do we say that the direction was faulty? There are times when Bosanquet sees the general will as strictly a philosophical tool of evaluation, a tool which comes on the scene only after the fact and then in retrospect evaluates these facts. Yet this does not really answer the question, for in virtue of what are these facts evaluated? Are there essential elements in the society which must be preserved in order for us to be able to say that the general will was present in a significant way?

In his too brief discussion of the institutions of society, Bosanquet appears to accept some of these institutions as unquestionably given, while he perceives the major need to be the understanding of the relationship of these institutions to each other. Whatever is perceived by Bosanquet to be an institution is also perceived by him to serve a real need and to have had a rational origin.
'The institutions, which as ethical ideas constitute mind, are, like a theory, attempts at unity in face of needs, pressures, facts and suggestions which arise in what we call our surroundings, and to each of which mind reveals a different quality.'

Bosanquet, in emphasizing the rational origin of institutions, does not ask whether the conditions under which these institutions have arisen still warrant their continuation. It might be said that the push of Bosanquet's conservatism and the corresponding conservative aspect of his general will arise insofar as he accepts Hegel's treatment of the developmental aspects of society, that is, insofar as he sees the state as the fulfilment of other institutions, such as the family. The confusion in most Hegelian thought, and this seems to be true of Bosanquet, comes in the confusion of a logical model with a temporal development.

It is never really clear whether the institutions which do provide the family with its fulfilment are, in fact, to be identified with institutions which call themselves states, or whether the model is a strictly logical one having no necessary existential reference. If the former is the case, then we have a right to accuse Bosanquet of identifying the general will with the acts of the society as over and against the perceived and actual will of the individual. If not, then the general will could indicate a will which might not ever be approached by a given society. The danger, of course, in viewing the state as

an ethical institution is the danger of seeing everything that is done in the name of the state as ethical. This is essentially the meaning of the charge of complacency that can be levelled against Bosanquet. It is only in dealing with this charge that we find out just what it means to call the state absolute and whether pluralism can find a place within such an absolute.

Bosanquet's treatment of the limitations of the state also contains a good deal of ambiguity. Much of this ambiguity centres around a distinction between those acts which are attributed to the state and those acts which are really acts of the state. It is around this distinction that the issue of complacency must be considered. Bosanquet is careful to note that state action cannot be judged by the same criteria as private action and that often a distinction must be made between acts performed by agents of the state and acts which are to be seen as truly acts of the state. If an act is an act of the state, it must be an act which is in accord with the general will of that state and not merely with the private will of its agent. Thus, if an agent of the state commits a breach of morality, even if that breach is conceived by him to be in the public interest, the blame is to be attributed to the agent and not to the state.

Now Bosanquet is really caught between two points of view. For, on the one hand, he sees the state as the condition for personal morality and thus existing outside the tests by which such morality is measured, a view which is similar to Machiavelli's Prince or Hobbes's Sovereign, givers of law but
not themselves subject to the law which they give. Yet, on the other hand, Bosanquet wants to avoid the conclusion that the state, as an expression of the public will, is, by virtue of that expression, either always moral or immune to any kind of test regarding its own behaviour. Part of this dilemma can be found in the following statement:

'The State, then, exists to promote good life, and what it does cannot be morally indifferent; but its actions cannot be identified with the deeds of its agent, or morally judged as private volitions are judged. Its acts proper are always public acts, and it cannot, as a State, act within the relations of private life in which organised morality exists. It has no determinate function in a larger community, but is itself the supreme community; the guardian of a whole moral world, but not a factor within an organised moral world. Moral relations presuppose an organised life; but such a life is only within the state, not in relations between the State and other communities.'

The point which Bosanquet is attempting to make is not that there is no way in which we may judge the action of the state, but rather that there is a distinction between the way in which we judge its action and the way in which we judge the private actions of its members. The major commitment of the state is to its own internal structure, to its own institutions and to the cause of the best life for its citizens.

To speak of the morality of the state in abstraction from these considerations is to view the state as an empty unit. For example, the state has the power to make treaties with and promises to other states, and, under normal conditions, it is bound to honour such commitments. It is important, however,

62 Ibid., p.302.
that it does not forget that its ultimate concern must lie with its own life, a life which includes the lives of all those who are citizens of that state. The greatest danger occurs when the agent of the state forgets this commitment, when he forgets the concrete events, institutions and people which go into the makeup of this state and insists on injecting his own moral ideas into the activity of the state. The question for each agent of the state must be 'to what is the state substantially bound, not to what extent he would be bound if he had made the promise or engagement in question in his private capacity?'

In this dilemma between the state as the condition of morality and the state as subject to some kind of criterion, it is extremely difficult for Bosanquet to think of an instance in which the state could be said to be immoral.

He does, however, struggle to find one such example and he suggests that

'The nearest approach which we can imagine to public immorality would be when the organs which act for the State, as such, exhibit in their public action, on its behalf, a narrow, selfish or brutal conception of the interests of the State as a whole, in which, so far as can be judged, public opinion at the time agrees. In such a case the State, as such, may really be said to be acting immorally, i.e. in contravention of its main duty to sustain the conditions of as much good life as possible. This case must be distinguished, if I am right, from the case in which the individuals, acting as the public authority, are corrupted in their

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63 Ibid., p.301.
own private interests not shared with the public. For then the case would rather be that the State, the organ of the public good, had not been given a chance to speak, but had simply been defrauded by those who spoke in its name.'

This is, it seems to me, a distinction born of desperation. It is a last-ditch effort so save his concept of the state from the charge of tautology. Yet it is a distinction which, in the light of Bosanquet's prior statements on public opinion, cannot be allowed. For just as Bosanquet sees the state as the expression of the real and the general will, so he distinguishes public opinion from both of these. Since the connection between the real and the general will has already been treated, it is sufficient to point out that, for Bosanquet, 'public opinion is a contradictory appearance in which the true exists as false' and that 'as public opinion thus combines truth and falsehood, the public cannot be in earnest with both, i.e. both cannot be its real will.'

The problem is actually a result of Bosanquet's attempt to weave back and forth between a normative and a descriptive concept, and this problem is to be found not only in his treatment of the state but also in his treatment of the general will. Bosanquet feels that, if the state is a descriptive concept, then there is a need to provide a measure for its activity, a measure which will diminish the charge that he has created a theory in

64 Ibid., pp.304-305.
65 Ibid., p.266.
66 Ibid.
which it is claimed that what the state does is right by virtue of its being a state. Yet the idea that the state is an embodiment of the general will and not of public opinion is a normative one, designed to give the state authority over the particular wills of its members. The unhappy marriage between these two has set the stage of Bosanquet's dilemma. He is constantly confusing both the state and the general will as descriptive concepts with them as normative ones. Thus at times it seems that what the state does must necessarily be an act of the general will and hence must be good.

Since the state is not to be identified with public opinion nor with the particular will of its agent, any act which is truly an act of the state can be seen as an act which is in accord with the general will. It is not always clear, however, whether such an act must be construed in a normative way, since it is not clear whether the general will is a descriptive or a normative concept. If the general will is a concept which describes an implicit and positive attitude towards a given set of social relations, then an act which is in accord with that will would support those relations. The status of those relations is, however, also ambiguous. Are they, themselves, the standard by which an act is to be judged as an act of the state and hence as good or are they to be subject to evaluation, and, if so, what is the standard by which they are to be evaluated? In his distinction between the act of a state and the act of its agent, Bosanquet has not really been true to his own principles.
He has created a dualism which cannot stand. Whether the agent be an elected, appointed or hereditary office-holder, he holds his office by virtue of the history and the institutions of his state. And while there are acts for which he must take the individual blame, one cannot separate him from these institutions or from this history. If the state, at its inception, had been infinitely wise, the crime would not have occurred. A state cannot, at the point at which one of its agents errs, separate itself from that agent and divorce itself from its share of guilt. It has educated the agent, chosen him and trained him, and, when he acts, he acts as a part of this total system, his history is its history and his act is its act.

This is what Bosanquet's entire philosophy has insisted upon and it is foolhardy to deny it when it comes to the state. One can, however, speak of actual states as realizing degrees of statehood, but these degrees are realized or not realized by the way in which both the state and its agents act. The problem is in the kind of guilt which the agent and the state experience and this certainly can be different. For while the need may be to punish the agent, it is also to reform the state. As a descriptive concept, as a concept dealing with actual states at actual times, with states which may err, just as individuals may err, there are very definite limitations placed on state action and these limitations are not just those which arise out of the nature of force. Thus Bosanquet's assertion of a synonymity between
virtue and the state's shared ends can serve as the foundation for a counter-claim that, in his theory, the state is seen as flawless.

But this does not overturn his opinion that the state ought to try to serve as an ethical leader of the citizens, or his claim that the sovereignty of the state is founded on its activities as just that kind of leader. The notion of the state as a moral guide most adequately captures Bosanquet's understanding of the nature of political unity, as a unity of purpose. For him, it is only when the state addresses itself to the moral advance of its citizens that it has a full claim to authority, since it is only through such concern that it is a manifestation of self-government. The criticism points only to the fallacy of identifying social purpose, as such, with the good. The virtuous nature of the state may not be brought out by its communal ends alone.

The applicability of his notion of the state as an ethical leader of the community, notwithstanding the community's wide range of particularistic societies, gives weight to Bosanquet's account. In spite of the vastness and diversity characteristic of the modern state, its evolution has brought it back to the conception of a close and wide-ranging involvement with the individual. The growth of the modern democratic state has been accompanied by a tremendous development of social legislation. Bosanquet's view of state-individual relationships has even more meaning for the twentieth-century state than for
the more *laissez-faire* state of the past. Indeed, he himself took account of this fact:

'State activity has bewilderingly increased and multiplied its shapes and organs. Though there are some things that the modern state, as compared with the ancient city, rules out of its purview, such as religion and fine art, yet on the whole it probably plays a greater part in life than the city-state in its prime; so much more is known today about desirable outward conditions; so many more claims for the regulation of outward life are publicly recognised.'

This does not deny, of course, that the growth of state involvement and of the apparatus of government constitutes a difficulty for the notion of the state as an ethical leader.

It may well be that the scale of that apparatus prevents or hampers the carrying-out of the ethical attitude of the state. The responsibility for the state's rules and regulations is in the hands of great numbers of civil servants who may lack understanding of the state's goals. In addition, local influences on the interpretation of these rules and regulations may sometimes be more determinative of the functioning of a bureaucracy than the thinking of the central government. (I have in mind here, for example, the fact that in the United States welfare programmes funded and directed by the state are carried out in vastly different ways in different localities.) But the potential problem posed by bureaucracy does not affect the central principle. The state, Bosanquet is committed to saying, must be

67 Ibid., p.xxxii.
self-critical in this regard, and it must constantly endeavour, through its educative efforts among civil servants, to secure even higher levels of adherence to the goal of creating a just and moral society. In general, it seems that the line of development of modern democratic communities gives weight to Bosanquet's argument that the state is accountable for the citizens' ethical leadership. The difficulties arising out of the immense burgeoning of contemporary states, as they bear on the ends of the community, seem not to detract from the core of Bosanquet's argument.

III.8 THE CITIZEN AND THE ENDS OF COMMUNITY

In this section, I shall examine in greater detail Bosanquet's view that it falls to the state to indicate to each citizen the correct path to the fulfilment of his ethical potential. I shall argue that, according to Bosanquet, while the state should be directed by ethical aims, it may not interfere directly with the private ethical existence of the citizen. I shall argue, further, that this view is congruent with Bosanquet's demand that the state not interfere with first-order elements of rights. I point to the impact of dynamic socio-economic circumstances on Bosanquet's views on social legislation in general and on the right to privacy in particular. According to Bosanquet, the ends of the community are achieved by means of the volition of each citizen. He gives this notion the title of 'moral socialism'.

68 Bosanquet, Civilisation, p.228.
He intends by this the idea that the citizen is interested in the common welfare, even at the same time as he is engaged in more egoistic activities. 69

Such an account is founded on a firm belief in the existence and potency of an ethical or communal element in such volition. It is a view which requires the state to allow the individual the opportunity to shape his own life by facing up to the difficult demands of finding a place in society by fulfilling a social want. The individual who assumes a function which fulfils the wants of society exercises freedom and realizes himself morally. The state must allow room for the individual to develop independently, and must inhibit the extension of its powers over the individual's life. Any unnecessary growth in the state's potency inhibits personal ethical potency and endangers a fundamental goal of the state, namely, the fulfilment of personal potential. 70 Bosanquet holds that state force does not assist in the ethical development of the citizen, because the state is unable to affect personal drives, or reasons for action, by means of force.

Furthermore, were the state to use its force to assist the citizen in his ethical existence, then it may achieve quite the contrary result to that which it intended. The exercise of state power in the individual's life undermines the individual's

69 Ibid., p.313.
70 Ibid.; also State, p.255.
moral power. This does not contradict what has been said about moral guidance by the state, for that notion does not involve the direction of individual moral decisions. It means that, with regard to its own decisions, the state must take into account the moral, as well as the economic, welfare of the individual. With regard to the actual decisions of the individual, the hands of the state are tied. In this respect, the state is aware of that which it desires but is unable directly to bring it about.

Bosanquet says that the community must establish the environment for the citizen's development and fulfilment of potential.

'Why not, it will be asked, hinder also unemployment by universal employment, overcrowding by universal house building, and immorality by punishing immoral and rewarding moral actions? Here comes the value of remembering that, according to our principle, State action is negative in its immediate bearing, though positive both in its actual doings and ultimate purpose. On every problem the question must recur, "Is the proposed measure bona fide confined to hindering a hindrance, or is it attempting direct promotion of the common good by force?" For it is to be borne in mind throughout that whatever acts are enforced are, so far as force operates, withdrawn from the higher life. The promotion of morality by force, for instance, is an absolute self-contradiction.'

Thus the state may not directly employ its force in order to compel the citizen to mould his existence along the lines of any pattern that it wants. In addition, the state must curb the extension of its powers in order to prevent indirect pressure to

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71 Bosanquet, State, pp.178-179.
conformity. This can happen when the state removes the hazards and pitfalls of daily life. To remove or reduce the stringent requirements of social demands and make things too easy for the individual defeats the objective of the individual's self-realization. On this basis, Bosanquet vigorously supported the hostility of the Charity Organisation Society to community projects aimed at carrying out roles that private persons themselves were perfectly capable of performing.

In Bosanquet's view, such an aim subverts the citizen's liberty to mould his life. To eliminate all difficulties is to bestow a harmful good on a human being. Such a being, Bosanquet avers, may develop only by overcoming challenges. This notion is basic to Bosanquet's system, but the manner of carrying it out is a product of communal circumstances. I have already noted in my discussion of the role of the state as a guide that Bosanquet acknowledges the fact that, in modern society, 'many more claims for the regulation of outward life are publicly recognised'. 72 He claims that the growing manufacturing and metropolitan intricacy of contemporary communities necessitates a growth in state protection of the citizen. This modification is evidence of the adaptable and non-static character of his political theory and is evidence against the claim that Bosanquet exhibits an inflexible neutrality towards the private person. 73

72 Ibid., p.xxxii.
Another modification of his views, however, can be detected as far as social welfare is concerned, and it is one which raises more serious - indeed, quite crucial - questions about Bosanquet's enterprise. Social welfare had grown with the Charity Organisation Society, and had been somewhat taken over by the state by the time of the First World War. Bosanquet saw its original association with volunteer agencies as necessary because he believed that the spirit of goodwill required in this kind of effort could be expected only in volunteer workers. An additional justification of his exclusion of the state is his general principle that the state ought to limit its direct intervention in the shaping of the individual's existence, since the extension of its role undercuts individual initiative. He himself, however, later pointed out a change of opinion, influenced by developing circumstances:

'We must not, I think, limit the spiritual meaning of the word charity by its technical usage for a particular class of institutions or for something incompatible with the service of the State. We must not deny the full spirit of charity to any who have not the full spirit of service. Our old terms - voluntary and volunteer - were perhaps a little misleading. We must not deny the heart of a volunteer to a man or women either because he is an official of the State or because he accepts from some other source a salary barely perhaps sufficient to keep body and soul together. Our war is teaching us this.'

But there is an important distinction between the growth of state activity in the area of welfare generally and

74 Bosanquet, Ideals, p.112.
such a growth in the area of social casework. This distinction is not only significant in itself, but is also of fundamental import for Bosanquet's account of the state. It is, as I shall now indicate, of direct relevance to Bosanquet's apparent attempt to restrict the scope of the state's activities. In particular, his acquiescence in and approval of social casework raises the issue of the right to privacy and casts serious doubt on the extent to which this attempt is successful. For these reasons, this issue needs to be explored at some length. The expansion of social welfare programmes balances those changes in modern social life which, because of their inordinate demands on the individual, call for compensatory support. The assumption by the state of functions previously reserved for the individual removes certain areas of possible individual self-realization, but does not directly impinge on the life of the individual. But the assumption of social casework by the state may directly involve it in the character rehabilitation of state dependents. This sort of direct state involvement seems to be contrary to Bosanquet's central principle that the state must never allow itself to be more than a 'hinderer of hindrances'. Indeed, social casework even by independent organizations may encourage the subverting of the citizen's respect for himself, since it cannot guarantee that the noblest of motives will always be supported by the ability to assist, say, an impoverished person along the path of fulfilling his potential.
That kind of motive can hide the attempt to shape the recipient of assistance along the lines of a previously formulated notion of desirable personal qualities. If the state undertakes social casework, supported by the complete range of state force, a basic issue seems to arise: Are the benefits of potential restoration greater or less than the disadvantages attendant upon infringements of privacy? There is a right to privacy, and it is made up of the following parts - the right to liberty of association; the necessity for a part of one's existence to be hidden from all but oneself; the right to keep the story of one's life to oneself; and the right to private eccentricities.

I propose to examine each part and to note the manner in which state involvement in casework is linked to it. I shall begin by asserting that perfect autonomy is a myth. Human life is unimaginable except as social, both for material and for cultural needs. Nevertheless, one of the distinguishing marks between an infantile and a mature status is a degree of independence. An invasion of privacy is, then, from this aspect, the undermining of independence. In a situation of willed and agreed-upon interference - in the case of parents and child, for example - the autonomy that is given up is probably outweighed by the goods flowing from that kind of particularly close relationship.

In a situation in which one party does not wish interference to occur, however, the right to select one's closest companions is subverted. The right to privacy from this aspect
is related to freedom of association, freedom of choice and the right to self-determination. To trespass on autonomy is, therefore, to trespass on liberty of selection. Moreover, the entitlement to decide which are one's other-directed hours and which are one's alone is a further concomitant of the right to privacy. This need expresses itself in the child's need to go off and create his own dream world, and in the adult's need to get away from everybody. We typically acknowledge this necessity for persons who are necessarily frequently in the public eye, but it is much more widespread than that.

Such types of privacy appear as essential for moral persons as protection from the elements or from hunger, and its absence can produce irrational actions in those suffering the deprivation. But the investigation into one's private existence by a caseworker leaves one's secret life in the hands of another. In such cases, the possibility arises that one's personality will be made less distinctive to the extent that this kind of invasion occurs. The necessity of privacy embraces the entitlement to refuse to reveal to others the elements of biography. One of the inherent ideas of human freedom is the ability to change. Assessments of personal worth and behaviour thus ought not to take into account one's history if it bears no relation to one's current circumstances and persuasions.

This is linked to the entitlement to be assessed as one currently presents oneself, and not account for any mistakes previously committed and undetectable in present behaviour and
personality. A person should have the right to control the divulgence of such biographical information. Where a situation justly requires the imparting of such information, the individual himself should have a part in determining this, as part of his right to independence. In addition, where the public good demands the disclosure of such confidences, a person has the right to know that it is reliable and will not be improperly used. But the idea of casework places the control of such biographical information in the hands of individuals whose confidences are not desired.

The fourth part of privacy is this. Privacy is linked to the entitlement to be free from the investigation and revelation of the various idiosyncracies which can be an element of a person's personal existence. While such eccentricities may be socially harmless and innocuous, their exposure tends to set an individual in a bad light. Our tolerance fades when we are faced with the accumulated eccentricities that are recounted about an individual. It is for this reason that, in our saner moments, we rightly look askance at the yellow journalism or valet memoirs that specialize in through-the-peephole revelations and reminiscences. Any individual exposed to casework probings is open to this kind of exposure. This is, of course, a different matter to the common welfare demanding some kind of interrogation or examination that quite accidentally exposes these kinds of data.

It can be seen from the last few paragraphs that the entitlement to privacy, as is the case with the other kinds of
rights previously discussed, possesses both first- and second-order parts. It is a first-order element where it relates to freedom of association, and perhaps even where it relates to some measures of secretiveness necessary to psychological health. It is a second-order element insofar as the right to the secrecy of one's history and one's eccentricities are concerned. These latter aspects, though important, may clearly be nullified where social need for the knowledge of the individual's life overrides his need and desire for hiding his imprudent past or personal oddities. The question is whether casework, when assumed by state agencies, does not equally impinge on the first-order elements of the need for and right to privacy. It appears that the chance of this is of such great moment, and the subverting of autonomy so genuine a likelihood, that the potential benefits to be won by transgressing on privacy might not be worthwhile at all.

Bosanquet's attitude towards social work reveals an administrative ethic that appears to be a result of his strong belief in the power of the state to do good. In spite of his general principle of self-limitation of the state's role, he allows unduly for state encroachment into private life. His account would have been less contradictory if he had viewed with mistrust the state's growing involvement in the field of social work. This particular difficulty, in the matter of the state's taking over social casework, is associated with a wider difficulty with his account of the link between the state and the citizen.
I have already noted that he does not provide the individual with the power to protect first-order elements of rights that, in principle, are not subject to social determination. I indicated, moreover, that the citizen's assertion of rights is made less strong as a result.

The example of social casework brings this out clearly. This is an instance of the state's interference with the citizen's first-order elements of rights, an interference which he is quite unable to stop. I concede that Bosanquet fails to bestow unequivocally upon the state authority over the citizen's first-order elements of rights. He believes that the spirit of society is the guide and deterrent of the state in its relations with the individual, and he views the state as the executive expression of the social and political will of society as a whole. But his faith in the ends of community and his reliance on those ends as a control mechanism over state policy is tantamount to investing the state with unlimited power. Furthermore, as I have already stated, in situations in which the ends of the community are not virtuous, the state will not only trespass on rights but also guide them towards morally undesirable objectives.

This is thus a further reflection of a central methodological weakness of Bosanquet's to which I have referred frequently. He is simply not disposed to examine the adequacy of an institution for a particular function but rather attempts a clear statement of what that function is. There are two
particular questions here which he fails to consider. The first is whether the stated function is merely a rationale for a continuation of the given power structure and thus a barrier to any kind of eventual unity of man with man. The second is whether present conditions demand that the function be placed in the hands of another institution. These failures often lead Bosanquet to accept certain institutions without asking whether, as conditions now exist, they can really carry out the function and purpose which they were designed to carry out. For example, his discussion of the 'neighbourhood' appears at times to be most provincial, resting on a very specific form of association.

It might be said that, even with these reservations, there is value to be gleaned in Bosanquet's treatment - that, even if the institutions which he cites are not the best ones to carry out a given function, it is still important to understand the function which needs to be carried out. But in his treatment of the state, Bosanquet often refers to it as 'the widest organisation which has the common experience necessary to form a common life', without providing a detailed examination of this kind of experience. Hegel's theory of the state does provide such an examination as he describes the movement from the family to the state and the development within this movement of a common, but initially unrecognized, experience. It is the breakup of the family and the conflicts that occur between families that ultimately lead to the unity that is the state. For Hegel, the movement from the family to civil society

75 Bosanquet, *State*, p.298.
is the movement from an internally self-related unit to a number of externally related units. The treatment is completely consistent with that of Bosanquet, but much more complete.

Bosanquet's constant allusion to a common experience must remain an empty one. Both the state and the general will are built upon the establishment of common means of satisfaction and upon a commitment on the part of its members to the maintenance and development of its means. The institutions themselves provide the conditions for an ethical life within the context of the state, a life in which each member devotes his sustained energy towards the caring of these institutions. Although it is sometimes difficult to calculate the devotion to these institutions in normal times, intensity of feeling and devotion often become obvious when they are threatened by an external force. Thus, if war is not, as Hegel has suggested it is, an ethical encounter, it does serve as an indication of the significance of the institutions of the state and of the underlying feelings that support those institutions. Bosanquet's concept of a man's station suggests these feelings together with the means by which a man can contribute to the institutions which are the objects of such feelings.

But his account of the communal ethic as the origin of guidance and authority over the state does not give the citizen adequate guarantees against state force. My examination of Bosanquet's altered opinion in the matter of the duty to administer social casework revealed a difficulty with alterations
to public policy as a result of circumstances altering. I noted that his theory lacks a mechanism for evaluating the direction of the development of community ends, and places too great a reliance on the innate wisdom of the social spirit. This problem is related to the question of the development of the general will in the face of new challenges. In the example of social casework, my analysis has revealed that Bosanquet would have been better advised to adhere to his principle of non-involvement in the moral life of the individual. While this is stated to be the foundation of public policy as far as the single citizen is concerned, I shall argue in the following section that, as far as sub-social organizations are concerned, the state's function as ethical leader and upholder of its especial ends is much less indirect and passive.

III.9 THE STATE AND OTHER ORGANIZATIONS

In this section I shall examine Bosanquet's account of the state's functions compared with those of other social groupings. I shall argue that, for Bosanquet, the state is an indicator of the ethical good in an additional way to those already described, namely, by means of its crucial importance for the lesser social groupings that come within its ambit. In Bosanquet's account, the state plays an unceasing role as the guardian of the especial ethical life of its community. Here, too, Bosanquet interprets 'ethical' very widely. As previously noted, for Bosanquet the state leads the citizen with as little direct trespassing on his life as possible.
This kind of state leadership, however, is essential as far as sub-societal groups inside the state are concerned. Here Bosanquet has in mind schools and colleges, households, churches and sects and associations based on employment. All these associations contribute to the moral life of society, but society contributes importantly to their moral life. This is achieved by the support, direction and criticism of these associations. The influence that the state enjoys on such groups assists in moulding the ethical development of the citizen.

'The State, it might be said, is thus conceived as the operative criticism of all institutions - the modification and adjustment by which they are capable of playing a rational part in the object of the human will. As exclusive objects, they are prey to stagnation and disease - think of the temper which lives solely for the family or solely for the church; it is only as taken up into the movement and circulation of the State that they are living spiritual beings.'

A fundamental duty of the state in the existence of such groups is the weighing of their conflicting demands upon the citizen, and the conciliation of their competing demands for communal acknowledgement and goods. Such a resolution of opposing demands guarantees the uninterrupted development of the community and adds to ethical progress.77

Such ethical development takes place because the foundation of the cessation of hostilities between competing interests is the cohesiveness of the communal experience. The

76 Ibid., p.140.
77 Ibid., pp.172-173.
state, in determining the rights of institutions, draws on the common purpose for guidance in its decisions, and expands the meaning of that purpose by applying it to new situations. The adjudicative role of the state is, therefore, a prime method by which the state exercises its role as a moral guide. Tangentially, it is clear that the role of adjudicator within society can reside only in a single power, for otherwise there may be conflicting judgements. Thus, in order to inhibit the clash of differing fidelities, both organizations and persons should ultimately feel fidelity towards just a single state. The state, as it carries out its duty as harmonizer of sub-societal groupings, sets up the boundaries of operation of such groupings.

Is Bosanquet right, however, in asserting that carrying out this duty is crucial in the existence of those groupings? Naturally, in times of deep crisis, the state's purposes are manifestly compelling. But he does not delimit the state's role to such periods. The question is whether the significance of having a duty to serve as an arbiter should be equated with the substantive activity of associations. The interest group, the professional association or the religious group may have a longer history and a wider geographical reach than the state itself. Thus some persons hold that the state's additions to the existence of sub-societal organizations is comparatively minor.

One very well known example of this opinion is provided by J.N. Figgis:
'As a fact it is as a series of groups that our social life presents itself, all having some of the qualities of public law and most of them showing clear signs of their own, inherent and not derived from the concessions of the State. The State may recognise and guarantee...the life of these societies - the family, the club, the union, the college, the church; but it no more creates life than it creates [the] individual, though it orders his birth to be registered.'

Such a division seems a sensible one, but it is one that, regrettably or not, ignores the facts of social life. The very function of a group derives life from the social setting, for even a social group like the family, which in its general form transcends national boundaries, is affected by the character of the state. The relationships within families in different societies vary, in part, because they reflect the dissimilar values of their respective societies. Furthermore, the state does actively intervene in the substantive life of associations. Whatever judgement we may make of such intervention, this seems to be to be the simple fact of the matter. The state sets up the range of a group's activities, in some cases by means of not interfering with those activities, in other cases by means of laws relating to taxation or which limit such activities through the issue of permits or alternative regulatory processes.

The state involves itself in the existence of an association to alter its regulations if there is a widespread

communal demand for it so to intervene; if rival associations call for it; or when individuals within the association itself seek such intervention. This kind of action by one or more of the arms of the state - typically it is carried out by the legislature and/or by the courts - can deal with peripheral matters of the group's life, but often too with central issues that redirect the thrust of the group life. This kind of intervention can mean the end of a particular kind of association and the emergence of an alternative to confront an altered world, and the community itself can take on an altered structure as a product of changes to such regulations. Thus the assertion made by Figgis that the existence of groups is somehow 'inherent' and not 'derived' from the state is not an accurate account of the actual link between sub-societal groupings and the state. The latter, for better or for worse, does not merely provide conditions which allow secondary associations to pursue their interests. In addition, it carries out its function of establishing and upholding associational life.

The state formulates and revises rules for associations within its boundaries. It is not merely the arbiter which interprets or judges according to given rules. The state's intervention may be felt only after the passage of time, but its influence is fundamental in the social life within its territory. Bosanquet is therefore correct in his view that the common purpose underlying the social structure will directly affect and shape the
secondary group's life and consequently the life of the individual within the state.

The relations of the state with secondary social groups and with individuals are determined by the ends of the community. The state ought to endeavour to ensure that 'the unity of experience which is demanded by effective self-government',\(^\text{79}\) will guide the life of the secondary associations and individuals.

III.10 SUMMARY

For Bosanquet, the state is the total working system to which social groups contribute. It uses its authority to achieve an end, namely, the best life for its members. One of its major tasks is to establish the conditions which will give particular groups the means and the opportunity to adjust their own differences. Because men cannot always agree either upon an action or upon a time to take action, there is a need for the institutionalized channels of the state through which decisions can be made. But the absoluteness of the state is limited to the function of removing hindrances. The acknowledgment of rights by the community is housed in the state, which has administrative jurisdiction in the community, but Bosanquet's account is not hostile to the citizen's fulfilment of his potential as one of the state's goals.

Moreover, because the state is concerned with what the citizen will become, it has to be concerned as well with the citizen as he exists now. The state must both exhibit a fundamental interest in the future fulfilment of the citizen's potential and his present abilities, and set out and organize personal rights. On the question of poverty, Bosanquet holds that the state has an obligation to encourage those in need of support to overcome the barriers to a normal life. On the question of political obligation, he holds that, because a person's living in harmony with his fellows is possible only with the assistance of the state, the necessity of fidelity to the state derives fundamentally from the citizens' fidelity to their own reasoned wills. The state that provides the prerequisites for and protects the rights necessary for affirming the reasoned will is alone deserving of fidelity. Bosanquet's account of revolt is the precise locus of his answer to the question of the extent to which a person is charged with exercising and is able to exercise sway over the state in order to ensure that it continues to aim at achieving its core ends.

Thus the citizen has under his purview rights bearing on ethical autonomy and the state has under its purview those rights bearing on the carrying out of social roles. The state acts as organizer of associational existence, and this is a crucial element of the basis of its claim to authority. The very point of the state is to be an example to and adviser of the citizen in the various parts that he has to play in society.
The state must not be a simple reflection of the citizen's wants; it must also direct each citizen towards self-realization. Restricting the activities of the state to the area of rectifying economic injustices means turning a blind eye to a central reason for the state's existence, namely, the ethical development of each person in society.

The function of the state as an ethical leader is a foundation of its supremacy as well as being essential to the achievement of its ends. At the same time, the attitudes and beliefs of the individual are also the most effective means of achieving this objective of the moral state. Actual states embody a sufficient realization of the good to support the advance of the members of society to higher levels of self-realization. Any state, the shared ends of which are not basically reasonable or virtuous, cannot survive, because - as in philosophy, so in reality - inconsistencies cannot stand. The state must be self-critical and it must constantly endeavour, through its educative efforts among civil servants, to secure even higher levels of adherence to the goal of creating a just and moral society. But while the state must be directed by ethical aims, it may not interfere directly with the private ethical existence of the citizen.

With regard to its own decisions, the state must take into account the moral, as well as the economic, welfare of the individual, but with regard to the actual decisions of the individual, the hands of the state are tied. In addition, the
state must curb the extension of its powers in order to prevent indirect pressure to conformity. Bosanquet seeks to make this point congruent with his acknowledgement that the growing manufacturing and metropolitan intricacy of contemporary communities necessitates a growth in state protection of the citizen. He believes that the spirit of society is the guide and deterrent of the state in its relations with the individual, and he holds that the state is obliged to be the executive expression of the social and political will of society as a whole.

There are several difficulties with Bosanquet's account of the state. His account of revolt against and fidelity to the state is restricted to the reasoned validation of both impulses and is thus incomplete. And even inside this boundary, his failure to provide any account of the good life and of what is needed from the state for its achievement renders his account inadequate as a reasoned validation of these impulses. He does not take into consideration the chance that legitimate, responsible states might once again take on their former despotic character, in which case revolt would be validated much more easily. His account is one of presumed stability rather than possible change. It rests on two assumptions - one of a synonymity between the state's purpose and the good; the other of a synonymity between the good and the rational - and both are questionable.

Bosanquet desires a constant criticism of the relations between institutions, but elements of his own system, such as his treatment of punishment, seem to support the workings of a given
system and to strengthen the automatic channels at the state's disposal. It is never quite clear whether the general will must subscribe to a given order of automatic relationships or whether the will itself involves a re-examination of those relationships. It is never clear whether there are essential elements in society which must be preserved in order for us to be able to say that the general will was present in a significant way. Bosanquet, in emphasizing the rational origin of institutions, is not inclined to ask whether the conditions under which these institutions have arisen still warrant their continuation. The danger inherent in his viewing the state as an ethical institution is the danger of seeing everything that is done in the name of the state as ethical. In fact, Bosanquet constantly confuses both the state and the general will as descriptive concepts with them as normative ones.

He fails to disprove the claim that a state cannot, when one of its agents errs, separate itself from that agent and divorce itself from its share of guilt. His assertion of a synonymity between virtue and the state's shared ends can serve as the foundation for a counter-claim that, in his theory, the state is seen as flawless. In spite of his general principle of self-limitation of the state's role, he allows unduly for state encroachment into private life. His faith in the ends of community and his reliance on those ends as a control mechanism over state policy is tantamount to investing the state with unlimited power. He often accepts certain institutions without
asking whether, as conditions now exist, they can really fulfil the purpose for which they were designed. In his treatment of the state, he often refers to it as the widest organization which has the 'common experience' necessary to form a common life, but he does not provide a detailed examination of this kind of experience.

It is clear that the state theories of Green and Bosanquet exhibit both different emphases and different ranges. Green's stress is on rights and the common good, Bosanquet's is on the ends of community, ends which crucially involve the fulfilment of the ethical potential of each individual. Indeed, Bosanquet (not always successfully) seeks much more than does Green to concern himself with questions of individuality. In terms of the range of each thinker's state theory, for Green the state's fundamental *raison d'être* is as the most appropriate institution for the more complete and harmonious maintenance of the rights of its members; for Bosanquet, the state exists primarily to make easier the task of achieving the ends of community. Possibly because of this difference of range - and, to a lesser extent, because of the difference on emphasis - Green's theory of the state seems to be less vulnerable to attack than does Bosanquet's. It presents a smaller target than does Bosanquet's and thus exposes fewer weaknesses.

But both thinkers insist on the positive duty of the state to perform the different tasks in which they are interested. Although, as mentioned below, their languages differ in other
respects, they are noticeably similar in their prescriptive account of state activity - the tendency to speak of what the state 'must' or 'ought to' do is as pronounced in the one man as it is in the other. On the specific question of rights, the locus of identification of rights is less clearcut in Bosanquet - whose account of rights is best understood in terms of first- and second-order elements of rights - than in Green, for whom rights are identified by the elements of the state apparatus. Moreover, Bosanquet's approach to rights in terms of first- and second-order elements renders his understanding of rights broader than Green's more strictly statutory one. Finally, Bosanquet's terminology is typically less ethically neutral than is Green's. Green's central concept of the 'common good' is most accurately understood in a non-ethical way. Bosanquet's ethical commitment is apparent throughout his theory of the state.
CHAPTER IV

IV.1 INTRODUCTION

Although it was Hobhouse's aim to have his political theory serve, ultimately, as a guide to reform, he never tried to identify the precise elements of reform in the same way as a natural scientist can confidently predict the result of the meeting of two different elements. Rather, Hobhouse attempted to direct - or, at least, influence - social and political change in a manner not unlike a craftsman's indicating to his apprentice the fundamental skills and equipment essential for the successful pursuit of his trade. For Hobhouse, the politician is the apprentice to whom most attention needs to be devoted. In all his political writings, he views the politician as the basic element of all behaviour and activity in politics. Hobhouse attempted, above all, to identify the craft of the democratic politician and to supply him with the necessary equipment for building what, for Hobhouse, would be a more progressive and humane community than those of his own era.

His conception of the right kind of politician is of one who manages to steer the ship of state between the equally dangerous shoals of dogma and convenience. A reforming politician must hold beliefs, but he must not hold them in such a way that they blur his perception of reality and lead him to take
impractical positions. At the same time, rigid dependence on the notion of consensus will achieve equally unfortunate results. What such a notion means, in practice, is extremely difficult to determine - although social advance and education might marginally clarify its outline - but it is highly unlikely to be of any real use to those who must make difficult and complex decisions of state. The reforming politician requires a coherent set of beliefs, the practical content and implications of which are not difficult to define and which is not employed as a blueprint for the achievement of some utopia. Hobhouse set himself the task of providing such a set for reforming politicians. In so doing, he established three notions - liberty, rights and the state - as crucial to that task.

Hobhouse wishes to establish a particularly intimate connection between the first and third of these. Accordingly, the student of his account of the third must pay due regard to the fact that, for Hobhouse, its context is the first. That is to say, for Hobhouse, the state is 'about' liberty. We shall see that the kind of state that he advocates falls some way short of its seeming aim of maximizing liberty, but, for now, it is important simply to note that it is impossible adequately to treat of the details of Hobhouse's account of the state without first considering the details and difficulties of his account of liberty. He believes that the new fabric of the civic state is a community resting on freedom, and has been built primarily under the inspiration of liberal ideas. Historically,
in fact, the very essence of liberalism (the tradition in which Hobhouse firmly places himself) has been a struggle for liberty.

The modern democratic state must have at its core the impulse to preserve civil liberty. The central task which Hobhouse sets himself in his political theory is the creation of a state which will be a true community with no outcast or disinherited liberties. Liberty consists in the freedom to act. Thus, for Hobhouse, this conception is by no means antithetical to liberty. Each individual in the modern liberal-democratic state enjoys greater freedom than any of his forebears.

The modern state is higher than that of the Middle Ages or antiquity because it allows a more thorough freedom, because of the range of liberties that it embraces: liberty of conscience, of expression, of worship, and personal liberty as against arbitrary government. Democracy alone is acceptable as the political programme of a social philosophy which discovers in the free and general development of character and intellect the foundation of common good and the substance of human progress. We shall note that Hobhouse is not consistent in his identification of particular forms of the state with the preservation and extension of liberty, especially as he becomes more pluralist in his outlook. Nonetheless, his thinking about liberty is ever at the very core of his thinking about the state, as will be apparent throughout the second half of this chapter. Thus, any difficulties with his account of liberty that are revealed in the first half of the chapter will have fundamental implications for his account of the state.
I shall in this chapter deal with the three notions of liberty, rights and the state. I shall attempt to indicate their content for Hobhouse, and the philosophical tasks that he seeks to make them perform, and I shall try to indicate some of the weaknesses of his analysis in these respects. In the first half of the chapter, I shall examine the notions of 'liberty' and 'rights', and shall attempt to mark out the speculative fabric of each.

In section 2, I indicate the various ways in which Hobhouse seeks to use the terms 'liberty' and 'freedom' (the terms are, for him, interchangeable). I argue that his employment of them is not free of confusion. In particular, I indicate the ways in which his central proposition, 'If a society is free, then it is harmonious', is a tautology. In section 3 I show that personal liberty is directly connected to Hobhouse's structure of rights. Any particular freedom, when viewed as ethically sacrosanct, forms a right. When one thinks of each sacrosanct domain of each individual's doings, one may speak of a structure of rights. So that we can speed up social advance by means of purposive deeds, we require a rights-structure that functions extensively as a structure of freedoms. In section 4 I address myself to the issue of precisely how Hobhouse's claims that ethical freedom demands 'freedoms' and that 'freedoms' necessitate a structure of shared checks should be understood. Hobhouse's basic difficulty here is that his view of persons as deterministic organisms is contrary to his view that they might, regardless
of circumstances, be self-determined organisms in the simplest sense of that term. I conclude that the notion of ethical liberty appears to serve little purpose in the attempt to grasp what he intended by emphasizing that a person is able, without restraint, to act badly. But a different and more plausible notion of liberty - attuned to Hobhouse's account of the state - can be inferred in his writings. It is one which means, not ethical liberty, but individuals' actual decisions or spectrum of decisions in particular circumstances. On this account, people enjoy a specific liberty to decide upon A or B, irrespective of the value of the deed, or the character of their impulses, so long as they are not under duress.

In the second half of the chapter, I attempt to outline which freedoms, for Hobhouse, go to make up the rights-structure and what the function of the state is in bringing them about. In section 5, I indicate that he has a conception of a 'civic state', which is to be found in the final phase of political evolution. Here, individuals enjoy real liberty. According to Hobhouse's increasingly pluralist account of the state, an individual shows fidelity to several phenomena and arrangements within the community, of which the state is but one. But the individual's essence is to be found in the context given him by the state: the state represents nationality's inexorable progress, and is the exhibition of the community's harmony of will. In section 6, I outline Hobhouse's prescriptions for state activity in the same manner as he does, namely, by setting out his views
of the accounts of his liberal predecessors on the same subject. Hobhouse claims that freedom of one person in one respect may require that the state coerce another in the same or some other respects. But the use of coercion by the state is justified only in those instances in which the nonconformity of one person blocks the common purpose of others. In the final analysis, no single criterion of state action can be formulated. For guidance we must look ultimately to the set of principles which define the system of rights.

IV.2 VARIETIES OF LIBERTY

Only a small number of significant notions in men's intercourse induce so great a degree of difficulty as 'liberty' or 'freedom'. I shall in this section show that Hobhouse's employment of these concepts does not escape a similar judgement. Hobhouse begins quite intelligibly and plainly as he describes how these words are employed as related to material organisms. He writes: 'In the purely physical world, ordinary thought recognises this contrast between freedom and restraint'. A lever rotates 'freely' from its axis; matter, under the influence of gravity, descends 'freely'; oscillators sway 'freely'; etc. When some hindrance is placed in the path of an object descending without restraint to the ground, then the object's movement becomes restricted or inhibited. But notwithstanding the fact

that 'the body is free to fall,...it is not free to remain sus-
pended in mid-air'. The liberty of the body, therefore, is subject to exterior pressures. To revert to the object descending without restraint, gravity brings to bear a tremendous force. Although a person refers to the descending or swinging or rotating object as 'free', in fact he has in mind that its movement's determinants are to be found inside the organism to which it belongs. He speaks of obstruction or hindrance only if an outside pressure interposes itself.

It is possible, therefore, to regard the 'liberty of the organism' consideration in alternative lights. It may be regarded as a quality that is dependent on the given of autonomy or on the non-existence of outside hindrance. Ultimately, however, the alternative types of explanation amount to one and the same thing, since the utterly autonomous organism is, it follows, utterly uncircumscribed by outside pressures. 'We thus arrive even in the physical world at a positive conception of freedom which precisely matches the negative', says Hobhouse. He concedes that the entire cosmos alone may be viewed as an utterly autonomous organism. Each fractional organism is contingent upon outside causes and thus upon moderation. As far as the doings of animate beings (and particularly of men) are concerned, he is confident that the identical purport is intended for 'liberty' and 'freedom'  

3 Ibid.
as for physical matter. A person is at liberty insofar as he is influenced solely by intrinsic sources. Insofar as outside pressures determine his doings, he is confined. To this stage of Hobhouse's analysis, the discussion is tolerably uncomplicated. He has merely replaced the doings of azoic objects with the doings of human beings. But, from this point, Hobhouse starts to muddy these clear waters.

As far as human beings are concerned, it seems that circumscription from without is actually different to hindrance from without. When I notice a flower and stoop to pluck it, the flower 'does not constrain me', notwithstanding the fact that it is associated causally with my deed. Instead, 'it suggests an experience, and the fact that I think of that experience as pleasing is a circumstance of my inner nature'. But, when I have already enjoyed that experience in the past, I may, so long as I am at liberty, decide to stoop and pluck the bloom or not. It is not circumscription qua circumscription, therefore, that is crucial, but a kind of near-circumscription. That is difficult enough, but yet another intricacy exists. Hobhouse states that the business of autonomy, as well, should not be regarded very gravely, since 'a man may be set free from all external restraint only to find himself the slave of a passion'. (and we may surmise that that passion is a portion of the man.) A man can be autonomous, therefore, but constrained since his volition is captive to an

4 Hobhouse, State, p.145.
5 Hobhouse, Justice, p.50.
enthusiasm. But a further variation is to be found between the animate and the inanimate, and this is still more basic. A material organism is machine-like inasmuch as its inner diversity, be it autonomous or otherwise, is determined by occurrences that have already taken place. But animate systems are deterministic. They are, to a degree, actuated by occurrences that have not yet taken place. Volition 'creates the end by which it is itself determined....It is in this sense that the will is self-determined in a way in which nothing that is mechanical can be.' When Hobhouse has ultimately stopped moderating his account as elaborated in relation to his tidy, material cases, we are quite puzzled as to what point he and we have reached. He reiterates that a single given is unchanging - in the physical and the animate organisms, 'self-determination' and 'unconstraint' are locutions for the one phenomenon, the first being affirmative and the second negative. Clearly, however, there is a problem here. Is it truly so that, typically, if one talks of Mr Smith walking to and catching the 8.21 bus, to state that Mr Smith is 'unconstrained' is indistinguishable from stating that he is 'self-determined'? At a more significant level, were one to ensure that it was so (by fixing the meanings of one's words in a suitable manner), would the understanding of liberty thereby admitted perform a worthwhile conjectural or analytical office? There are difficulties, then, with Hobhouse's account of liberty as it relates to the similarities and differences between material

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6 Hobhouse, State, p.146.
organisms and persons. I want now to touch on his concept of ethical liberty. He differentiates between communal liberty and ethical liberty. He conceives of communal liberty as a characteristic of communities and of ethical liberty as a characteristic of the constituents of communities. Once more, he begins with an account of liberty as 'self-determination'. Particular hindrances (such as one's nearest fellows, one's superior or purely material obstacles) can reduce one's liberty. That which is coerced, however, does not embrace the whole of one's person, since a malady, 'though part of his body, is an external oppressor for his "self"'.

That these kinds of duress are particular phenomena illustrates the reason for the claim for liberty as generally revealing itself as a claim for the eradication of a particular restriction, such as prohibitions of various kinds, bondage, or the denial of suffrage. One can talk of the lack of these particular types of curbs as making up persons' 'freedoms'. One ought to speak thus, however, only on the premise that liberty is, ultimately, a broad notion referring to 'self-determination'. As noted, people can be liberated from every outside check merely to discover that they are in bondage to their enthusiasms. Thus, in what circumstances are people utterly at liberty? The beginning of a response to this inquiry consists of our conceiving of every individual as a 'whole internal system of thoughts, emotions, imaginings, impulses, conscious

7 Hobhouse, *Justice*, p.50.
and unconscious'. When regarded singly, such components contend among themselves. These components are not each able to be completely at liberty. Hobhouse assumes that clashes among these components, notwithstanding the fact that such clashes are unrelated to outside checks, have the power to thwart self-determination. Thus completely self-determined individuals would need to be unshackled from interior contestation and exterior duress. Therefore, 'there is freedom just as far as there is harmony'. When one conceives of volition, less as a power separate from the remainder of human characteristics than as the self in its operative harmony, one can state that volition is at liberty insofar as persons are inwardly consonant. According to Hobhouse, the conventional question of free volition has been enveloped in a muddle caused by people neglecting to conceive of volition in this manner.

Conventional champions of free will have finished in contradiction, because they have viewed volition as a kind of judge removed from all the urgings of sentiments and drives and as being competent to arrive at choices that it is able to annul with no antecedent spur. This is a contradiction because these champions preferred this thesis so that they could vindicate their conviction that a person is able to select autonomously between right and wrong, whereas in truth

8 Ibid.
9 Ibid., p.51.
the want of any spur renders selection on any grounds plainly self-antithetical. Selection of a benefit on the basis of its being thought of as beneficial is, to that degree, induced. In other words, one of the reasons for a selection, and therefore of a deed, is the antecedent conviction that it is a beneficial or virtuous deed. The champion who holds that one's selection is utterly uninduced is inferring that one is always unable mindfully to select the beneficial or virtuous on the basis of one's recognizing it to be thus. The thesis propounding free will, in this light, denotes basically that volition enjoys 'freedom from the past - its own past included'.

In such conditions, the self disappears. What remains is merely a series of constitutively unconnected deeds of the will. Therefore, the advocate of free will seeking to establish that a person may intentionally select between right and wrong, finishes by establishing that selection of any basis, right or wrong, is not feasible. Hobhouse, moreover, assails this persuasion via an additional route. Free-will advocates claim that, if their hypothesis is false, an individual may at no time be an accountable actor. Hobhouse claims that, were their hypothesis not false, accountable agency would never be feasible.

His reason for saying this is that, in these circumstances, the self has disappeared, and thus so too has the 'I' that might be accountable. The champions of free will cannot in all earnestness consider giving up the tenet of

10 Ibid., p.52.
accountable agency. Thus their thesis ends in paradox. He who supports free will ultimately claims that an examination of our own thoughts and feelings validates the view that we are 'free of the past', that we may 'change our minds at a moment's notice'. This claim, however, runs up against the identical problem of assuming an 'I' that changes its mind. Hobhouse claims that a faith in the kind of free will asserted by those who hold that human action is not wholly caused by motives is utterly unreasonable. He goes on to concede that, notwithstanding the fact that all deeds are actuated, a person is free from simply machine-like causation, in other words, total determination by what has already happened. Volition is inventive in that it may imagine what is to come, enunciating goals that it thereupon busily seeks. Thus, we cannot foretell people's volitions merely from an awareness of history. We require, in addition, knowledge of the goals which they seek. The significant outcome of Hobhouse's account of ethical liberty is his claim that 'the moral freedom of man... is proportionate to the internal harmony of a being who is guided by impulse and feelings, turning upon ends mainly external to himself'.

Such modifications are, luckily for the sake of Hobhouse's broader moral philosophy, contentious factors. The ---

11 Ibid., p.57.
notion of ethical liberty has a significant part to play in his political philosophy. He holds ethical liberty to be not just a cause but also a characteristic of the greater excellence, communal harmony. The importance of ethical liberty can be understood only by amplifying the notion of communal liberty and elaborating the analytical functions which he makes each notion perform. With communal liberty, too, he begins with the notion of self-determination. A community enjoys liberty insofar as it is self-determined. Yet again such an account is of practically no assistance in attempting to find exactly what Hobhouse has in mind. From without, it is liberty from the fetters prescribed by fellow-communities. From within (and this is of far greater moment for Hobhouse), 'it is necessary that law, customs and institutions should themselves be free, that is, compatible with the freedom of life for those who live under their shadow'.

A community is at liberty, therefore, insofar as the persons inside it have gained ethical liberty. Thus, presuming that a community is concordant insofar as all persons have gained ethical liberty, Hobhouse ends:

'A society is in fact free in proportion as its internal life is harmonious'.

Beginning with an account of liberty as self-determination, he brings in consecutive modifications that allow him to surmise that communal liberty is somewhat parallel to communal harmony.

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12 Ibid., p.58.
13 Ibid., p.59.
Not for the first time, the deduction proves to be quite opportune from the point of view of the wider theory. But what is its status? Has Hobhouse proved an empirical truth? Is the identification of social freedom and social harmony tautological, or is his discussion so confused that it is impossible to determine whether his conclusion is analytic or synthetic? The answer turns on the status of the assumption formulated above - a society is harmonious to the extent that its individual members have achieved moral freedom. If this proposition is tautological, then the conclusion is also a tautology. This can be seen if Hobhouse's general argument is reformulated. From:

(A) A society is harmonious to the extent that everyone has achieved moral freedom. We can deduce:

(B) If every member of a society is morally free, then that society is perfectly harmonious.

Hobhouse has already assumed that:

(C) 'A society is free' logically implies that 'all members of that society are free'.

From (B) and (C) we can deduce:

(D) If a society is free, then that society is harmonious. It follows that, if (C) or (B) is a tautology, then (D) must be a tautology. In fact, (B) can be proved tautologous on Hobhouse's definitions. He has already affirmed that:

(E) 'All members of a society are morally free' logically implies, 'all members of the society have achieved personal harmony'.
But from his definition of social harmony we know that:

(F) If all members of a society have achieved personal harmony, then that society must be perfectly harmonious. 14

Therefore, from (E) and (F):

(G) If all members of a society are morally free, then that society is perfectly harmonious.

But this is (B).

Therefore, we may conclude that the proposition 'if a society is free, then it is harmonious' is a tautology.

Hobhouse has defined 'free society' as a 'harmonious society'. The result has considerable significance, because we shall see that, firstly, Hobhouse really employs the terms 'freedom' and 'liberty' in a number of different ways, though always interchangeably; secondly, that his claim to have elaborated a single conception is, consequently, false; and thirdly, that he sometimes shifts from one meaning to another to suit the purposes of his argument, thus injecting confusion and circularity into reasonings which are intrinsically difficult. We shall find, however, that one of the meanings of 'freedom' which emerges from his writings is peculiarly well-suited to the needs of his account of the state. This conclusion is based on an examination of the actual use to which he puts the concept, especially in connection with his system of rights and his discussion of the ultimate ethical foundation of liberty. The confusion can best

IV.3 RIGHTS

What role does the concept 'freedom' play in Hobhouse's notion of the state? It is clear that the identification of social freedom with social harmony would put it right at the theoretical heart. We can discount this fact, however, as an accident of definition which enables Hobhouse to use the two terms synonymously. But the concept moral freedom is employed in two theoretically significant ways. Hobhouse regards personal or moral liberty as both condition and constituent to the ultimate ideal. Personal liberty considered as constituent is interpreted in terms of self-realization and will be discussed in the next section.

Considered as condition, personal liberty is connected immediately with his structure of rights. All individuals, in a completely concordant community, are ethically at liberty, in other words, they are at peace inwardly. Ethical liberty may not be attained in the absence of the antecedent achievement of the appropriate outward environment, notwithstanding the fact that it is finally an immaterial condition. More particularly, when a man's justifiable wants are frustrated, ethical freedom is proportionately forestalled. The gaining of ethical freedom, therefore, depends originally on outside checks being expunged. The check on a single individual in one respect can frequently be the cause of liberty for his fellow in that or alternative respects.
'It is a very shallow wit that taunts contemporary liberalism with inconsistency in opposing economic protection while it supports protective legislation for the manual labourers'. Freedom depends on 'freedoms'. The basic question of liberal political theory is what curbs are warranted and what curbs are not, notwithstanding the fact that checks on everyone are crucial to the gaining of freedom for everyone. Any particular freedom, when viewed as ethically sacrosanct, forms a right. One may, in addition, speak of a set of freedoms as a right, as in the case of the right to liberty of expression. When one thinks of each sacrosanct domain of each individual's doings, one may speak of a structure of rights.

The ethically legitimate rights-structure (the structure of rights necessary for the gaining of communal concord) is made up of every exterior circumstance of the beneficial community. In other words, the right of liberty of expression, to take one instance, is, if warranted, an essential antecedent of communal concord. The first task of political theory is to establish the particular rights-structure that has to be set up for the attainment of the best community. The first task of political actors is to defend and guarantee those rights. The notion of rights has typically been conceived of as adverting only to human beings, Hobhouse says, but all corporate bodies in society, be they commercial firms, unions, regions or localities,

or even families, can also enjoy their rights. He even asserts that any responsible creature may enjoy rights, if not perforce the identical rights to those that a human being may claim as a person: 'I see no real objection to saying that an animal has rights'.16 A right, says Hobhouse, 'is a claim upon others which a man or corporate body may make or which may be made for him.... It is demonstrably justifiable by relating to the common good, whether it is actually recognised or not'.17

He thus evades altogether Green's difficulty with the need for a right to be acknowledged. He stresses that the philosopher, when establishing rights, has to evade, as well, both unilateral socialism and unilateral egoism. A unilateral socialist holds that no field of man's doings is sacrosanct. He can try to excuse the most atrocious deeds by invoking a final communal end. The error into which he falls, according to Hobhouse, is that he overlooks the fact that, when a benefit is worth being sought after by the society, it follows that, in the final analysis, it is a benefit for all distinct persons. He forgets, too, that the surrender of lives is that to which political decision-makers turn when all else has failed - it is not an active tenet of statecraft.

Socialism, in the end, has to be validated by virtue of the difference that it will make to the existence of particular persons. But radical egoism has resulted in just as erroneous a

16 Hobhouse, Justice, p.39.
17 Ibid., pp.39-40.
view of rights. The unilateral socialist makes his mistake in refusing to see any sacrosanct fields of personal life, but the unilateral egoist makes an equally profound mistake in claiming that rights are antecedent, quite discrete from the communal associations into which we are born or which we may later form. These rights are not conceived of as a result of our belonging to a community. Therefore, they do not hang on our possessing particular roles to carry out, in addition to particular prerequisites to enjoy. Hobhouse claims, against this doctrine, that if a single individual possesses rights, all his fellows have a duty to acknowledge such rights. Thinking of rights alone, and not their correlative duties as well, is as helpful, he says, as conceiving of a sausage skin without the sausage. Assuming the truth of this, the communal foundation of rights is, it follows, inferred. Each person in society, therefore, enjoys a twin connection with the communal end. 'He has his share in it. That is the sum of his rights. He has to contribute his share. That is the sum of his duties'.18 But ethical rights must be clearly differentiated from rights in law.

The latter are titles acknowledged by the legal code.19 Rights were always to be found in even the most savage of societies, societies utterly free of the bodies and devices of law and politics. Hobhouse claims that Locke and other natural rights theorists saw this and had granted their finest legacy to

18 Ibid., p.39.
19 Ibid.
political theory in stressing this insight: 'There is no clear thinking in these matters unless we distinguish (1) social relations which equal human intercourse, (2) durable societies with a regular, structure, (3) politically organized societies - states. Locke's point is that rights begin with (1), and this is profoundly true'.

'The rights of men are not therefore conditions precedent to society, but move and have their being in social life'. In what manner ought such rights, having been identified, really to be enforced in objective circumstances? Such is the prime question for the politician, who, as noted above, is for Hobhouse the main agent of political life. The politician ought to escape from a pair of antithetical errors. He must not set up secondary laws of political life as fixed progenitors of legislation. But he must also shun the inclination to employ the final tenet, that of communal concord, as a way of establishing legislation in each instance. The problems involved in turning ethical guides into political imperatives are readily seen. Not many communal questions may be answered through the bringing to bear of one, certain ethical tenet. Typically, a number of goals are found to be at odds with each other. When the politician unbendingly sticks to just one of them come-what may, the prerogatives of its rivals will be ignored.

If two or more sets of prerogatives clash thus, 'the statesman shows his wisdom by a synthesis in which the substance

20 Ibid., p.35n.
21 Ibid., p.37.
of each claim is preserved but its spirit is transformed by relation to the common good'. 22 If, to take one case, a minority group seeks independent statehood - a claim that, were it allowed, could lessen the material well-being of the larger state from which the minority wishes to break away - which demand should take priority: the material demand of the greater number or the political demand of the smaller number for independence? For Hobhouse, no easy measure exists to furnish a solution to such a problem. The politician behaves in line with unalloyed moral philosophy if he tries to find 'those real conditions of harmonious co-operation under which each rival claim would be transmitted into a spirit of loyal contribution to a common cause'. 23 The solution is to be found in combination rather than mutual concession.

It is of the nature of the latter that it fails to fulfill competing demands in a genuinely reasonable manner, in other words, in a concordant manner. But the use of the tenet of communal concord on all occasions necessarily produces the triumph of the politic and the opportune. Even when such a procedure is genuinely employed to achieve progress, it actually hinders such advance. A politician, therefore, requires truly flexible tenets, pertaining, although not pertaining unbendingly, to objective conditions. Indeed, the lasting well-being of the individuals in a community depends on 'security and certainty

22 Ibid., p.44.
23 Ibid., p.45.
in their mutual relations'. Political theory fulfills its primary requirement when it sets out a clear structure of rights or freedoms. The claims for guaranteed associations is fulfilled by the operation of a legal system, which Hobhouse refers to as civil liberty. Communal concord is not meant as an objective tenet with the power to lead the human race from the gloom of ignorance and injustice. Rather, Hobhouse advances it as an imprecisely understood guide to the resolution of political—and, indeed, every basic—disagreement. It is a guide that needs no little amplification and elucidation when it comes to actual circumstances. 'Theory cannot provide the statesman a priori with rules for effecting his synthesis'. So that we can speed up social advance by means of purposive deeds, we thus require a rights-structure that functions coextensively as a structure of freedoms.

The amplification and putting into practice of this kind of structure is without doubt an essential, though not also an adequate, antecedent of the attainment of communal concord. It is appropriate at this point to address the question of Hobhouse's intended usages of 'freedoms' and 'liberties', and, specifically, of the validity of his assertion that the notion, employed thus, has the same meaning as 'liberty' or 'freedom' in the signification of 'ethical freedom' and 'ethical liberty'. If the reader fails to throw light on this issue, he may make no

24 Ibid., p.42.
25 Ibid., p.44.
more progress in understanding the solutions Hobhouse provides to the problems involved in the execution of particular checks and their connection to particular freedoms. The reader may not comprehend Hobhouse's attempt to furnish a unifying philosophical basis for collectivism and liberalism if he does not illuminate this connection. The issue of precisely in what manner the claims that freedom demands freedoms and that freedoms necessitate a structure of shared checks should be understood is, therefore, analytically basic.

IV.4 FREEDOMS AND FREEDOM

When one regards Hobhouse's original meaning (an organism at liberty is a self-determined organism) and take note of the subsequent qualifications that he brings to bear upon it, one is more able to grasp the definition of freedom - that is, ethical freedom - to which he ultimately comes.

Hobhouse does not see that his image of persons as deterministic organisms is simply contrary to the belief that they might, regardless of circumstances, be self-determined organisms in the simple sense of that term. His understanding of a deterministic organism is of one whose doings are set by an exterior goal - the 'purposed end'. The latter is, necessarily, outside the system that inclines towards it. As with the flower that provokes, but is not (in the correct understanding) a cause of, a deed, Hobhouse may rescue his assumption that self-determination alone gives meaning to freedom only by arbitrarily bringing in a proviso dealing with immediate versus mediate causes.
To this, a defender of Hobhouse might retort that this is an irrelevant point, given that Hobhouse occasionally writes of an individual as shaping the goals towards which he inclines. Such an answer, however, merely sets the difficulty slightly further into the background, since Hobhouse manifestly identifies teleological organisms as ones wherein occurrences that have not yet taken place cause occurrences presently taking place.

Conceiving of individuals as shaping the determinately puissant occurrence before it has taken place is engaging in very confused thinking. He may not consistently take both positions. His assertion that a person shapes the occurrence that has yet to take place and that thereupon causes his deeds is self-antonymous; or else the assertion that a person is a deterministic organism (in the meaning outlined) conflicts with the assertion that he is self-determining. In both cases, Hobhouse's stand, taken at face value, is highly paradoxical. He peremptorily leaves out of account various inner causes from the category of true inner causes. He omits inner causes by positing that every inwardly discordant volitional constituent is a coercive constituent. In this way alone can he equate ethical liberty with individual concord. Hobhouse's method here is that which we would employ if we claimed that all the planets ought to be viewed as inner causes of the movement of the matter falling at liberty in the solar system, but that the moon and the sun should not be viewed thus because they are bad. The reader is inclined to surmise that Hobhouse finishes with an affirmative
conception of liberty that denies him the chance to assert, unparadoxically, that individuals are both at liberty and bad in the same respects.

The issue, however, is not as clear cut as that. Were it so clear cut, Hobhouse's attack on Hegel's notion of freedom would be read in an unintended light.

'Hegel cannot have it both ways. Either freedom means self-determination expressing itself in the choice between good and bad, and therefore as distinctly in the bad as in the good. In that case man as a moral agent is free, but free to do both ill and well. Or, freedom means subjection to the discipline of the good will. In that case, man is free when he does good, but is not free to choose between good and evil'.

Is the author of this passage himself trying to have it 'both ways'? The difficulty with this question is that it cannot be answered by referring to Hobhouse's own printed words. The issue hangs on a further question: Did he think that people could attain inner concord in a less than ideal community and yet commit bad acts? Were it the case that he did not rule this out, it follows that an individual of that kind and only that kind can without restraint commit bad acts. Alternatively, if Hobhouse believed that it is a contradiction in terms to hold that an individual, having attained inner concord (and thus ethical liberty), can carry out bad actions, then logically it is impossible to behave without restraint and be bad.

Regrettably, to repeat, no clear resolution of this issue may be discovered in his published texts. Either Hobhouse was utterly muddled, or else he gave meaning to his central concepts in such a way that a locution such as 'X freely murdered Y' is self-antonymous. But no matter which statement is true, the notion of ethical liberty appears to serve little purpose in the attempt to grasp what he intended by his emphasizing that a person is able, without restraint, to act badly. The reader may respond to this seeming impasse by abandoning Hobhouse's account as not worth the trouble or by sifting through Hobhouse's corpus, looking for an alternative and more convincing account of liberty that might allow him to comprehend Hobhouse's claim, and his further claim that society is occasionally warranted in checking a person from engaging in such behaviour. I want to argue that, if one penetrates the superficial muddle, one arrives at a quite plausible notion of liberty that is attuned to the requirements of its author's understanding of the state.

A key to this is to be found in particular sections of Hobhouse's writings where he analyzes different liberties that clash with each other. I shall reproduce just four of these passages.

'A religious body is not, properly speaking, free to march in procession through the streets unless people of a different religion are restrained from pelting the procession with stones and pursuing it with insolence. We restrain them from disorder not to teach them the genuine spirit of religion which
they will not learn in the police court, but to secure to the other party the right of worship unmolested. The enforced restraint has its value in the action that it sets free'.27

'The majority of employers in a trade we may suppose would be willing to adopt certain precautions for the health and safety of their workers, to lower hours or to raise the rate of wages. They are unable to do so, however, as long as a minority, perhaps as long as a single employer, stands out. He would beat them in competition if they were voluntarily to undertake expenses from which he is free. In this case the will of a minority, possibly the will of one man, thwarts that of the remainder. It coerces them, indirectly, but quite as effectively as if he were master'.28

' Freedom of contract implies such substantial equality between the parties as on the whole leaves to each a real choice between concluding and rejecting the bargain'.29

'It is not then a question of liberty in general against constraint in general, but of one liberty against another or one constraint against another'.30

In all of these quotations 'freedom' and 'liberty' do not amount to the same thing as 'ethical liberty'.

They mean, rather, individual's actual decisions or spectrum of decisions in particular circumstances. On this meaning, people enjoy a specific liberty to decide upon A or B, irrespective of the value of the deed, or the character of their

27 Hobhouse, Liberalism, pp.144-145.
28 Ibid., pp.145-146.
29 Hobhouse, Justice, p.75.
30 Ibid., p.77.
impulses, so long as they are not under duress. It is true that Hobhouse's understanding of duress is not perfectly lucid, but, typically, it is sufficiently perspicuous to allow the reader to comprehend Hobhouse's message in the various sections where he refers to liberty. It is necessary now to see if any of these several quotations exhibit any shared features, so far as the understanding of the notion of liberty is concerned. In the first quotation, he has in mind, not an over-reaching liberty, but simply the liberty to take part in an orderly public demonstration of one's faith. In the second quotation, the single employer is free of various costs and his fellows are not at liberty to ameliorate their employees' working environments. According to the third quotation, a potential signatory to a bargain might not be at liberty to turn down the offer if there is not 'substantial equality' between him and his opposite number.

In the final quotation, its author is conceding expressly that law-makers do not concern themselves with a kind of universal liberty but with one individual's particular freedom that restricts the liberty of his fellow in the same or another field. In either instance, we are at liberty, to some extent at least, so long as we possess a genuine set of options or enjoy freedom of action to that same extent. Here Hobhouse presents the reader with a not inconsequential difficulty, although he is by no means the first philosopher to raise it. Can we employ 'liberty' as a semantically discrete notion if every deed and movement is occasioned antecedently? I have noted that he discusses the free will thesis
as far as his original understanding of liberty is concerned -
but is the same true of ethical liberty? May Hobhouse reject
the claim that every deed is restricted on this alternative
understanding when he stresses that every deed and movement is
occasioned antecedently? Hobhouse confronts such a question
by separating causes that coerce and causes that do not coerce.

'The true distinction is...between coercive
and non-coercive actions. The function of
State coercion is to override individual
coercion and, of course, coercion exercised
by any association of individuals within
the State. It is by this means that it
maintains liberty of expression, security
of person and property, genuine freedom
of contract, the rights of public meeting
and association, and finally its own
power to carry out common objects un­
defeated by the reluctance of individual
members'.31

Since this is a passage in which Hobhouse brings in
the notion of the state and connects it with that of liberty,
it is important for the purposes of this study to note that the
passage supports the view that Hobhouse employs the notion of
liberty ambiguously (at least), and that, on one reading, he is
able to prevent deletion of its worth as a separate determinate
characteristic by isolating coercive from non-coercive elements
in men's doings. But what are the elements that he regards as
coercive or restrictive of liberty, and what elements does he
exclude from such a categorization? Hobhouse views rules as
restrictive of liberty, and under such a heading he places public

31 Ibid., p.70.
opinion and custom in that they can be supported ultimately by some kind of compulsion. 'Whether coercion is applied by law or public opinion is quite indifferent in this connection'.

His account here is, however, not particularly lucid. Nonetheless it is apparent that, for Hobhouse, there is no difficulty with the assertion that we can be free of duress and thus at liberty to commit bad actions.

Sections can be found where Hobhouse appears to view every discordant stimulus as one of duress. Such usage, however, generally may be explained as indicating, not that people are not at liberty (in the second sense) in regard to the particular deed, but that the very stimulus is not at liberty (in the second sense) in regard to its being completely fulfilled. But such a gloss is meaningful only when the reader takes the assertion, 'The impulse is not free' as an analogous locution replacing 'individual' or 'man' with 'impulse'.

'The case is essentially the same with the impulses of the individual in relation to his own will. The impulse may be merely inhibited, or it may be reconstituted so that what is fundamentally the same impulse which threatened to wreck his personality may be reconciled with his scheme of life and made to serve it'.

In this passage, 'will' and 'impulses' may be read as analogous locutions, the former substituting for the powers of duress and the latter for an individual under duress. On Hobhouse's account, therefore, every deed that is not the product of duress, is, in

32 Ibid.
33 Ibid., pp.70-71.
the second sense, a free one. We know that a deed is not a product of duress if it flows from *selection* between genuine options concerning the step to be taken.

Deeds of this kind can be regarded as being founded on 'conviction':

'We contemplate two very different kinds of constraint. In the one a man is constrained by conviction. He comes to realise his true good not in some course dictated by self-will, but in a modification of that course which opens to him a life compatible with and contributing to the life of society. In the other there is no such regeneration or reconstitution of the rebellious individual. He is coerced but not convinced....'34

Hobhouse acknowledges, however, that no *exact* distinction may be made between coercion and non-coercion. To take one case, in what light should one regard a person who sells an alcoholic an intoxicating beverage? May one claim that the alcoholic is being coerced by the other's performing an act that focusses on the alcoholic's personal problem? 'We move here in borderland wherein we certainly cannot speak of a forcible or fraudulent invasion of rights, and yet a form of undue influence is used to the profit of one and the undoing of another'.35 I have said in this section that Hobhouse employs two 'senses' of 'liberty' or 'freedom', because that is what they are - *senses*, rather than definitions. By this I mean that nowhere is he perfectly lucid about his understanding of 'liberty' in the second sense, and I have certainly not tried to show that he is.

34 Ibid., p.70.
35 Ibid., p.75.
Nonetheless, it is apparent that there are these two senses to be found in his corpus. Hobhouse's account of liberty in the second sense, despite its shortcomings, is of considerable utility for his account of the state. Indeed, precisely this notion places him clearly in the line of descent of English liberal thought, allowing him not only to address himself empirically to issues pertaining to freedom, but also to avoid Green's and Bosanquet's impasse, namely, the idea that persons are at liberty merely to be virtuous. Clearly, there is a connection between Hobhouse's two senses of liberty. It is not, however, a cogent one, as he seems to take for granted, without properly grasping his own understandings of the terms. The link is simply objective. But it is worth pondering whether these kinds of issues possess much importance in the world of the fight for political might, in which individuals lay their claims, once and for all, to the good life. In other words, there is clear scope here for perplexity and muddle that might be dissipated by the appropriate contextual considerations. Precisely which freedoms go to make up the rights-structure and the function of the state in bringing them about are the issues to which the second half of this chapter is devoted.

IV.5 HOBHOUSE'S UNDERSTANDING OF THE STATE

In this section, having explored the range of Hobhouse's thoughts on 'liberty' and 'rights', I want to outline his regrettably no more specific understanding or 'sense' of the state. We shall see (not least by virtue of his rather repetitive association
of the terms) that, as noted in IV.1, the concept of liberty lies at the heart of Hobhouse's account of the state. It should thus be hardly surprising that the difficulties into which Hobhouse leads himself in his various discussions of liberty seriously undermine his analysis of and prescriptions for the state. Very broadly, Hobhouse wishes the state to accept greater obligations so as to provide a firmer guarantee of liberty. But he is reluctant to view the state as a possessor of many rights. This is a tension that he never resolves.

It should be noted at once that, like Green and Bosanquet, he nowhere provides a list of the institutions or other elements that, according to his lights, constitute the state. Thus, although, as will be seen, he often asserts, (and leads his reader to reproduce the assertion) that 'the state is...', he means, typically, 'the state does...'. He is concerned, as has been seen, to delineate a structure of liberties and a structure of rights. He is - we can say, at the least - unable to provide a clear structure of the state. The reader must infer much from Hobhouse's account of its functions. I shall show that Hobhouse possesses a notion of a 'civic state', but that its eminence in his political philosophy generally declines over time. He takes his view of the state, increasingly, to be anti-Hegelian and in this he is broadly correct. Even the warmth of his response to political democracy fluctuates. Unfortunately, his pluralistic alternatives to the 'metaphysical' theory of the state are never elaborated. He is much less inclined to
say what the state is than what it is not. He does tell us that it is but one association among many, but it is neither a self-contained nor the supreme association. Its actions are neutral and flow from communal harmony. Ultimately, the state's function can, in fact, emerge only after many years of reasoned argument, as, indeed, it has been emerging since ancient times.

Hobhouse considers his writings on politics to be an integral part of his social thought. His political theory manifests themes and ideas which infuse all his work: the historical transition to a society (or community) based on citizenship; the notion that social development is not inevitable, but the product of human choice; the rational image of man; and the idea that mind shapes reality. Hobhouse places his political ideas within the context of the historical development from traditional kinship and authoritarian societies to the modern civic state. He begins Liberalism by recapitulating the development he documented in Morals in Evolution (1906), the struggle, as he calls it, 'between new and old principles of social order'. Hobhouse believes that 'the new fabric of the civic state', the society resting on contract, law and personal freedom, was built primarily 'under the inspiration of liberal ideas'. Historically, liberalism has been a struggle for freedom, for the dismantling of the authoritarian state. But this struggle is not yet complete, nor is the transition to a society based on citizenship automatic or inevitable. That transition is not, Hobhouse stresses,

36 Hobhouse, Liberalism, p.9.
"..."natural", in the sense in which a physical law is natural, that is, in the sense of going forward automatically from stage to stage without backward turnings, deflections to the left or fallings away on the right'.

The progress of society depends on men's choices, and Hobhouse declares that coherent, purposeful political action is necessary if the remnants of the authoritarian and discriminative society are to be eradicated. The critical question, he states, is whether liberalism can be formulated as a constructive doctrine, whether it can cope with the problems of industrial society and thus bring the civic state to fruition.

Examining first, in Morals in Evolution: A Study in Comparative Ethics, the unifying principle in society, Hobhouse concludes that the line of development leads from kinship, which allows for great vitality, deep loyalty, and considerable individual freedom, in a very limited area; to authoritarian government, resting ultimately on force and facilitating large-scale political organization at the expense of individual freedom; to 'citizenship', which implies a reconstitution of political authority on the basis of popular consent, spontaneous loyalty and public feeling. In the last condition, unlike the others, the laws are not the commands of a superior, but are customs and decisions expressing the character and the will of the people themselves, impartially defining the duties and securing the liberties of individuals (and groups), and facilitating the

38 Ibid., p.73.
39 Ibid., pp.15, 29.
development of those aspects of individual personality which contribute to the common life. The unifying principle of 'citizenship' was operative among a limited number of the inhabitants of the city-states of ancient Greece and of mediaeval Italy, Hobhouse argues. And he thinks that this principle is expressed again, on a larger scale, in the modern 'country-state' — that is, in the great national democracies which have emerged in Europe and America since the end of the eighteenth century. 'Democracy served to justify the power of the state by making it the direct expression of the collective will of society'.

It is, then, the democratic element which renders the modern state distinctive from its forebears. The modern democratic state's concern with rights and with equality has qualified somewhat the conception of a 'law', for 'in most modern states rules are framed treating certain fundamental rights and duties applying to all human beings'. In fact, Hobhouse declares, at the limit, the modern 'country-state' embodies a principle of human value which implies the annulment of all ethical distinction between citizen and foreigner, as well as the extension of ethics into the realm of foreign policy, and the establishment of an ethical international order. Indeed, he argues, as a practical matter, the success of national democracy itself, and the preservation

41 Ibid., I, chapter ii.
of civil liberty, are contingent upon international peace and the suppression of militarism. 'If...wars are to give way only to periods of armed peace, each country alike must gradually relapse into the rule of a dictatorship'. 44 Therefore, in some sense, 'the country-state ...can hardly be the final world of politics', 45 and there is a more complete political ideal than national democracy. Nevertheless, before the Great War and before the high tide of pluralism, he still considers the democratic 'country-state' as the natural locale of close social harmony and the realization of personality. The problem, he asserts, is, on the one hand, to create a state which, without derogation to present freedom, shall be a true community with no outcast or disinherited classes; and, on the other, to make each state part of the greater community in which without loss of national vitality there would be an over-riding sense of common human heritage. 46

Hobhouse's notion of the state can be delineated negatively as easily as it can be positively. Whatever his 'state' is, it is certainly not an ultimate. A state, according to Hobhouse, may be created by quite distinct groups of people, provided that they equip themselves with the correct protection - although a state cannot be created through a strict, mechanical

44 Hobhouse, Morals, p.68.
45 Ibid.
type of 'democracy', one reliant upon simple pluralities. Once an original accord has been reached, its details must be adhered to by all - at the least, the intention of all to do so must be impeccable. It is very largely this moral element which determines the viability or otherwise of a 'state' attempting to bring and hold together individuals of greatly varied backgrounds and views. There is no imperative to that state's viability and endurance.

Hobhouse's conception of the state's essence is strikingly contemporary and gives every impression of being arrived at through a procedure founded in his appreciation of 'common sense'. For Hobhouse, the nation, the society, the government and the state are four quite different entities. The state is but one example of men combining. Its unique quality is that it has the ability to compel action or non-action. (We may note here, that, notwithstanding his formal separation of 'the state' from 'the government', he fails in practice to distinguish them, on this as on other occasions.) The state presides over a particular geographical area and it is only by quitting that area - and sometimes that is not possible - that the individual may evade that compulsion.

'...the state is a compulsory form of association. Its laws have force behind them, and not only so, but the state does not leave it open to the inhabitants of its territory to decide whether they will remain members of the association or not. In a voluntary association there are
rules compulsory upon all those who remain members, but the ultimate liberty is reserved to individuals to part from the association if they please'.

'The state is one form of association among others, distinguished by its use of coercive power, by its supremacy, and by its claim to control all who dwell within its geographical limits'.

Thus the state may not be regarded as an indefinably transcendental phenomenon to be treated with reverence and awe - the reaction which Hobhouse characterises as 'Hegelian'. The state is a combination which preserves and betters the existence of its members but, as such, it is just one of many such combinations.

'The State is an association of human beings - with the exception of the great world Churches the greatest of all associations. It has no mystic sanctity or authority rendering it superior to morality or emancipating it from the law by which transgression brings its own retribution in the lowering of character. It is an association which has its own special constitution and circumstances, and in the concrete its duties and rights, like the duties and rights of every other association and of every individual, must be judged in relation to this constitution and to these circumstances'.

This is not to deny that, for Hobhouse, it is greatly to be preferred that that state should prove viable and should endure. In his basic reason for having this preference can be

48 Hobhouse, Liberalism, p.133.
seen the fact that Hobhouse's conception of the state is by no means a lonely one. Laski has identified a...

'...strand [of liberalism]...[which] goes back in time to Greek conceptions of the state. T.H. Green is its best exponent in the nineteenth, as Hobhouse has, so far, been by all odds its best exponent in the twentieth, century...[It] finds [the individual's] essence in the context given him by the state'. 50

Laski might well have found space to include Ritchie's name as well for, like Ritchie, Hobhouse stresses that freedom consists of the ability to act. Thus, as will be seen in section 6, for Hobhouse, the conception of regulation by the state is not antithetical to freedom. Each man in the modern liberal-democratic state enjoys greater liberty than any of his forebears, while our modern man resides in a state of far greater potency that the state of past epochs.

'The modern State is higher than that of the Middle Ages or of antiquity because it gives fuller scope to human faculty, because it allows a more thorough liberty while maintaining upon the whole a better order, and the modern State has been founded by the resolute insistence on first one and then another of these rights through which the spontaneous play of human energy obtains a vent. Freedom of conscience, freedom of expression, freedom of worship were the conquests of one age; personal freedom, as against arbitrary government, of another; the right of nationality of a third'. 51

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51 Hobhouse, Democracy, p.127.
There is, in fact, a tendency in Hobhouse's earlier writings to take rather too rosy a view of the modern democratic state. One critic points out that 'he assumed that a democratic state was a neutral institution, impartially adjusting the claims of differing social groups'. But he at least never falls into the error of which he accuses the Hegelians. Nowhere in his writings does the state itself assume, in any degree, any supernatural traits, and become somehow distinct from mortal life and lives. Hobhouse's democratic state, in other words, never loses its pertinency to politics. Nonetheless, although, as I show below, the first and formal conclusion of Hobhouse's theory of progress is the democratic state, he exhibits, in his later writings, growing doubts about the future of democracy. This is complicated by a simultaneous loss of confidence in the state itself as a focus of social feeling.

A very important component of this increasing pessimism on Hobhouse's part is his attitude to state bureaucracy. In this, of course, he was not alone. For the most part, liberals in the pre-war years consider democratic control of the civil service a practical possibility. After 1918, however, their tone is less hopeful. By 1921, G.D.H. Cole argues that the most sanguine defenders of parliamentary democracy have recognized that the vast expansion of the central administrative machinery is making real Parliamentary control of the central departments impossible.

52 Weiler, op.cit., 159.
Cole may have had a special socialist barrow to push, but his argument is by no means atypical. Hobhouse, for example, in a review of *Modern Democracies*, accepts the substance of Bryce's conclusion that representative institutions have proven an ineffective check on bureaucratic power. And in *The Elements of Social Justice* he puts the problem more sharply:

'...there is...a great difficulty in securing any effective popular control of a State organisation, and a national bureaucracy, however emphatically the principle may be stated that it is the servant of the people, is in fact strong enough and remote enough from the mass of the population to make itself in practice their master'.

But he had once argued that there was no other effective counterweight to this trend than a reinforcement in the belief in, and a strengthening of the practices of, democracy. At last, he had claimed, democracy alone could be acceptable as the political programme of a social philosophy which insisted on the sanctity of individual personality and which discovered in the free and general development of character and intellect the foundation of the common good and the substance of human progress. In the final analysis,

'...the alternative never seems to be clearly thought out. Self-government, with all its defects, implies a recognition of the duties of government and the rights of the people; it postulates a measure of personal freedom and of equal consideration for all classes. It is the natural instrument of a growing sense of social solidarity, and the appropriate organ of a stirring national life. In a word, it is the political expression of the idea of Right on which the modern State rests, and if there be any other mode of government which would maintain that idea equally well, it has yet to be produced'.

So in the terms of his earlier philosophy of progress, Hobhouse views the modern civic state - the ancient civic state 'writ large' - as the arena of political freedom and the condition of an expanding social harmony, in which 'the generality of men and women are not only passive recipients but practical contributors', and 'the rights and responsibilities of the citizen [are made] real and living'. In those portions of Liberalism and the third edition of The Labour Movement (1912) where he treats the organization of the modern state more practically, however, his ideal is substantially qualified: on one side, by a tendency to conceive 'intermediate bodies' - trade unions, co-operative societies, local government organizations, etc. - rather than national democratic institutions as the primary context of political freedom for the generality of men; and, on the other, by a tendency to see the state as an adjuster of group and individual claims and a provider of the economic pre-conditions of personal development in essentially non-political areas of social life. In effect, and except when he falls back into the rhetoric

56 Hobhouse, Democracy, pp.186-187.
57 Hobhouse, Liberalism, p.72.
of his formal civic state ideal, these pluralistic developments reflect Hobhouse's declining regard for democratic politics at the national level.

It is true, as Elliot pointed out,\(^{58}\) that whereas Dicey had demonstrated merely the practical restrictions on the sovereignty of the state, Hobhouse, like Lindsay but more especially like Figgis and Barker, increasingly attempts to show the theoretical limitations as well. But he goes beyond even this. His pluralism, understood both as a response to the practical inaccuracy of earlier concepts of state sovereignty and as an expression of disillusionment with parliamentary democracy, may also be seen as an outgrowth of his increasing unease with nationalism as an influence in world affairs. This element of his thought and his anti-Hegelianism coalesced with most pungent issue during the years of World War One, to which his major literary reaction was *The Metaphysical Theory of the State*, in which what he conceived as the usurping aspect of Hegelianism received a stinging riposte. Here, the blame for the war is laid vigorously at, firstly, the state's being 'worshipped' by German Hegelianism; and, secondly, a 'cult of irrationalism' inspired by Nietzsche and Bergson. Hobhouse does not seriously consider the possibility that part of the reason for the outbreak of war might have been found in the faults of European politicians or of European society.

There is thus an analogy between the state's relation to individuals and groups within the state and its relation to other states. In both, Hobhouse draws a distinction between the individual and the state. Hobhouse comes, via his social theories, to adopt Green's notion of liberty, but he does not adopt what he takes to be the Hegelian conceits underpinning it, namely, that each individual has a superior essence; that he achieves true freedom only by adhering to its dictates; and that the state has the opportunity to give each man his liberty by compelling him to adhere to those dictates. Within the community, Hobhouse claims, it is not the state's well-being, but the citizen's, which should be the end. The state may not, by coercively fostering their superior selves, guide individuals to liberty and rationality. Similarly, says Hobhouse, war occurs between states, and not between individuals, and 'the vanquished are not to be deprived of rights which civilised codes accept as inherent in human beings'.

He feels, before the First World War, that some statesmen at least are beginning to realize this. Gladstone, for example,

'...following in the tradition of Fox, and equally of Canning, utterly broke with the doctrine of state morality and rested international dealings on the simple ground of right and wrong as applicable to all other human relations'.

This was an eminently 'more elastic and more human' creed.

Before the Great War, Hobhouse is optimistic about developments

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59 Carter, op.cit., p.53.
60 Hobhouse, Morals, p.268.
within states as well. In fact, he declares that the history of modern times reveals, at one end of the social scale, a general waning of 'class' influence. At the other end, slavery proper has disappeared, along with serfdom; in the modern (democratic) 'country state' 'law and public institutions have turned towards equality rather than subordination as their ideal'. In fact, 'the establishment of the state system in the modern world, provides not, indeed, in its completeness, but in a degree hitherto unapproached the constitutional basis required by the ethical conception of society'.

In Liberalism, he goes well beyond recognition of the claims of nationality to a more general recognition of the federal nature of society and the limitations of traditional concepts of sovereignty. Indeed, he argues, 'the old doctrine of sovereignty is dead. The greater states of today exhibit a complex system of government within government, authority limited by authority'. The state itself is only 'one form of association among others [working for the maintenance and improvement of life in society], distinguished by its supremacy, and by its claim to control all those who dwell within its geographical limits'.

61 Ibid., p.315.
62 Hobhouse, Development, p.221.
63 Hobhouse, Liberalism, p.70. Also, p.24: 'An association might become so powerful as to form a state within the state, and to content with government on no unequal terms'.
64 Ibid., p.71.
The Great War seems to have wrought a temporary eclipse of pluralism in British social philosophy: the 'discredited State' of Spring 1914 had regained the 'high mid-summer of its credit' by the middle of the following year. In *The World in Conflict* (1915), Hobhouse observes a new 'fusion of living sentiment permeating the whole or great majority of the population...[giving] the State a new power and a new unity'. For an enthusiastic and unmistakably Hegelian moment, he perceives this sentiment - the humanitarian spirit of Western civilization itself - locked in mortal combat with its German antithesis. But, as the war progresses and British militarism becomes less distinguishable from its Teutonic counterpart, a growing disenchantment draws him back towards pluralism and its characteristic displeasure with the 'Metaphysical Theory of the State'. By 1918, he again speaks of the state as only one among a number of associations which constituted society.

Indeed, a careful reading of his works of the period might lead the reader to argue that, even before 1914, Hobhouse had come to conceive the state, metaphorically, as the social 'substructure':

65 Ernest Barker, 'The Discredited State', *Political Quarterly*, No. 5 (February, 1915), 121.
67 See, for example, ibid., pp.101-102 and 56; and *Questions of War and Peace* (London, 1916), p.2.
68 Hobhouse, *State*, p.103.
...it is with difficulty adapted to the individuality of life; it is a clumsy, instrument, as it were, for handling human variation; it is inadequate, to adapt Bacon's phrase, to the subtlety of human nature. Its sphere is the normal, the prosaic, the commonplace....It can handle the matters upon which ordinary people usually agree better than those upon which there is a variety of opinion.69

One can find, in this period, Hobhouse describing the state as a mere 'good mechanism':

'The heart of Liberalism is the understanding that progress is not a matter of mechanical contrivance, but of the liberation of living spiritual energy. Good mechanism is that which provides the channels wherein such energy can flow unimpeded, unobstructed by its own exuberance of output, vivifying the social structure, expanding and ennobling the life of mind.'70

This is an issue which properly belongs to section 6 - where it is dealt with - but such words as those cited above demonstrate that Hobhouse is conceiving of the state as endo- or exo-skeleton, but, unlike skeleton, not as part of the living tissue of society. It could be charged that he has ceased to see the state as, itself, an area of individual freedom and intellectual and moral growth.

At any rate, it is apparent thus far that Hobhouse's conception of the state - and, indeed, of political democracy - is a dynamic one. I want to suggest now that the crucial document in this process of intellectual change (and certainly the work

70 Hobhouse, *Liberalism*, p.73.
which has emerged with time as the greatest contribution to his political distinctiveness) is *The Metaphysical Theory of the State*, and to examine those elements of it relevant to his developing pluralism and changing conception of the state. (I shall touch on other aspects of the book in the next section.)

Here he evaluates fastidiously the props of Bernard Bosanquet's support of the Idealist notion of the state. He claims that only through plain misunderstandings and jumblings does the doctrine exhibit any convincing qualities. He gives three example of this. If philosophies of politics are to enjoy any worth, the community, the state as one organization, and all other organizations, must be recognized as quite separate entities. The metaphysical theory fails to do this. The Hegelian doctrine perpetrates an especially vivid example of a fault likely to be found in any social philosophy: the mixture of empirical evidence and goals. And this is part and evidence of a third and larger fault - the doctrine is arrived at through sheer bad methodology, in which an unworldly creed claims empirical evidence as a victim along its remorseless way.

Hobhouse is entirely opposed to the philosophical position which would assume the individual person wholly into a collective organism. His delineation of society, wherein the rights of an individual or lesser society may not be infringed upon by a higher organization, is proof of this position. An even stronger argument is found in *The Metaphysical Theory of the State*. He not only denounces the attempt of the state to absorb
the individual, but also makes it a matter of conscience for the individual to dissent against the state when necessary. The truth in which the individual believes must not be set aside lightly for the demands of the state. But he fears the next tide of Hegelianism, and his politics is a deliberate attempt to stem it. The typical and inevitable products of the Idealist dogma of the state have been Teutonic aggression; the Prussian (and, subsequently, Imperial) obsession with might; and the holocaust of 1914-1918. The Idealist state is a total state. Brute strength determines who will have authority and how it will be wielded. Men's ethical ties with one another are slashed - indeed, more generally, moral considerations consistently give way to political considerations. Finally, the very independence and liberty of each man is trespassed upon to an irreparable extent. The state, says Hobhouse, must not take over a man's autonomy. The latter is an end, a verity, of the greatest worth. Men come together of their own volition so that they may carry out their ethical duties and exploit their capacities to their limits. The state is but one of the ways in which they may do this. To the extent that men travel along its path, it should be regarded, not as the destination, but as the journey. The state is unique in one respect: all associations must be guided by and dedicated to men's needs and welfare, but the state has an especial duty in this regard. Not the state, but each person within the state, is to be regarded as a goal himself. Moreover, just as I am ethically bound to my fellows, so are all states

71 Hobhouse, State, pp.92-93.
ethically bound to one another. A philosopher may claim or hint at otherwise, but the ethical duty will remain after his writings have been forgotten.

Any notion of liberty which equates it with subservience to the power of the state is rejected by Hobhouse. To him, it is a fallacy, and a dangerous fallacy, to claim that the self finds expression and fulfilment in its being bound to a source of might - church, family, state or any other. Hobhouse's conception of the Hegelian doctrine is that it claims that the power of the state can and should be equated with the true will of the individual. This is, he says, at best, patently erroneous and, at worst, a transparent attempt to justify despotism. The very differentiation between true and apparent wills is arguable; but, even if this were not the case, Hobhouse can find no justification for equating the power of the state with the 'true wills' of the individuals therein. The state's commands may be neither tolerable alongside or identifiable with the expression and fulfilment of self; and in Hobhouse's philosophy, the expression and fulfilment of self is the most important component of liberty.

The Hegelian absolutist state is not Hobhouse's 'civic state'. The state is neither 'objective reason' nor a transcendent being. That type of legendary phenomenon is not found in any of the state's agencies nor is it in the central mechanism of the state itself. Only over many epochs, and by means of an untold number of men (covering an immeasurably wide range of perceived self-interests) struggling and reconciling with one
another, can the state and all its agencies and functions emerge. Yet the state's role still needs to be elaborated upon with greater precision. This can occur only through the agency of reasoned argument: this is the one way in which the state can grow properly, for it has been through such attacks - sometimes impassioned but, at the least, always capable of being made and heard - that the state has reached its present stage. The community, Hobhouse readily concedes, is more than the sum of its parts, but this rather obvious point can be wildly misconstrued. The statement is particularly true if the parts be regarded simply as independent units free of any links with one another. But it is a gross non sequitur to conclude from this that society is more than the sum of its parts when the latter be considered socially (and, that is, realistically). If one does take that illogical step however, one will arrive at the notion of the state as some transcendent being. Further, if one perceives the state in this way, one must - and, says Hobhouse, the extreme Idealists do - advocate blind acceptance of the commands and institutions of the state. In contra-distinction to such a conceit, Hobhouse advocates the unfettered freedom to make reasoned verbal attacks on those commands and institutions. By playing various parts in the helpful questioning of the state, men have a positive share in the progress of the state. Men must not be restricted to recognizing and applauding the sacred and reasoned nature of the state. It is incidentally interesting that Hobhouse should launch this sort of methodological attack on the Idealist view.
of the state in addition to his more famous substantive one, for, as one critic points out,

'...in logic...he owes almost as much to Bradley and Bosanquet as to Mill, - indeed Bosanquet particularly became, as he addmitted, his intell­ectual guide in many respects, uncompromising as was his antagonism to Bosanquet's Hegelian theory of the State.' 72

His employment of the notion of rationality in his attack on that Hegelian theory is a major weapon. He asks if the state is uniquely and especially concerned with (in the widest and deepest definition) men's rational functions and goals and essence, and answers that, on the one hand, ethical and governmental duty, and, on the other hand, the community and the state, are muddled by the Hegelians. Thus, the theory is founded upon faulty philo­sophy, which - to say the least - makes it no less potentially injurious to the freedom of mankind. 'The history of our time shows that if men no longer believe in God they will make them­selves Gods of Power, of Evolution, of the Race, the Nation, or the State.' 73 'Like other critics of the organicist concep­tion of the state, Hobhouse thinks it leads to passiveness before power and renders individual political morality an impossibility.' 74

It is true that Hobhouse concedes, with modern nations, the Hegelian evolutionary outline; but this is not to say that

73 Hobhouse, State, p.134.
he must therefore adopt the Idealist doctrine of the state. To Hobhouse, the community is a pattern of disparate connections. Men may or may not be aware of the effect of these linkages, but they exist nonetheless and have a great bearing on men's actions and behaviour. The community's beginnings are contemporaneous with the birth of humanity. The community knows no spatial bounds. It forms an unbounded pattern of social connections. From this emerge associations capable of greater delineation. The community, as it evolves, relies upon the adherence to agreed-upon laws. This is a prerequisite: men must follow those standards of behaviour which are the norm; although official, standardized patterns of power are not a prerequisite for the community. These institutional patterns emerge, but only as the last of the three stages through which laws pass: from habit to deliberative law to standardized power structures. There is a large number of groups which have specific roles within society. The state is the pattern of mechanisms and units which both draws up and compels the observance of the common rules.75

Regrettably, Hobhouse's pluralistic alternative to the 'metaphysical' conceit of the state is never detailed to any great length. His pluralism, understood both as a response to the practical inaccuracy of earlier concepts of state sovereignty and as an expression of disillusionment with parliamentary democracy, may also be seen as an outgrowth of his increasing unease

with nationalism as an influence in world affairs. This latter source of his pluralism he treats of with some care, not to say repetition. But, apart from the reference in *Liberalism* to 'intermediate organisations', and some discussion in *The Elements of Social Justice* of 'moral, religious, artistic, [and] intellectual' relations which transcend state boundaries, Hobhouse seems to have very little to say about the organization and inter-relation of associations in society.

Perhaps he should not be singled out from among his liberal brethren for especial condemnation in this regard. One writer has pointed out that he was united with Mill 'both by his epistemological and logical empiricism on the one hand, and by his political and individualistic theory of the State on the other', and Mill was no more scrupulous about anti-Hegelian details than Hobhouse. Moreover, the admittedly hostile K.R. Minogue finds in that passage in *Liberalism* in which Hobhouse criticizes the individual who both exploits and criticizes the state:

'...the other side of that spirit of liberalism which expresses itself in the abstract delineation of the compassionate spirit. Here we have "community", "society", "State", "social system", even the "social machine", all mixed up indiscriminately together'.

Minogue's argument loses none of its force or accuracy because of its tone. The general point arising from these sorts

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76 Metz, op.cit., p.154.
77 At pp.149-150.
of examples is that Hobhouse's philosophical faults, though serious, were not original.

But, for his own (ultimately unsatisfied) purposes, the mere rebuttal of the Hegelian notion of the state as an ethical force was not enough. It was yet requisite upon him to design, in its stead, another defence of state compulsion. The individual must achieve his capacity, to its limit. A particular environment was necessary if he was to do this. It was to be the state's task to establish that environment. Here, it is all the more regrettable that Hobhouse's pluralism is never expounded at length. As we have seen, that pluralism consists in his holding that society knows a great variety of associations, of which the state is merely a single example. Each association has a prescribed and particular role. The state's is to compel, when compulsion is not merely justifiable, but required. This is to etch a new kind of liberalism - one which does not treat states and men as necessarily territorial combatants, perennially seeking to encroach on each other's domain. Thus this is an element of Hobhouse's originality.

The social structure, he says, is made up of many societies. At the apex is collective humanity, the supreme society, which develops more completely as communications extend the social relationships of men. Within this supreme society are other associations and societies, for example, trade unions, the family, the church and the state. Each of the intermediate societies is entitled to develop independently, as long as this is consonant
with the common good. Hobhouse maintains that neither the 'abstract unity of a Utopia', nor 'a self-contained political state' which denies the principle of subsidiarity, is the desired ideal of liberalism. As a contemporary of Hobhouse put it:

Professor Hobhouse is the true successor to J.S. Mill in the line of realistic political thinkers. Like J.S. Mill, he is the outstanding exponent of the libertarian principle, but, living in a generation with a more mature social experience than that of Mill, he attempts to translate this principle into present-day needs. Like Mill, Professor Hobhouse grounds his theory of the state in a theory of morals. His underlying ethical doctrine is the principle of harmony which recognises the goal of social evolution to be the harmonious correlation of all the legitimate interests in society.  

Here we may appreciate Hobhouse's crucial position in the development of British liberalism around the turn of the twentieth century. On the one hand, it is true, as Metz argues, that 'not a few of the strongest roots of his power spring from the very Idealism against which he here swears such bitter enmity'. On the other hand, it is apparent that Hobhouse rails against the state in a fashion which is not found in the writings of Hobson. Of the two theorists, Hobhouse can be more appropriately called liberal, if we remember that the most consistent characteristic of liberalism is openness to change. Moreover, Hobhouse, more than Hobson, attempts to demonstrate the continuity of his theory with the old liberalism. Hobhouse emphasizes more than Hobson

80 Metz, op.cit., p.169.
does the necessity of preserving the individual. But, typically, he does not press the old liberal state/individual distinction too far. As has been seen, he adopts the *perspective* of Green: the individual's essence is to be found in the context given him by the state. This may be something of a flaw in the arguments of both Green and Hobhouse, both of whom hold that the state represents rationality's inexorable progress. Inasmuch as Green and Hobhouse claim that a general interest's realization depends upon the community's having a harmony of will and upon that harmony's being *exhibited*, they hold that the state is that exhibition. This leads them to the assertion that the state's deeds are impartial. It *may* be a defensible conclusion from the basic premises, but it is a curious position to be held by thinkers who *do* try to be 'realistic'. This attempt is especially apparent in Hobhouse, and it may be, stems from his professional background. Again, we may refer to a contemporary opinion:

One...finds in Hobhouse the interesting combination of a writer who approaches the problems of politics from the standpoint of a philosopher of evolution of the most thorough and recent type, of a sociologist unsurpassed in any country for breadth and profundity of learning, and of a liberal democrat in politics. From a writer who thus combines the best and most recent elements of sociological thought, one can look for a fair sample of what the sociologists have to contribute to a theory of the state.81

Moreover, he is an *English* philosopher, an *English* liberal. From the seventeenth to the nineteenth century, one thread at least links every such liberal. It is a notion of the state which is, as far as mechanics are concerned, representative; and, from the point of view of the individual, libertarian. Hobhouse is not denied his place in this very English line.

So, ultimately, Hobhouse has practical motives for pointing up the theoretical limitations on state sovereignty. As has been mentioned, his notion of the state has a contemporary ring to it. For Hobhouse, it is not simply that conceptions of state sovereignty are theoretically flawed, it is also the case that they are anachronistic, and dangerously so. He strives throughout his writings to prescribe for a 'feeling' of confraternity - his is, in many ways, a patriotic doctrine of the state - but he claims that the notion of the sovereign state dilutes such a feeling with an additional one of 'discommunity'. An individual shows fidelity to several phenomena and arrangements within the community, of which the state is but one. The Hegelian demands that the state receive credulous fealty from its citizens, but this is not a realizable demand. The citizen can know fealty to a whole range of considerations - to his own ethical precepts, for example; or to his family; not to mention more secular phenomena - which make serious inroads into any pure allegiance to the state.

For Hobhouse, the civic state is to be found in the final phase of political evolution. Here, individuals who enjoy
real liberty voluntarily act together and this, plus *ethical*
power, forms the basis of diurnal existence. Thus, there is a
basic metamorphosis in the very notion of authority. The tiny,
blood-related associations of primitive races are a crude example
of this, as small local associations often are, as well. But it
achieves grander dimensions in the ancient and mediaeval civic
states; the post-mediaeval nation-states; and the twentieth
century's attempts to create various multinational authorities.

IV.6 THE STATE'S DUTIES

'For those of our time', Hobhouse wrote in 1924, 'history
ends in a problem'.

Though he believed that the First World War and the subsequent
tumult had greatly intensified the problems facing Europe, already
in the 1880s Hobhouse was greatly concerned about the inadequacies
and injustices of contemporary society. As a student at Oxford
he was actively involved in the labour and temperance movements
and began to read widely on economic and social problems. Hobhouse
was optimistic about the possibilities of solving those problems.
During the first decade of the twentieth century he became an
ideologist of the New Liberalism, focussing on the state as an
agent of social reform.

Hobhouse understood that, in the first decade of the
twentieth century. 'the public mind' had turned to 'new thoughts
of social regeneration'. It had become aware of widespread

82 Hobhouse, *Social Development*, p.31.
poverty and of the unequal distribution of power and wealth in the economy. It had further realized that economic conditions were 'determined by a complex mass of social forces' which could be controlled only 'by the organised actions of the community'.

The tenets of classical economics were no longer adequate to the realities of British society. If there were to be reform, there had to be action by the state. Paradoxically, in the process of formulating his own conception of state functions, Hobhouse appealed to the traditional Liberal spokesmen for support. Even more paradoxically, he attacked the Idealist proponents of the positive state.

I shall indicate in this section that it is theoretically imperative for him that Hobhouse succeed in proving that the chief early liberal thinkers had been supporters of *laissez-faire* by accident; that is, that there was nothing in their fundamental ethical precepts which implied what Lassalle called The Nightwatchman Theory. For if *laissez-faire* was an intrinsically liberal doctrine, Hobhouse's effort to trace the ancestry of his political philosophy to Bentham, Cobden and James Mill, as well as his effort to provide a common theoretical foundation for liberalism and socialism, is doomed to failure. Thus, he devotes a great deal of time and energy to his effort to prove that those early liberals, the Philosophical Radicals, were supporters of *laissez-faire* because they made certain economic and psychological assumptions, and not because the distinctively ethical or moral principles

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which they held implied the narrow view of the state's functions. Having proved this point to his own satisfaction, Hobhouse then tries to prove that the scientific assumptions on which these men had based their advocacy of *laissez-faire* were empirically untenable. He points especially to the ugly evidence which nineteenth-century industrial Britain provided even the most casual observer. Finally, in order to deprive the *laissez-faire* proponents of both original sin and the alien state as alternative theoretical foundation stones for their views, he describes the concomitant development of a humanitarian spirit and of political democracy.

Hobhouse argues that the *laissez-faire* conception of the functions of the state, as originally propounded by such men as Bentham and James Mill, rested on a false psychological and a false economic theory. Mill and Bentham believed that men are inherently selfish, that power will always be used corruptly, and that, therefore, the state should use its near-monopoly of the instruments of coercion in an effort to establish security and the guarantee of fundamental civil liberties through the rule of law. It should otherwise leave its citizens to work out their own destinies in their own way. But, says Hobhouse, part of that destiny should be personal freedom. To be free, to develop one's potential, one must have access to the material goods of the world. Because the strong tend to take advantage of the weak who cannot secure their rights by themselves, the state must assume the burden of securing freedom for men.
Hobhouse goes on to argue that the falsity of the Benthamites' economic and psychological assumptions gives us every reason to believe that the ethical presuppositions of classical liberals not only place few restrictions on the function of the state, but, taken in conjunction with a more adequate psychological and economic theory, positively imply the moral justification of an expansion of state functions. Bentham's Greatest Happiness principle, Hobhouse maintains, might be regarded as decidedly socialistic. For, 'it contemplates, at least as a possibility, the complete subordination of individual to social claims'.

Conceding that the state should not interfere with the ordinary operation of the various societies within it, Hobhouse countenances state intervention when a particular society is incapable of fulfilling a needed function, as, for example, when a family cannot adequately educate a child.

Not content with demonstrating that the, for him, main theorist of classical liberalism was not an essentialist where the matter of laissez-faire was concerned, Hobhouse goes on to argue that the statesman whose name was almost synonymous with that doctrine was in principle no more committed to the Nightwatchman view of state functions. Richard Cobden, made famous by his brilliant parliamentary battle for revocation of the Corn Laws and establishment of the principle of Free Trade, at the same time granted the desirability of child labour laws and of universal,

84 Hobhouse, Liberalism, p.67.
free public education. These qualifications may seem slight when compared with the incredible misery of the industrial masses throughout the greater part of the nineteenth century; but they do reflect the fact that Cobden's opposition to state interference was not a matter of hard and fast ethical principle; and, moreover, that the exceptions made in a few cases may equally well have appealed to such men of intelligence and humanity had they been disabused of their economic nostrums. Cobden's defence of freedom of contract, for example, was based squarely upon the assumption that the sane adult is the best judge of his own interests. Hobhouse points out that 'it is in strictness implied in this argument that if the conditions do not hold, the principle of non-intervention does not apply'. Cobden's concession in the case of child labour implies two general grounds for other exceptions. 'On the one hand it was admitted that apparent freedom of contract was not necessarily real freedom; on the other hand it was insisted that the State has an interest in, and a responsibility to, conditions which, operating upon a large scale, determine the health and welfare of its own members'. And then Hobhouse draws his main implication: 'But these two principles, admitted in a leading case by Cobden, are precisely the principles on which the advocates of much of what is called "socialistic" legislation habitually rely'.

85 Hobhouse, *Democracy*, p.2.
86 Ibid., pp.210-211.
Hobhouse attributes to Cobden the belief that specific liberties should be restricted if they infringe the rights of others. If this principle is admitted, he argues, than it must also be admitted that the sphere of legitimate state compulsion cannot be determined in any a priori way. Our judgements must rest on knowledge of the situation. 'As the experience of the social effects of action ripens...the conception of injury is widened and insight into its causes deepened'. The exception allowed in a special case is, in time, generalized and adopted as a principle of action. He recognizes that it would be helpful if some general principle, capable of guiding efforts to define the sphere of legitimate state coercion, could be formulated. J.S. Mill's distinction between self-regarding and other-regarding, though intended to apply to forms of compulsion generally, did by implication lay down lines for the state as well. But Hobhouse rejects Mill's distinction on two grounds. He argues first that there are no actions which affect only oneself. All action is potentially or actually social action. And secondly, Mill's distinction failed to recognize that 'the common good includes every member of the community, and the injury a man inflicts upon himself is a matter of common concern, even apart from any ulterior effect upon others'. In this last respect, Hobhouse's attitude to the trade union movement is interesting. The growing militancy of that movement in the period immediately

87 Hobhouse, Liberalism, pp.92-93.
88 Ibid., pp.142-143.
prior to the First World War led Hobhouse to qualify his endorse-
ment of it. In the third edition of *The Labour Movement* (1912),
he suggests that, in the extreme circumstances of a general strike,
or the more likely event of a strike in some 'vital area', the
state might intervene by assuming direct control of the affected
industry, or by distributing previously stockpiled materials or
by securing 'alternative staff'. 89 For freedom is a variable
quality in all contracts, and where an entire class of men is at
a permanent disadvantage, for example, when economically weaker,
the state has the right to intervene. 90 It is this interpre-
tation of inequality of contract which was the principle of
operation in Gladstone's settlement of the Irish land question.
The Irish tenant, in order to live, had to make a bargain with
economically superior forces. In this instance, Gladstone held,

'that where the necessity of one party
deprived the apparent freedom of choice
of all reality, it is legitimate for the
community as a whole to step in and
regulate the bargain'. 91

Thus, claims Hobhouse, the liberal ideal of liberty and equality
is not infringed by such action, but rather leads to its fulfil-
ment. By state intervention, a positive freedom is granted to
all men. Indeed, the times provided Hobhouse with a number of

(London, 1912), pp.80-81.
91 Ibid., p.217.
examples of this doctrine's being realized in national political
life. For instance, the Workman's Compensation Act was passed in
1897 and provided compensation to the worker for all injuries
that he received in the course of his employment, regardless of
whether these injuries could definitely be attributed to negligence on the part of the employer. Despite the fact that it
was a Unionist measure and the *Guardian* a Liberal newspaper,
Hobhouse wrote in support of the Act in the editorial column of
that organ, because he considered the Act to be a step towards
the acceptance of the basic principles of what is now described
as the welfare state - that is, that the community, through the
state, has a responsibility to provide for the well-being of
its members.

We need to be quite clear about the sorts of distinctions Hobhouse is drawing here. To take one instance: state
intervention in the form of old age pensions provided by the state
would involve a different (although, as noted, not logically
different) conception of the proper functions of the state than
had been accepted by earlier liberal theorists, such as Richard
Cobden. Hobhouse admits that the nature of the state has
changed since Cobden's time. When Cobden was writing, the state
was controlled by a 'half aristocratic' government, responsible
to a narrow electorate. It is precisely because the system of
government has become a democracy that the modern liberal advocates
state intervention without fear that it will be a threat to liberty.
In a democracy the state is responsive to the will of the people
and its actions the embodiment of their will. Hobhouse explains the New Liberal theory of the 'positive' state in the following passage:

'Many causes, but principally the teachings of experience in the economic sphere, have combined to show that the very notion of individual freedom as opposed to State regulation is in many cases illusory. We cannot escape from one another nor avoid coercing one another by our own action, and often...it is only by concerted action [that is, through the state] that the real will of the great majority can assert itself at all. What is called the "positive conception of the State", therefore, towards which modern thought has tended, holds that the actions of a democratic government should be a fair expression of the thoughts and feelings of the human beings upon whose will it rests'.

It was because a form of Cobdenite liberalism dominated the thinking of the Liberal Party that Hobhouse raised the question of how far the New Liberalism had broken away from the older Cobdenite liberalism. As has been seen, although he admits that the differences between them are very real, especially with regard to their respective theories of the state, Hobhouse attempts to minimise the extent of disagreement between the two types of liberal theory. It is interesting to note that all the New Liberals identified the older liberal theory with belief in a laissez-faire state. This would now be regarded as a misconception, for Hume and Robbins have shown that neither Jeremy Bentham

92 Leading article in Manchester Guardian, 23 December 1898.
93 Hobhouse, Democracy, pp.10-11, 24.
nor John Stuart Mill advocated a *laissez-faire* state. Although Hobhouse exaggerates the gulf between his theory of the state and that held by classical liberals by linking the latter with a belief in *laissez-faire*, there are important differences between the old and the New Liberal theorists of the state.

Hobhouse defends Cobden's opposition to state intervention as being right at that point in history because the state was then controlled by a small oligarchy, and acted in their interest. The reason why the New Liberals adopted a distinctly different view of the state was because the nature of the state had changed; it was now close to being a democratic state and being controlled by the public, its actions were on behalf of the common good. But the issue of state intervention is only a questions of means; although they may disagree about this, the New Liberal is in full agreement with the Cobdenite liberal that the end of political action is the expansion of the realm of freedom available to the individual.

Far from infringing upon the basic liberal ideals, argues Hobhouse in *Democracy and Reaction*, the new liberalism appears as a necessary means to their fulfilment. Moreover, the new economics has actually preserved a substantial portion of the old. To return to a previous example: Cobden himself, in opposing child labour, had invoked two principles 'which carry us a long way' towards socialism - first, he had realized

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96 Hobhouse, *Democracy*, p.222.
97 Ibid., p.217.
that real freedom of contract might be possible only if government intervened to insure the equal bargaining position of the contractors; and second, he had acknowledged that 'the State had an interest in, and a responsibility for, conditions which, operating on a large scale, determined the health and welfare of its own members'. 98

Hobhouse urges the Liberals to recognize that, although there might be less poverty than there had been fifty years earlier, the share of the nation's wealth which has gone to the working class has increased at a much slower rate than that going to the upper classes. As a result, the disparity between the standard of living of the working class and that of the other classes is greater than before. Hobhouse concludes with the warning that: 'The great ever-present problem of the modern state is the contrast of overwhelming wealth and grinding poverty'. 99

The importance which Hobhouse attributes to the changing economic circumstances of the nineteenth century has already been remarked. The evils of an unregulated economic order are sufficient evidence on the basis of which to reject the optimistic prophecies of the classical economists. But there are two other developments which, he believes, are especially relevant to the liberal conception of the function of the state: the growth of humanitarian sentiment and the general success of liberalism itself, especially

98 Ibid., p.214.
in the areas of political democracy and of legal reform. 'The modern Social reformer reverts to the Aristotelian idea of the State as "coming to be that men may live, but existing that men may live well"'.

But although the social reforms passed by the Liberal government have alleviated a certain amount of social distress, Hobhouse points out that, with the exception of the Trade Boards Act, they do not attack the heart of the problem - that is, the low wages of the working class. The government's plan for health and unemployment insurance has actually diminished the take-home pay of the workmen because they are forced to contribute a good part of the cost of those schemes. To remedy that situation, Hobhouse urges the establishment of minimum wage laws throughout industry through the expansion of the Trade Board system.

When the government introduced a minimum wage bill to settle the miners' strike in 1912, Hobhouse hailed this measure as a 'landmark' of the greatest importance; he suggested that it should set a valuable precedent for the future relationship of the state and industry.

There has been, Hobhouse asserts, a 'progressive deepening of humanitarian feeling and of the sense of collective responsibility. The public mind will no longer acquiesce in the sweater's den any more than it would acquiesce in this country

102 'Progress towards Peace', ibid., 1 March 1912.
sixty years ago in negro slavery'. Hobhouse believes that what was bad in Victorianism is gradually being sloughed off, and what was good strengthened and extended to cover evils remote as well as near. Joseph Chamberlain's imperialist ambitions and the culminating Boer War had been a severe setback to that steady growth, but the British electorate had regained its sanity and had returned a Liberal government committed to Gladstonian morality in international affairs. The World War, despite its reflection of international insanity, had served to accelerate the evolution of a distinctively British social conscience. Gradually the state's responsibility for the welfare of all its citizens has come to be acknowledged by all.

Hobhouse wrote in the *Manchester Guardian* that

>'Public opinion has been rapidly educated on the subject of the State regulation of wages, and it is now very generally admitted to be as much the duty of the State to protect the poorer classes in the matter of remuneration as in the matter of hours of work or sanitation'.

The aforementioned increased militancy of the labour movement between 1911 and 1914 did not, notwithstanding his other, more negative, reactions to it, shake Hobhouse's public support for the justice of labour's demand for a greater share of the national income. In the preface to the third edition of *The Labour Movement*, written just after the conclusion of the lengthy miners' strike in 1912, Hobhouse writes that

104 'Opening the Land Campaign', *Manchester Guardian*, 2 June 1913.
'The history of the crisis [the miners' strike] gives no substance to the vague alarm lest Society be some day arbitrarily "held up" by a combination of workpeople controlling some vital instrument of production. That is a bare possibility against which the State may fairly take its precautions, but it has little substance in comparison with the urgent and ever-present reality that even with the best of organisation labour has the utmost difficulty in securing a reasonable standard of living'.

The most fundamental change since the opening of the Victorian era, however, had been the success of the liberal programme itself. Franchise and legal reform combined with the firm institutionalization of free speech and press to place formidable restraints on any government's tendency towards domestic irresponsibility. The parliamentary reform of 1911 was the first full display of the new power that had been bested in a broadly based electorate by successive constitutional changes. The success of this attack on the House of Lords meant that henceforth Britain's traditional institutions would be permitted only ceremonial significance whenever they conflicted with the requirements of full-blown constitutional democracy.

'A considerable part of the dread of Governmental action... was due to the habit of looking upon the Government as an alien power, intruding itself from without upon the lives of the governed', says Hobhouse. He then goes on:

106 Hobhouse, *Democracy*, pp.219-220.
'The change which has taken place in the minds of popular statesmen since Cobden's day is due to the realisation of the democratic principles for which the men of Cobden's time fought. When the people had once applied the saying of the French King to themselves, and declared with truth, "The State, it is we", when they could look upon the Government as their servant and the acts of Government as their acts, it followed necessarily that the antagonism between democracy and governmental action fell to the ground. In its place there arises a keener desire for the use of the collective resources and organised powers of the community for public needs'.

It is significant that Hobhouse regards his theory of the state as the point at which he diverges most widely from classical liberal thought. In light of recent research, it would appear that Hobhouse exaggerates the differences between his views on economic policy and those of the classical liberals by claiming that the latter advocated *laissez-faire*. We now know that this is a misconception, and that, for the classical liberals, *laissez-faire* was 'a rule of expediency, always subordinate to the principle of utility, and never a dogma'.

Hobhouse uses the term 'positive' state when referring to his conception of the proper functions of the state. What he means by this is that the state must take positive action in order to ensure the maximum amount of freedom in society; state intervention

107 Ibid., pp.222-223.
is not only desirable; it is 'necessary' for the realization of liberty. 110

Hobhouse's concept of the positive state is closely linked to his idea of positive and negative freedom. By the term negative freedom Hobhouse means the belief that the essential condition of freedom is the absence of restraint. The idea of negative freedom was normally associated with the view that the state is the main source of restraints upon an individual's freedom. Thus the negative conception of freedom was linked to the notion that the less the state intervened in society, the greater would be the amount of freedom. 111 It has been claimed that there is no logical incompatibility between the idea of positive freedom and that of negative freedom, and that therefore Hobhouse was mistaken in believing that his theory of positive freedom was distinctly different from that held by classical liberals. 112 This argument is not entirely convincing, for the two ideas of liberty do convey distinctly different conceptions of the conditions under which men are free. Those who held the notion of negative liberty believed that the absence of legal restraint was a sufficient condition for men to be free; the positive liberals claimed that there were other conditions—such

111 The distinction between the two concepts of freedom is discussed by David Nicholls, 'Positive Liberty, 1880-1914', *American Political Science Review*, LVI (1962), 114-128.
as poverty - which prevented men from being free even in the absence of legal restraint.

Green, of course, was the first to use the term positive freedom in the sense in which it is used by Hobhouse. The idea of positive liberty has been defined as the view that an individual is free only when he has the opportunity to do what he wishes to do; that it is other individuals in society who are the greatest threat to his freedom; and that therefore the existence of freedom is dependent upon the state's intervening in society to protect the weak against coercion by stronger members of society. The idea of positive freedom does not include the belief that a person can be forced to be free; it limits the function of the state to removing impediments to an individual's exercise of his freedom.\(^\text{113}\) Hobhouse explains that positive freedom is something which is to be shared by all members of society. The application of the idea of negative freedom, while claiming to provide freedom for all, in practice provides liberty only for the middle and upper classes. The purpose of the positive state is to provide effective freedom for the working class as well.

But how positive is the positive state to be? Here we must turn again to Hobhouse's critique of the Idealist theory of the state in his *Metaphysical Theory of the State*. 'To make the world safe for democracy the weapons of the spirit are as necessary as those of the flesh', Hobhouse writes in his preface.\(^\text{113}\) Nicholls, op.cit., 117.
Hegelianism, he argues, had become the chief philosophical justification of the German 'God-State's' contempt for individual liberties and international morality. On the other hand, it has become the chief theoretical bulwark of British conservatism. This paradoxical fact is just a surface reflection of the Hegelian tendency to have it both ways in its treatment of many problems; most importantly, the problem of good and evil and of freedom and tyranny. Hobhouse admits that men like Bosanquet, Ritchie, Bradley, and, certainly, Green could not themselves have sympathized with or condoned the excesses of German authoritarianism. But their fundamental metaphysical and ethical doctrines did not, he thinks, provide those theoretical safeguards against state encroachment on the fundamental liberties of its citizens without which the advocacy of a democratic way of life is sham rhetoric.

Though he is in the main concerned with Bosanquet's formulation of the Idealist position, Hobhouse tries to formulate both the argument and his criticisms so that they might apply more generally to all Hegelians and neo-Hegelians. He distinguishes three basic steps in the Idealist position. There is first the Idealist conception of 'freedom' and its identification with the real as distinct from the actual will. The second stage consists of the identification of the real with the General Will. Third, the General Will is identified with the state. But at each stage of the discussion, Hobhouse deals almost exclusively with Bosanquet's particular formulation of the position.

It has been suggested that the problem of liberalism 'is that of setting out a coherent defensible liberal theory.
of the function of the state which differs in principle from authoritarian, anti-liberal theories. Hobhouse clearly is aware of the necessity of setting some limit to the use of coercion by the state if his theory is to remain a liberal theory. Bosanquet's insistence that the state have the right to 'absolute physical power' is rejected by Hobhouse. Though human societies have never found it possible to dispense with ultimate recourse to force, it is imperative that men not only recognize the pernicious effects of organized violence, but that they also try to define as carefully as possible the sphere of legitimate compulsion. It is here that Bosanquet falls down completely, Hobhouse believes. One finds absolutely no theoretical limitation on the legitimate scope of state coercion in his work. 'Thus, in principle, there is no limitation to restraints upon the individual, no core of freedom which collective action could not touch'. Bosanquet's hindering of hindrances formula is 'indeed so vague an expression that almost anything can be extracted out of it; e.g. we are told that the state hinders illiteracy by compelling education. When formulas are so stretched it is a sign of something wrong in the theory underlying them',

It would seem, on the face of it, that Hobhouse's attack on Bosanquet's use of the 'hindering of hindrances' conception is a case of the pot calling the kettle black. Hobhouse himself employs the expression 'hindering hindrances' in defining his own view of the function of the state. The difficulty, however, is

only apparent. For Hobhouse is not so much concerned with the use of the formula as an instrument of evaluation, but rather with its use as the *exclusive* instrument of evaluation. His rejection of the principle of harmony as the sole instrument of social evaluation is motivated by his conviction that to rely on so vague a formula will inevitably result in a rule of expediency. Similarly, he criticizes Bosanquet, not for invoking a vague ultimate, but for relying exclusively on that abstruse ideal as a means of defining the proper sphere of state compulsion. Our vague ultimates must be supplemented by more determinate intermediate principles— that is, a fairly determinate set of general rights. Moreover, these rights define the limits on all forms of institutional coercion, not exclusively those vested in the state. Hobhouse admits that if force is ethically justified, then it would probably be best to give the state a monopoly of the instruments of violence. But even this precept should be qualified by the provision that the state having the monopoly should also be subject to democratic control. A state which flagrantly shirks the functions for the performance of which it exists, deserves to be overthrown by force of arms. (Interestingly, at its outset, Hobhouse was not unsympathetic to the Bolshevik revolution. He vigorously opposed the British government's decision to send troops to Russia as an illegitimate counter-revolutionary measure.)

Hobhouse suggests that the use of coercion by the state against an individual is not justified by the claim that it is for that person's own good. The state should not try to compel an individual to be good; its proper function in this respect is
only to create the conditions under which it is possible for an individual to develop his moral character by his own volition.\textsuperscript{115} On this point, Hobhouse follows Green very closely. Green, as noted previously, claims that the proper function of the state is limited to the removal of obstacles to an individual's moral self-advancement.

Hobhouse attributes the Idealists' curious combination of theoretical aversion to state coercion with the absence of any theoretical limitations on such coercion to their underlying conservatism. Bosanquet, when called upon to define his ultimate ideal, proposes to rely throughout on the fundamental logic of human nature. Hobhouse argues that this proposal amounts, in effect, to taking 'the substance out of political philosophy'.\textsuperscript{116} The worst kind of conservative, after all, wishes to have it both ways. On the one hand, he wants to minimize the use of force in the state in order to minimize the danger of insurrection. On the other, he is anxious to insure that, should trouble come, the state will have preponderant control of the instruments of violence necessary to put down the disturbance. By rejecting this fundamentally conservative attitude, the political philosopher denies the ultimate authority of law, reaffirming the priority of moral over political obligation. It is important to emphasize here that Hobhouse sharply distinguishes Green from other Idealists, especially Bosanquet and Bradley. Green, he thinks, is not as conservative as the other major Idealists, does demand a rough

\textsuperscript{115} Hobhouse, \textit{Liberalism}, p.76.
\textsuperscript{116} Hobhouse, \textit{State}, p.86.
equality of freedom and never succumbs to the worst forms of Hegelian dialectical sophistry. But, more importantly, Green is incapable of thinking of society or any social unit except as consisting of individual human beings, each with his sphere of rights and corresponding obligations.¹¹⁷

Although Hobhouse was a tutor in philosophy at Oxford, it is significant that his first book did not deal with philosophy, but with the labour movement, and, in fact, employed that phrase as its title. It was published in 1893 with a preface by R.B. Haldane, then a young M.P. and a member of a small group of Liberal politicians who were interested in social questions and who were proposing 'collectivist' solutions. In the preface, Haldane described Hobhouse as belonging 'to a school which is rapidly growing, a school the leading tenet of which is that the problem of today is distribution, not production, and that better distribution requires the active intervention of the State at every turn'.¹¹⁸ But in his major political writings, Liberalism and The Elements of Social Justice Hobhouse did not make a detailed examination of contemporary economic or social problems. He was, instead, more concerned to present a philosophical statement of the fundamental principles of his political thought in order to formulate a 'new liberalism' which assigned an activist role to the state.

In the years before 1914, and again after 1917, Hobhouse's concern with national democracy as a focus of moral development becomes gradually more hypothetical. In practice, he comes to

¹¹⁷ Ibid., pp.177 ff.
conceive of the state less as a form of moral life than as a supportive mechanism, confining its activities largely to economic regulation and the provision of public services - 'securing the external conditions, including mutual restraint, whereby the life of the mind [moral and intellectual] is rendered secure'.

Though Hobhouse regards the state as only one association among many, he finds it a much more interesting one than the others. For the state has a virtual monopoly on the instruments of physical violence - on the power to coerce through sheer force. Throughout society there are concentrations of power, primarily economic, which tyrannize over large portions of the population - a tyranny which is no less real because it masquerades as 'Individualism' and relies principally on an 'impotent' state to secure property and disarm reform. But the freedom of one man in one respect must limit the freedom of other men in that and other respects. Great freedom is great power, and, in order to shatter pernicious concentrations, power must be met by power. The immense power of economic overlords has to be met and diminished by the potentially immense power of a democratic polity as vested in the state. The task of liberals is to destroy the shibboleth of the laissez-faire state and in its place substitute the conception of a state which respects the rights of individuals, but which, at the same time, is fully committed to restraining all other limitations on those rights.

Since the liberty of society depends on protecting the rights of the individual, society must see that these rights are safeguarded. It may happen that an individual, by force or fraud, or by other means, is deprived of his rights. The example that Hobhouse uses is the classic example of free contract. In this situation, the employee gives up his right to well-being by signing a contract with an employer who holds economic advantages over the employee. In this case, the state assumes the right to interfere in such contracts, since the rights of an individual are being violated.120

Hobhouse effects a further refinement of his view of the individual. In *Democracy and Reaction*, he points out that Darwin himself did not try to apply his theories to human society, but many who regard themselves as his followers have not hesitated to do so. They have used Darwin's theories to defend the view that 'might is right', that social progress depends upon a struggle for survival in which those who survive are regarded as being the fittest. Social Darwinism was used to justify a ruthless individualism within society, and provided a theoretical basis for opposition to state intervention by those who desired a form of *laissez-faire* capitalism.

It has been argued that Hobhouse's restatement of liberal economic philosophy in *Liberalism* - along with Hobson's arguments in *The Crisis of Liberalism* - represents a considerable movement from the positions described in *Democracy and Reaction* and the first edition of *The Labour Movement*, in the direction of expanded

collective control. In 1893, in fact, while Hobhouse had advocated nationalization of the socially created 'Unearned Increment' of private wealth, he had suggested that sweeping interference with private property was neither possible nor desirable. The role of the state had been largely confined, in Idealist terms, to the hindering of hindrances - to the establishment of 'the necessary conditions of goodness and happiness, leaving it to individual effort and voluntary association to develop freely and spontaneously all the fair flower and fruit of human intercourse and knowledge....'.

There is, indeed, a clear development in Hobhouse's theory of the state, culminating in Liberalism. Published in the midst of the excitement of the social legislation by the Liberal government, Liberalism should be of special interest to the student of the New Liberalism in that within it Hobhouse provides a theoretical justification for the development of a welfare state which he believes is consistent with liberal principles. Although, as mentioned, Hobhouse never uses the term 'welfare state', his description of the functions of the state corresponds closely to what we now refer to as a welfare state. He states, for example, that: 'The problem of modern economic reorganisation would seem to be to find a method...of securing to each man, as a part of his civic birthright,...a lien upon the common product that he may call his own, without dependence either upon private charity or the

121 Rockow, op.cit., p.200.  
123 Ibid., p.98.
arbitrary decision of an official'. But, even admitting that this is a problem which still awaits solution, the fact remains that the ordinary citizen is not nearly as alienated from his government as he was less than fifty years before Hobhouse's time. To that extent, the state can be entrusted with greater power than ever before.

But how much greater? Hobhouse is never clear on this because he is often contradictory. We have seen how he is concerned to prescribe the limits of state power in certain fields. But a consideration of others will indicate the apparently contradictory nature of his account of state power. According to Cole, the question of financing welfare benefits out of the 'surplus' fund of industrial profit rather than by the compulsory contributions of individual taxpayers split the Liberals and the Socialists fundamentally. The Liberals had argued in support of the National Insurance Act of 1911 that 'the duty of the State was not to provide for the worker but, as far as practicable, to compel him to help in providing for himself'. The Socialists has argued that the Liberal proposal was Bismarckian and that '...provision of work or main­tenance was a direct obligation of the community as a whole'. In Liberalism, Hobhouse seems to stand with the Socialists, though in The Elements of Social Justice he suggests that compulsory contribution may be justifiable if wages are universally high.

126 P.159n.
Here, in fact, he offers the traditional pluralist indictment of state sovereignty. In practice, he argues, neither government nor any other group in society can unconditionally prescribe its will. Moreover, the principal function of state power must be regulatory, with 'the main work of self-government' left to intermediate organizations. It is when Hobhouse begins to develop his own conception of liberal collectivism that his link with Green becomes most evident. Hobhouse defends state intervention as being compatible with liberalism on the grounds that it is a means which will greatly increase the total amount of liberty in society. Although state intervention has often been regarded as a threat to liberty, Hobhouse argues that, while it may involve the curtailment of the liberty of some, it will mean an increase in liberty for the majority. He states that:

'True liberty, to quote Professor Green again, is found when each man has the greatest possible opportunity for making the best of himself. And the problem for society is so far as possible to ensure such liberty for all its members....The curtailment of the liberties of some, then, may mean the maximum of liberty upon the whole. And the maximum it is our object to ensure'.

Two of the functions of the modern state, for Hobhouse, are the protection of rights and the organization of public resources for the common good. The co-operative system represented the practice of the new spirit which Hobhouse so eagerly sought. It substituted deliberate and systematic arrangement of labour and

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128 Ibid., p.204.
commerce for the primitive practices of competition and individual self-interest. The modern state, as a larger association of individuals with common aims, could make the fledgling system a mature reality.

'The State...is an association of all dwellers in a country...and in the democratic State we get the true principle of association clearly worked out, namely that all citizens shall be called on to serve the commonwealth, and on the other side, that the State shall serve not the interest of the few, nor even of the many but the interest of all'. It remains to be seen whether a state of this kind, combined with voluntary trade and consumer associations, or even 'industrial democracy', effectively provides the conditions of moral development, as Hobhouse prescribes them.

Self-government, with all its imperfections, implies not only a recognition of the duties of government and the concomitant rights of citizens but also a consistent application of those principles to all men who live under its sway. Above all else, the ideals of democracy demand that the state guarantee personal freedom and equality before the law to all its inhabitants; a state cannot be benevolent at home and tyrannical abroad. Any state which cannot harmonize the rights of individuals and the common good of all its citizens will soon decay, Hobhouse believes.

130 Ibid., p.46.
131 Ibid., pp. 49-50.
In other words, the state has to conform to the same ethical precepts which rule every rational man.

'There would appear, therefore, to be no distinction in principle between individual and national ethics. The State is an association of human beings - with the exception of the great world Churches the greatest of all associations. It has no mystic sanctity or authority rendering it superior to morality or emancipating it from the law by which transgression brings its own retribution in the lowering of character. It is an association which has its own special constitution and circumstances and in the concrete its duties and rights, like the duties and rights of every other association and of every individual, must be judged in relation to this constitution and to these circumstances'.

Hobhouse's notion that control and freedom are not necessarily antithetical rests on his distinction between 'rational constraint' and coercion. Hobhouse defines coercive actions as those which unfairly exploit others, which obstruct their freedom or development within the context of the general good. He believes that in contemporary society coercion is often exercised in economic practices, as in the power the owners of capital have over working men. For the sake of freedom Hobhouse stresses that such coercive power must be restrained. In economic affairs in particular, the restraining force, he thinks, has to be that of the state. One of the principal concepts in Hobhouse's New Liberalism is his insistence that state regulation of industry is essential and that such regulation or system of restraints is essential to a truly free community. There is no necessary contradiction between government control and personal freedom. 'The true opposition', Hobhouse writes,

132 Hobhouse, *Democracy*, p.207.
133 Hobhouse, *Justice*, p.36.
'is between the control that cramps the personal life and the spiritual order, and the control that is aimed at securing the external and material conditions of their free and unimpeded development'. 134

To achieve that control the state has to intervene in social and economic affairs.

In one sense, Hobhouse's moderate pluralism constitutes a reformulation of liberal democratic theory - or, perhaps, a re-emphasis of the ideal of local participation which had spent itself in producing the Parish Councils Act. In another sense, however, it reflects disappointment with popular government at the national level and a growing tendency to perceive the state as a regulatory instrument wielded by a corps of expert administrators, rather than as an association of citizens actively attending to a res publica. In the final judgment, Hobhouse argues, the state is too clumsy an instrument to deal with the 'endlessly varying needs of the individual'; 135 'its sphere...is to solidify the substructure of society'. 136 Its functions are, first, to 'supervise, to guide, to harmonise' the activities of intermediate bodies, 137 using compulsion in those cases requiring 'enforced uniformity', 138 and, secondly, to secure 'the organisation of public services...and the provision for all its members of the external conditions of a healthy and efficient civic life'. 139

134 Hobhouse, Liberalism, p.78.
136 Hobhouse, Social Evolution, p.187.
137 Hobhouse, Liberalism, pp.91-92.
138 Ibid., p.78.
139 Hobhouse, Social Evolution, p.201; Liberalism, p.83.
But is there still some - perhaps hidden - threat to freedom in these sorts of measures? In elaborating the relationship between freedom and restraint, Hobhouse makes two important points. First, no ultimate or general statement can be made on the relationship of personal freedom and collective control. He realizes that there could be situations 'where conscience and the State come into direct conflict'. Hobhouse hopes that such conflicts can be kept within narrow limits. But in the end, he notes, 'when all has been done that can be done to save the individual conscience, the common conviction of the common good must have its way'. Second, although, in providing a rationale for state intervention in the economy Hobhouse stresses the need for social restraints on individual action, he is also wary of the nefarious impact of such restraints on the personality.

IV. 7 SUMMARY

Thus, the attempt to formulate a theory of the state as the agent of economic and social reform is central to Hobhouse's political writings and to his definition of the New Liberalism. He maintains that the state has an obligation to secure economic conditions which will allow individuals to achieve 'full civic efficiency'. The mass of the people have the right to be 'assured of continuous employment at a living wage', and a right to claim a sufficient share of the national wealth to maintain them in a decent and independent existence. Hobhouse emphasizes that these rights cannot be secured in a competitive economy which recognizes
few controls over private property. In his view, there has to be collective controls, 'deliberate action by the state', programs of public assistance for the aged, the injured and the unemployed, as well as proper wages and working conditions for the labourer. He believed that the Liberal social legislation passed after 1906 went a long way towards accomplishing these goals. Hobhouse's concept of 'the State as Over-parent' is, to say the least, prominent in his political thought. As he puts it: 'The State is vested with a certain overlordship over property in general and a supervisory power over industry in general'.

Although Hobhouse in none of his writings lays down a philosophical basis for respecting the individual, never defining the individual as a person, he does show regard for him. As in an animal organism no cell can be suppressed without injury to the whole organism, so too in society. Neither suppression of the individual or the immediate associations, nor pressure to conformity, is the desired end of society, but rather the development of each unit in its own particular way. If it becomes necessary for the state to extend its sphere of influence, due regard must be paid to individuals and to existing societies. Moreover, in later years, Hobhouse spoke with increasing reservation about trade unionism, co-operativism, and other forms of voluntary association, as organisers of production and distribution. Significantly, the principal accomplishment of voluntary co-operativism seemed to be that it had provided a model for larger involuntary

organizations of consumers - the municipalities and the state itself. Where voluntary action has failed, he declares, the state must 'secure conditions upon which its citizens are able to win by their own efforts all that is necessary to a full civic efficiency'.

Hobhouse's concept of the economic role of the state is the first tenet of his economic doctrine. The second consists of his notion of wealth as essentially social in origin and therefore justifiably subject to collective control and communal use. Hobhouse realizes and emphasizes that income alone cannot sufficiently protect individuals or families against all of the misfortunes of life. State programs are necessary to cope with sickness, accidents and old age. He particularly emphasizes the importance of the Old Age Pensions Act of 1908, since, unlike the Poor Law, it discards the test of destitution. It guarantees individuals a certain minimum and thus complements self-help. For similar reasons Hobhouse praises the Minority Report of the Poor Law Commission and the proposals by Liberal legislators for state insurance programs.

As a means to the security of the 'economic rights of the individual' - as well as to avoid the misallocation of economic resources and the retarded growth of social spirit, which results when production is governed by the desire for profit rather than being adjusted to the needs of the community - Hobhouse acknow-

141 Ibid., p.83.
142 Ibid., p.93; Social Evolution, pp.172-180.
144 Ibid., p.107.
ledges that he has 'been led to contemplate a Socialist organisation in industry'; a vesting of the state with 'a certain overlordship over property in general and a supervisory power over property in general'. Hobhouse does not advocate direct ownership by the state, but he does accord the state the ultimate authority to insure that the tenure of private property does not infringe on the 'right to work' for a 'living wage'. He suggests that the state must exercise control most actively over property which gives power.

To say the least, then, although his ideas had become rather conventionally collectivist in the years before 1914, he was never a doctrinaire advocate of direct state control. The provision of effective freedom for the working class means to Hobhouse that the state should do such things as establish maximum hours for work for working men, set minimum wages and assume responsibility for the unemployed. For the working-class individual, the realization of effective freedom requires a degree of security from economic duress. Thus, according to Hobhouse, it is the responsibility of the state to guarantee that 'the "right to work" and the right to a "living wage" are just as valid as the rights of person or property'. Hobhouse's use of the concepts of the positive state and positive freedom establishes a firm link between his political theory and that of Green.

146 Ibid., p.108; see also *The Labour Movement*, third edition, pp.90-91.
147 'Historical Evolution', 106.
Although he gives the idea of a positive state a much greater scope than does Green - that is, Hobhouse advocates more extensive state intervention than Green thinks desirable - the origin of these two concepts is clearly to be found in Green's thought, and not in classical liberalism.

But, as noted, he is not blind to democracy's defects, nor is he completely unaware of the growing threat of the new managerial tyranny. He does not view democratic remedies for existing evils as magic talismans which will usher in an era of international or domestic bliss. He argues only that the gains that have been made have made a difference when it comes to estimating the dangers of state tyranny. In any event, the only long-range cure for the ills caused by the irresponsibility of the first flush of freedom in some new respect is more freedom. And the only cure for the ills of a democratic polity is more democratic participation for each person, and more widely based democracy viewed internationally. Moreover, the perpetual need for state intervention makes the game worth the candle once a certain level of democratic development has been reached.

John Stuart Mill had attempted to limit the extent to which the state could regulate an individual by distinguishing between self-regarding and other-regarding acts. Only the latter, since they alone affect others in society, could rightfully be controlled by the state.¹⁴⁹ Hobhouse denies that Mill's distinction is valid, however. He states that:

'We should frankly recognise that there is no side of a man's life which is unimportant to society, for whatever he is, does or thinks may affect his own well-being, which is and ought to be a matter of concern and may also directly or indirectly affect the thought, action and character of those with whom he comes in contact'.

An alternative means of establishing limits to the proper sphere of state coercion can be found in the theory that the individual has certain basic inalienable rights, derived from nature, which existed prior to the formation of the state. Hobhouse regards the theory of natural rights to be untenable, however. He claims that the only rights that a person has are those derived from society; these rights are not absolute, but remain valid only as long as society recognizes them to be valid.

If freedom in certain respects is justifiably exempted from state as well as other forms of restriction, it is on grounds other than those put forward by Mill. Ultimately, no single criterion of state action can be formulated. For guidance we must look ultimately to the set of principles which define the system of rights. To take one example as a variant of this: What Hobhouse appears to do in his plan for industrial democracy, as in his discussion of political democracy, is not to promote 'unfreedom', but to alter the locus - and also the substance - of freedom. Thus, in the organization of economic life, as in the organization of the state, his concern becomes increasingly that of providing the individual with a private rather than a

public freedom, of guaranteeing him material security - and so 'free play in the personal life for which he really cares' - rather than political opportunity.

Hobhouse also claims that the use of coercion by the state is justified only in those instances in which the non-conformity of one person blocks the common purpose of others. When the actions of an individual (or group) obstruct the common will in such a manner that it cannot be carried out without the use of coercion, then coercive action by the state is justified. Hobhouse illustrates his argument by pointing to a situation in which a majority of employers would like to raise the rate of wages of their employees, but cannot as long as one employer refuses to do so (for he would be able to undersell them if they raised their wages and he did not). In this instance, the use of coercion by the state to force all employers to raise their wages would be valid, since it would be a matter of the state's using coercion to overcome coercive action by a minority which was blocking the will of the majority. Hobhouse concludes that:

'It appears, then, that the true distinction is not between self-regarding and other-regarding actions, but between coercive and non-coercive actions. The function of state coercion is to override individual coercion, and, of course, coercion exercised by any association of individuals within the state'.

The state is one association among many. In very democratic communities, virtually the entire adult population are members of

151 Ibid., p.78.
that association, and 'by stretching a point, adding children for their prospects, and ignoring the insane and the criminal, we might say that the State and the community are composed of the same people - that the State is the community organised for certain purposes'.

The question of how to establish the limits of the sphere of state action does not seem to Hobhouse to be as serious a problem as it had been to Mill. The explanation for this difference lies in Hobhouse's assumptions concerning the relation between state action and the common will in a democracy. The purposes for which states exist are ethical in character and are determined by reference to the principle of social harmony. The classical liberals held that the state must maintain security, especially the security of property. But the notion of 'security' can be and is interpreted much more broadly than the devout philosophical radical of Bentham's day would have dared suppose. Clearly, the state must conduct the community's foreign affairs. But it must also serve all those ethically valid functions which 'require the organised resources of the community as a whole'. These functions, ultimately determined by reference to the principle of social harmony, are more concretely determined by reference to the intermediate principles which define the system of general rights. Of course, the application of the system of rights cannot be made without the aid of much empirically determined information.

152 Hobhouse, *Social Development*, p.50.
The reason why he was not as concerned as Mill about the limits of state action follows logically from his notion of the common will. Hobhouse argues that, in a democracy, the state is the agent of the majority; the actions of the state thus represent the expression of the common will.\(^{153}\) Since the state is merely carrying out the will of the majority of society, and since that will represents the collective judgement of the members of society as to the general good, then it is unlikely that the action of the state will pose a threat to any legitimate individual rights.\(^{154}\) Hobhouse's emphasis throughout his writings is on the problem of overcoming a minority which is blocking the common will, rather than on the need to defend the rights of an individual against the state. To re-emphasize: Hobhouse developed his theory in the context of an effort by reformers to justify the action of the state in interfering with the 'right' of employers to set whatever hours and wages levels they wished for their employees. This is evident from the examples he uses to illustrate his arguments.\(^{155}\)

The starting point for a rough definition of the legitimate sphere of compulsion is the realization that freedoms conflict; that freedom of one person in one respect may require that the state coerce another in the same or some other respects. 'Thus there is no difficulty in understanding why the extension of State

\(^{153}\) Ibid., p.58; see also Social Evolution, p.191.
\(^{155}\) See, for example, Liberalism, p.47.
control on one side goes along with the determined resistance to encroachments on another. It is a question not of increasing or diminishing, but of reorganising restraints'. This reorganization should be carried through within a framework of rights and liberties; liberties because the ultimate aim of all legitimate coercion is growth of personality. The more democratic the community becomes, the greater is the justification for vigorous state action on behalf of those liberties.

Hobhouse evades Green's difficulty with the need for a right to be acknowledged. It is 'demonstrably justifiable' by relating to the common good, whether it is actually recognized or not. This is a far simpler resolution of the issue of rights than Bosanquet's, as well, but it is doubtful, for that very reason, if it is as relevant to the real world as is Bosanquet's admittedly unsatisfactory (and itself too ethereal) distinction between rights bearing on ethical autonomy, which the citizen manages, and rights bearing on the carrying out of social roles, which the state manages. Hobhouse should at least have considered such a distinction, if only to reject it. But it would seem that his desire to avoid Bosanquet's error of assigning rights to the state leads him to overlook it.

Hobhouse's account of liberty as individuals' actual decisions or spectrum of decisions in particular circumstances (according to which people enjoy a specific liberty to decide upon an action, irrespective of the value of the deed, or the character of their impulses, so long as they are not under duress), allows

156 Ibid., p.154.
him not only to address himself empirically to issues pertaining to freedom, but also to avoid Green's and Bosanquet's impasse, namely, the idea that persons are at liberty to be virtuous only. Like Green and Bosanquet, he nowhere provides a list of the institutions or other elements that, according to his lights, constitute the state. He comes, via his social theories, to adopt Green's notion of liberty, but he does not adopt what he takes to be the Hegelian conceits underpinning it, namely, that each individual has a superior essence; that he achieves true freedom only by adhering to its dictates; and that the state has the opportunity to give each man his liberty by compelling him to adhere to those dictates.

He does, however, adopt Green's perspective to the extent of claiming that the individual's essence is to be found in the context given him by the state. Here he is in agreement too with Bosanquet, for whom the citizen's fulfilment of his potential is one of the state's goals. But he does not explore the further issues raised by Bosanquet's claim that the necessity of fidelity to the state derives fundamentally from the citizens' fidelity to their own reasoned wills. This claim can, of course, be interpreted as a dangerously anti-individualist one, but it is doubtful if Hobhouse's failure to examine this kind of consequence of a location of the individual's essence in the state is any less so. For Bosanquet, the state must not be a simple reflection of the citizen's wants; it must also direct each citizen towards self-realization. For Hobhouse, a situation of complete self-
realization of all would be one of complete liberty, and thus
one to be desired above all others. But he hesitates to take
Bosanquet's step of granting the state the right to bring about
this situation. The ethical development of each person in society
is a goal for both Bosanquet and Hobhouse. For both, the state
has the crucial role to play in this development. Both thinkers
are concerned not to give the state too great a freedom in this
regard, that is, one that would pose a threat to individuality.
Both think that they have avoided this danger. Both are wrong.

Green and Hobhouse hold that the state represents
rationality's inexorable progress. They each claim that the
realization of a general interest depends upon the community's
having a harmony of will and upon this harmony's being exhibited,
and both hold that the state is that exhibition and that its deeds
are impartial. Hobhouse, moreover, uses the term 'positive freedom'
in the sense in which it is used by Green. But he rejects
Bosanquet's insistent demand that the state have the right to
'absolute physical power'. He claims that there is, in Bosanquet's
work, no theoretical limitation on the legitimate scope of state
coercion. Both use the expression 'hindering of hindrances',
but Hobhouse rejects its use as an exclusive instrument of eval-
uation. He criticizes Bosanquet, not for invoking a vague ultimate,
but for relying exclusively on that abtruse ideal as a means of
defining the proper sphere of state compulsion. He follows Green
closely in claiming that the state's proper function is simply to
create the conditions under which it is possible for an individual
to develop his moral character by his own volition.
The evidence seems to indicate beyond a reasonable doubt that it was the writings of T.H. Green, rather than J.S. Mill, which were closer to Hobhouse's thinking. The idea of a positive state and of positive freedom; the notion of the common will; the organic conception of society; and the doctrine of self-realization all appear in Hobhouse's writings in a form similar to that in which they were presented by Green. Hobhouse's theory of the state; his social theory; his attitude towards democracy; and his ethical theory are all distinctly different from the views held by J.S. Mill.

But although Hobhouse uses many of Green's ideas in developing his own theories, there are important differences between the two which should not be minimized. What is different in the thought of the two men can best be expressed by stating that Hobhouse is a collectivist while Green is not. Green's theory of a positive state can be - and has been - used to defend collectivism, but Green himself does not use it in this manner. Green's work does not include a critique of the existing socio-economic structure, and the amount of state intervention which he is prepared to defend is very limited. Hobhouse may have borrowed heavily from the stock of ideas supplied by Green; but he uses these ideas for purposes of which Green would very likely not have approved.
CHAPTER V

J.A. HOBSON : THE STATE AND SOCIAL UTILITY

V.1 INTRODUCTION

Of the four accounts of the state under examination in this study, that of Hobson is, by a considerable margin, the most difficult to analyse. This is not because of the undue complexity of his arguments - his use of language cannot compete with that of Green and Bosanquet for unnecessary intricacy - but rather because he is even less concerned than are the other three thinkers to provide a systematic and coherent account of 'the state'. We have seen how none of the other theorists examined in this study provide such an account, not least because none of them provides even a definition of what he means by 'the state' - none gives us a list of those agencies and institutions that, for his purposes, constitute the state. This lack of definitional clarity and of system is even starker with Hobson.

In large part, this fact is a product of his intellectual style. He has what can be described as a 'scattershot' approach to the subjects of his writings. He moves rapidly and in a disjunctive way from topic to topic, both between his various works and within them. He was an extraordinarily fecund writer and addressed himself to a very great variety of topics, but these two facts, together with his self-confessed (or professed) lack
of concern with the 'pedantry' normally associated with the highest standards of scholarly rigour and argumentation, combine to rob his writings of any general structure or tendency which he may have wished them to exhibit (although that is unlikely).

As a consequence, it is considerably more difficult in the case of Hobson than in those of the other thinkers to identify what his account of the state is 'about', what central point he wishes it to bear, in what context he wishes it to be placed. In fact, while we can say of each of the other theorists that he has an account (although, as I have said, not, properly speaking, a 'theory') of the state, one uses such an expression with much less certainty when describing those writings of Hobson's in which the concept of the state seems to play an important part. His reader must jump continually from one document in one period of a long career to another in another period, where he might find the point or the illustration most closely related to the point that Hobson has just made. His self-contradictions, moreover, are legion. Hobson, to a greater extent than any of the other thinkers, wrote, with speed, for the moment, and it shows.

Bearing these qualifications in mind, however, we can say that the state is less central - or, putting it another way - is less of an end for Hobson than for Green, Bosanquet or Hobhouse. He believes that the workings of society are pretty strictly analogous to those of physical organisms. Society, for him, is a superorganism in essence and will be revealed as such when it has evolved - for it, like physical organisms, is caught
up in a process of evolution - to its highest condition. In this condition, 'social utility' will be the operative principle of social interaction. Regrettably - for 'social utility' is at the very core of Hobson's thinking - he does not reveal precisely what he means by this concept. It seems to mean a situation in which there occurs a constant, rational interpretation and meeting of the essential needs of men's natures. But whatever is its exact meaning, this is the point at which the state enters his account. For these notions of superorganism and social utility imply, for Hobson, the necessity of collectivism in politics.

In this chapter, I shall show that, unclear as it is precisely what he has in mind by the notion 'state', Hobson does intend it to be a means, a device for achieving social utility, rather than an end. Social utility implies socioeconomic conditions of much greater equality and equality of opportunity than were present, in Hobson's view, in his own time, and so he assigns to the state a long list of economic tasks. We shall see that a number of these tasks are not in concord with each other, as might be supposed by my opening remarks. But, more importantly, we shall see also that, notwithstanding Hobson's disclaimers to the contrary, his elaboration of the role of the state within his collectivist system poses even greater threats to the personal liberty of the individual than those revealed in the other three accounts of the state with which this study is concerned. I shall examine briefly Hobson's notions of rights, freedom, democracy and community, for each has a part to play in his understanding of social utility. I shall then discuss the organicist nature
of his account of social utility. Finally, I shall examine the contradictory but basically anti-individualist nature of his account of the state within his collectivist framework. Hobson is today best known as an economist, and this is perhaps the role in which his contributions are of the greatest and most lasting merit. We shall not, however, be concerned with the technicalities of his economics. The state appears in his economic prescriptions as a device for righting economic conditions which are basically, for Hobson, moral wrongs. Since this study is devoted to the locating of our four 'states' in their four contexts, it is appropriate to keep in mind that, for Hobson, the state's context is essentially a moral and not an economic one.

V.2 RIGHTS

Hobson's account of rights is even less well-rounded than that of Hobhouse. Indeed, his analysis lacks a sufficiently exact meaning of the very word 'right'. He tries to supply such a meaning with his declaration that rights are 'separate ordered spheres of activity'.¹ Such spheres might be understood as 'natural' were one to grant the claim that a reasoning community is the natural community. 'For what is nature but reason working itself out in the universe?² But he rejects such natural rights accounts as those of Rousseau and Locke. He dislikes their

² Ibid., p.96.
individualist perspectives on the subject. This antipathy seems to be founded on Hobson's notion that rights are 'essentially in relation to another'.

On Hobson's account, the right to live (for example) is more a power than a right. When a person lives alone, he possesses the power to go on existing but not a right do to so. If he lives communally, he enjoys the rights not to be denied life - a right that requires the carrying-out of a corresponding obligation by his fellows to appreciate that right. The right may be taken away by the community when various communal rules are transgressed against. The community has an obligation to guarantee the physical existence of each person within it. And, if it is agreed that there exists a right to go on living, then it follows that there is a coincident right to the essentials of existence.

He claims that the right to live takes priority over all rights to possessions, and that taking pleasure in relative opulence within one section of the communal system as other sections of that system go hungry constitutes a breach of the rights of the members of those other sections. He holds that the community sets the boundaries to all rights, because communal deeds that carry significance produce communal consequences.

3 Ibid., pp.88-89.
4 Ibid., p.90.
5 Ibid., p.89.
He is sorry that the reaction away from what he perceives as the Victorian particularist view of rights has been taken too far by thinkers who reject out of hand all notions of rights, since, notwithstanding the fact that Hobson himself denies that specific account of natural rights, he believes that the concept 'right' is an essential one because of its intimate connection with the notion of justice. In addition, he bewails the stress put on obligation by many political theorists and actors. Such a stress, he thinks, has the regrettable effect of supplanting justice from its appropriate place and substituting for it a sophistical variety of benevolence.6

He claims that personal rights obtain their cogency from the ultimate duty of the community to defend and enhance the communal good. 'A Right', says Hobson, 'is not ultimately the right of an individual but the right of society'.7 Such an account of rights flows from Hobson's idea of the community (as described in detail below in V.4), according to which he asserts that the ultimate standard of behaviour is the welfare of the system as a totality, and, in circumstances of the direst necessity, a particular social element and its members might have to be sacrificed.8 His especial concern with rights lies in their relation to possessions. As noted, by 'rights' Hobson understands 'ordered spheres of activity'. When he refers to the French Declaration of Rights, he subsumes the listed rights under

6 Ibid., pp.91-92.
7 Ibid., p.94.
the head of property. Security and resistance to oppression are subsumed under liberty, because liberty means nothing except in relation to opportunity.

Opportunity is an inviolate sphere of activity which is property, the proprium of every person, that unique domain in which self is expressed. \(^9\) The right to property, says Hobson, can be regarded as natural since the real limits of property in any community are determined by the physical and ethical character of man. \(^10\) He notes that the fundamental socioeconomic question with property is rooted in the popular conception of property as material objectivity. Because it is thought to be a material good, limited in quantity, property is the object of intense competition among men. The distribution of property is a basic and pressing question. Hobson prefers to pose another - and, he thinks, equally basic - question.

Is there, he asks, no guide to the relation between efforts and satisfactions in determining the rights of property? Answering in the affirmative, he asserts that, on the individual level, and according to nature, man has a title to the necessities of life in order to replace the dispersed energies resulting from his work. This property, which should be wholly or partially equivalent to the energies expended, is 'natural' property. Its basis in natural rights lies in the physiological relations of

\(^9\) Social Problem, pp.96-97.
\(^10\) Ibid., p.98.
function and nutrition, which is simply the natural law of self-preservation. But Hobson obscures this natural rights basis by claiming that it is social utility that accords this right to all workers. The right to property necessary to maintain one's productive powers is not, however, the limit to the natural right of property.

If a man voluntarily produces more than his subsistence wage, part of the surplus is his property. If he does not receive it, he will make no further exertions. In order to encourage the most productive use of worker energy, and to secure the greatest industrial profits, Hobson suggests progressive wages, bonuses, commissions and profit sharing. He claims that, if work is intrinsically satisfying, less regard is had for the actual possession of property. Enjoyment is found in the process of production. But when creative possibilities are lacking in work, greater material satisfaction is necessary.

In such cases, enjoyment must be found in the possession of the product. Hobson here points out one of the dangers associated with social reform. If undue stress is placed on quantitative gain, men will seek satisfaction in the constant accumulation of products. There will be an increasing regard for the rights of individual property. But if greater individuation and qualitative satisfactions are made focal points of reform, there will be a growing demand for artistic works. The increase in demand will necessitate the employment

11 Ibid., pp.98-102.
of men's creative abilities, thus decreasing the desire for material goods and the emphasis on property rights.

In his theory of rights, then, Hobson provides a contrast, in both theory and manner, to Hobhouse's work on the same subject. By comparison with Hobhouse, Hobson's work lacks precision of definition and unity of structure. He takes a more radical view of society than does Hobhouse. It is almost possible to glean a traditional view of rights from his writing on the subject. But the primary importance given to society in his account tends to overshadow the individual and his rights.

V.3 FREEDOM

A notion of liberty that reduced the state's role in communal matters was, according to Hobson, at the heart of the 'old Liberal' philosophy. Once the 'new' liberals have grasped the need for state interference, it will be essential for them to accommodate that notion to the traditional liberal goal of liberty. Hobson emphasizes equality of opportunity in his attempt to do this. For him, this kind of equality connotes the presence of a working system of collectivism. Hobson repudiates the idea that the essential definition of freedom is 'lack of coercion'. But, although he claims that this meaning is not only 'philosophically defective' but also 'historically false', he concedes that the stress has traditionally been placed on the 'negative' side of freedom and not on the more 'positive' aspect, namely, the existence of opportunity.12

12 Crisis of Liberalism, p.92.
As he seeks a less negative and more complete variety of freedom, he inquires aloud as to what precisely constitutes a 'free Englishman' in modern times. He answers that the person who enjoys liberty is he who enjoys admission to the physical, cultural and ethical opportunities to which every person has a right. But he fails to supply his explicit understanding of freedom. He merely presupposes one. It seems that Hobson believes that freedom amounts to the chance for persons to achieve the complete growth of their personalities. Such a phenomenon relies on a broader liberty, namely, equality of opportunity. Freedom means very little in the absence of property, and it is not possible for the latter to be owned without persons' enjoying the possibility of obtaining it.

Thus, in order to grasp the freedom of the modern Briton, one must analyze equality of opportunity. Hobson enumerates the range of opportunities to which each person should enjoy admission. They consist of land and mobility; nonhuman energies; credit; security and justice; and insurance and education. All individuals are entitled to participate in the enjoyment of the land. When persons do not enjoy this possibility, then their rights have been encroached upon, since, in the absence of the status in law of landholder, a person does not enjoy complete individual freedom. Hobson intends the phrase 'equal opportunity in land' to signify that all individuals ought to have the ability to obtain and retain land in a condition of equality with all other persons.

13 Ibid., p.93.
14 Ibid.
A public body to control the apportionment of land is essential for a state of equality to be brought about. Equality in land signifies, in addition, that the society as a whole partakes of the yearly rewards from land. The latter ought to return to the society by means of social possession or taxation.\(^{15}\) Hobson claims that the right to transplant oneself without restriction from area to area 'embodied the hallowed maxim of the individualist philosopher, _laissez-faire, laissez-aller_.\(^{16}\) An ideal maxim is, however, not enough. Liberty of movement is essential for persons in the contemporary economic situation.

People have to enjoy the capacity to move wherever employment is located. This kind of liberty of movement embraces, to reproduce just one of Hobson's examples, the utilization of railroads and cannot, he thinks, be attained unless the railroad system is nationalized. According to Hobson, the concept of government ownership of the railroads flows from the principle of individual liberty. It is not socialistic.\(^{17}\) To take another example, he claims that natural resources converted into 'nonhuman' energy should not become the object of private monopoly. To ensure equal access to them, he advocates public ownership of the present sources of energy as well as all future discoveries.

The use of capital on fair and equal terms is another of the opportunities to which an individual should have access.

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15 Ibid., pp.98-99.
16 Ibid., p.99.
17 Ibid., pp.99-100.
Anyone who wants to operate an independent business needs credit or capital. Hobson writes that the financiers of his time are gaining ever greater control over industry. This makes it more difficult for the ordinary person to obtain credit. Therefore, Hobson favours a banking system in which it would be relatively easy to borrow capital. He suggests that such a system might operate most effectively under state control.\textsuperscript{18}

He asks also for the impartial administration of justice. He claims that justice in England is impaired by the fact that a large percentage of the court personnel come from the possessing and employing classes.\textsuperscript{19} Finally, no man, says Hobson, is really free unless provided for against the exigencies of the future. It is the duty of society to defend its members against the future, when they or co-operative bodies cannot handle the task.\textsuperscript{21} And education, he says, should be regarded as the opportunity of opportunities. He asserts that the state still has much to do to equalize educational opportunities.

Thus, for Hobson, liberty depends on equality of opportunity. In order to assure the growth of liberty, the state has the right to intervene and provide the conditions of equal opportunity. While to some this might appear as a restriction of liberty, Hobson holds that is really the extension of freedom to those who are without the liberty and property to develop their individual potential.

\textsuperscript{18} Ibid., pp.101-106.
\textsuperscript{19} Ibid., pp.107-108.
\textsuperscript{20} Ibid., pp.106-107.
V.4 DEMOCRACY

Any analysis of Hobson's notion of democracy must begin with his comprehension of the systemic character of the community. Although he does not demand that the community be thought of as a material organism, he does hold that such a conception is warranted. He claims a genuine integration for the community, which he claims is a phenomenon greater than the aggregate of private persons within it. 21 In putting forward his version of democracy, he stresses the mental wholeness of the community. Such a wholeness can be seen in human persons no less than in other species. A prime instance of it in humans is the conduct of a crowd.

In this kind of case, a collection of persons is stirred to a shared urge and volition. The outcome is greater than the aggregate of the workings of the particular intellects. The interaction of intellects results in a genuine communal phenomenon. Such a phenomenon, of common mental wholeness, is to be observed in the contemporary nation. Hobson claims that a shared volition and feeling of duty is produced by shared thinking and deeds between the members of society. He identifies this psychic unity as the operation of the general will theory of Rousseau, as developed by Hegel and expounded by Bosanquet.

In Hobson's understanding of the general will, the being and the interests of the individuals are fused and identified. In this way, society develops interests and ends

21 Ibid., pp. 71-87.
of its own which are directed to the progressive development of the community as a whole. Eventually, the nation becomes a truly thinking and feeling organism without, Hobson claims, submerging or sacrificing the individual to society itself. According to Hobson, this idea of democracy based on the social organism really destroys the old democratic idea that all citizens have equal power in determining the direction in which society moves. It also negates the belief that political power belongs to those who have a 'stake in the country'.

At one time, he says, 'stake' meant property or rank. The nineteenth-century interpretation of the word meant that, since all lives were equal, political power should be equally distributed. The slogan, 'One man, one vote', which is as a 'theoretical principle pure undiluted individualism', developed from such thinking. In practical operation, this means that, if all lives are equal, all should have an equal voice in directing the affairs of society. Hobson rejects this line of thought, for, he says, it is absurd to say that the equal value of men's lives rests in equal service to society. He holds that, before the law, life is considered to be of equal value. Men are equal as objects, but not as subjects in the social order.

If an atomistic concept of society is held, political equality can be accepted. But this, of course, is not consonant with the organic view of society. The criterion for the distribution of political power in an organically conceived society is the talent to use political power for the public good.

22 Ibid., p.78.
This line of reasoning is in agreement with the views of Mill on democracy. Mill was on the way to discovering what Hobson calls the 'true formula' of political and economic justice: 'From each according to his powers'. According to this formula, it is the duty of every member of society to do as much as he is able in administering the 'common property for the common good'.

It is not a duty equally incumbent on all, due to the variety and inequality of talents. If this position is held, does it mean that government should be conducted by experts, or that the masses should have no vote? Hobson uses the biological analogy of the organism to answer these questions. In an organism, he says, a particular function is required of each member according to its natural apparatus. Ultimately, the work is divided among the various cells, but direction emanates from a specialized centre. If an organism is healthy, expended energy is immediately replaced in all the cells.

If this does not occur, a cell reacts negatively to the lack of replenishment. The government of a physical organism is highly centralized, and the individual cells have no voice in formulating the policy of an animal organism. But the cells have rights. They not only offer suggestions and send messages to the brain, but they lodge protests when oppressed. Ultimately, a cell can present a veto or exercise the right of rebellion against oppression. When the local centres receive a command for functional activity, the distribution of energy is determined

23 Ibid., p.80.
by the individual cells, each trying to displace to a neighbour­
ing cell any excessive strain.

Thus a state of equilibrium is obtained. However, the
criterion of conduct is the good of the whole organism, not the
right of the individual. In extreme cases the sacrifice of an
organ or a cell may be required. Hobson writes that society
can be compared with the organism and the functions of its various
parts. The political machinery of society must be set up to secure
to the individual his rights. According to Hobson, this analogy
between the organism and society allows for great liberty and
equality. Although all are not capable of governing, each
individual knows more about the particular problems of his life
than does any other person.

He knows how legislative systems and administrative
actions affect him. Thus equality of representation and franchise
can be defended on the basis of real equality of contribution from
the various segments of society. While this may seem to be an
essentially individualistic view, Hobson holds that this is not so.
An essentially developed democracy will have a specialized centre
which makes laws based on information delivered by various organs
of society. He envisages an expert political class which would
initiate laws, but this would happen only after an evolution of
a capable, enlightened public service. The ideal of a public
legislative service can be attained only when a high level of
intelligence has been reached.
This latter condition can be brought about by real
equality of opportunity and the growth of public intelligence and
conscience. When this stage is reached, the full organic structure
of society can be controlled by the mind of man. According to
Hobson, a true democracy is possible only when society, a true
organism, becomes conscious of its ability to direct itself. This
is the essence of democracy. Regarding democratic reforms,
Hobson insists on a radical reformation. The suspensory veto of
1911 is not sufficient. He proposes an elected chamber to replace
the Lords; universal suffrage; and proportional representation.
Only with these can the political system of England properly be
termed democratic.24 For all that, it is, of course, apparent
that Hobson's concept of democracy reflects, in comparison with
even that of Hobhouse, a decidedly bureaucratic spirit.

V.5 COMMUNITY

Hobson's perspective on the community in many ways
matches Karl Mannheim's description of a liberal utopia. His
thinking on the community reflects his thinking on the develop­
ment of the species. Although he is unable to perceive any sign
of the perpetual rise and growth of particular persons, he is
able to make out the rise of the community of men, achieving an
increasing intricacy and a more sophisticated mental and ethical
awareness. The traditional notion that the community is a
single Man 'ever living and constantly learning' lies at the
heart of his thinking on the community. Hobson appears to
believe literally that the community is a single Man or a single,

24 See ibid., pp.78-87; 3-70.
higher system, constantly growing. He states that the future of
the species rests in the growth of this higher system, Man, or
perhaps in the growth of a greater, universal system, upon which
he does not enlarge.  

But the general growth of the community is a perpetual
scheme, constantly a novel source of freedom, the boundaries of
which cannot be made out. The goal of liberalism, and thus of
the community or the higher system of Man, is at no point
completely worked out, because liberalism is based on the infin­
itude of the possibilities of human life. Hobson's organic
society is not merely an aggregate of men and women, but a
collective body having faculties and its own end similar to an
individual organism. This organic structure of society Hobson
describes as a 'vital', not a 'spiritual', structure. He claims
that, to consider society as existing simply for the 'realisation
of ethical ends' is unwarranted. Man enters into society body
and soul, and is concerned with both physical and spiritual
activities.

Even a society such as the church, which exists pri­
marily for spiritual ends, has human purposes. Even though the
instincts upon which society is based become progressively
spiritualized, the organic physical basis is never lost.  

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These ideas are contained in earlier works, viz., The Social
Problem and The Evolution of Modern Capitalism (London, 1894;
4th edition, London, 1926), especially Chapter XIV. But in
these earlier books the ideas are not as fully developed as
they are in Work and Wealth.

Since Hobson holds that organic society has an independent value and an end of its own other than that contained in its individual members, it has to be conceived not simply as a set of social relations, but as a collective organism with a life, will and purpose of its own. Hobson writes that the term 'organism' as applied to the life of vegetables and animals is 'not wholly appropriate' as applied to the life of society, but it is probably better than any other word, with the possible exception of the term 'superorganism'. Either term conveys the impression that life is the result of many parts working together, not each for its own well-being, but for the good of the totality. Indeed, Hobson does not dismiss the possibility of even a physical organic unity of society.

Objections raised against a real physical unity in society are two. First, the individuals in society are spatially separate, mobile and self-activated. Secondly, in society there is no sensorium or central seat of consciousness. Hobson dismisses the first objection by claiming that the then recent biological researches had discovered that individual cells in an organism are not only more distinct than formerly believed but that they are capable of 'free acts' in regard to movement and to choice of food. Further, some psychophysicists posited a type of consciousness in all cells. The second objection is dismissed by noting that in some of the lower organisms a sensorium is not present due to their low state of evolution.

27 Ibid., pp.15-16.
Hobson concludes that perhaps society has not reached the stage of evolution at which a sensorium develops, or, on the other hand, the educated and governing classes might be the sensorium, since the majority of men do no more thinking than the mass of cells in the body. To Hobson, the concept of society as a physical organism is perfectly justifiable. In regard to psychical unity, Hobson believes that natural history has been excessively dominated by purely physical biology, and that the full importance of the organic conception of society will be realized only when natural history is seen in the light of a collective psycho-physics. The ascent of human society has been a working out of human faculties and feelings in which instinctive physical motives come more and more under rational control. As society advances, with an ever greater complexity and convergence of human relations, and as the intellectual and moral consciousness becomes more clarified, all of man's conduct comes more totally within the scope of conscious control. Thus, while Hobson does not delineate the structure of society as clearly as does Hobhouse, his perceptions of the progress of collective humanity are more specific.

He writes that the main steps in the development of collective humanity are rationalization and socialization. These steps were forced on man by the rise of industry. The industrial system forced man to exercise foresight and forethought, to delay gratification in favour of long-range rewards, and to take into

28 Crisis of Liberalism, pp.71-73.
consideration causal laws in his calculations. By developing elaborate networks of mutual interest, industrialization socialized man by forcing closer associations upon him. Because man has become more rational, as humanity ascends, its organic life becomes more psychical, that is, more under the domain of reason.\textsuperscript{30} Because of industrialism and democracy, man for the first time in history has the possibility of freeing himself from the chains of materiality.

He can seek the development of his higher being. Hobson emphasizes the value of machinery in this process. By it, man has the opportunity for leisure, the very foundation of all effective social reconstruction and progress. Machinery can enable man to have the time to become more human by affording relaxation and recreation in which his spontaneity, liberty and creative abilities are released. Not only is this leisure a condition of progress, progress demands it. If the advance of man is to greater intellectual and moral consciousness, man must be free to pursue these ends.\textsuperscript{31}

If leisure is to be accepted in society, the attitude which regards business as the chief occupation must change. The ideal of ancient Greece and Rome, in which politics, art and literature had an honoured place, must be restored. To achieve this ideal, machinery must serve man. Men cannot be enslaved to machinery. Further, man must learn to seek qualitative, rather than quantitative, satisfactions.\textsuperscript{32} Hobson's liberal

\textsuperscript{30} Ibid., pp.26-27.
\textsuperscript{31} Ibid., pp.236-241.
\textsuperscript{32} Ibid., pp.241-246.
utopia is somewhat like Hobhouse's. It is a collective humanity free to develop its potential.

Not only did Hobson envisage this collective humanity, but he held that the power of modern technology and democracy could make possible the realization of the life of the spirit as that life had never before been lived. Hobson's concept of society, based on the superorganism of humanity, demands, by the very nature of the developing psychical powers of the organism, that the material necessities of man be satisfied. This condition can be brought about by the proper use of machinery and by a greater equilibrium in the economic system. The theories of society developed by Hobhouse and Hobson are similar but different. While both are termed organic, there is a difference in how the term is applied to the two theories. Hobhouse wishes (and, as we have seen, fails) to construct a theory that is itself organic. He wants all parts of his account to fit together into one whole.

For Hobhouse, society too is organic, in that the lesser societies or associations are related one to another, and fit into the supreme society of humanity. Hobhouse wishes to see the principle of subsidiarity to be observed. He wants the highest association, the state, to assume all its proper obligations, but he also wishes to ensure that the rights and liberty of no individual or lesser association are infringed upon arbitrarily by that higher association. In this attempt he is unsuccessful, but he at least exhibits this concern. Hobson's
theory does not exhibit the structural harmony of even Hobhouse's. Moreover, his idea of an organic society seems to be somewhat different to that of Hobhouse.

While Hobson does not say that society is a physical organism, he does not appear to be averse to holding such a position. Because of this, society seems to be more important than the individual for Hobson. Individual rights are derived from society. A right is mainly the right of society, not of the individual. Hobson envisages a future society in which each man will be able to engage in activities proper to a reasoning being. Yet, in his writings, society, which in those works can easily be equated with the state, looms so large that the individual almost loses his importance.

**V.6 SOCIAL UTILITY**

Hobson's first formulation of social utility, *The Social Problem*, gives evidence of his real interest in the social condition of the England of his time. In this work he acknowledges the obvious: social problems are perennial and every age must face them anew. Some would, and have, avoided the issue by turning towards a future life. Others, such as the nineteenth-century social reformers, Bentham, Owen, Comte and Mazzini, undertook the task of solving the social problem with great enthusiasm. Their projects had not been wholly successful, and their ideals do not appeal to Englishmen at the turn of the century. This does not mean that the social ideal is dead. Rather, Hobson sees it as taking a new shape, determined by two novel elements — evolution and the concept of development in history.
Hobson, holds that, at the time of his writing, the new social ideal has not yet been formulated. He sees a real need for a philosophical formulation of the social question. Here, on the one hand, he exhibits a perspective shared with Bosanquet. But, on the other hand, he does not want professional philosophers to do the job. They are too theoretical and prone to neglect the practical aspects of the problem (a criticism from which, as we have seen, it is difficult for Bosanquet to escape). In true English fashion, Hobson wants a compromise between the 'metaphysical niceties' of the philosopher and the ideas and language of the 'unlettered peasants'. He judges that the language of English utilitarianism is appropriate for such a philosophy.

He says that, in his view, Green has given good reasons for rejecting large chunks of utilitarianism, but adds that utilitarianism is embodied in the concepts and language of the English people. Thus, the common man will be able to understand the social problem when it is couched in such terms. In *The Social Problem*, Hobson does not claim to set forth a philosophy of social utility. He presents merely a background, a setting, for the social question, based on social utility. In this work, as with his other books, a great stress is placed on economics. The reason is apparent: Hobson, as an economist, believes that lasting social reform has to be based on the priority of economic reforms.

33 *Social Problem*, pp.1-7.
Thus, in establishing a standard of social utility, Hobson's first attack is made on money as a standard of valuation. In its place he sets up the standard of human welfare. In doing this, he knows that he is laying himself open to two objections. It might be said that he is setting up an *a priori* ethics or teleology. His reply to this is that this is a valid scientific method. Hobson considers his intended reform of the economic system to be pre-eminently *scientific* in nature.

Hobson anticipates, in addition, the charge that he is confusing is with ought. John Neville Keynes had written that if an economic law, for example, the law of wages, was studied simultaneously with the ethical implications of the law, both problems would be obscured. Hobson asserts that Keynes dichotomizes the unity of facts. He states that, if a problem has moral aspects, these must be studied also or the question is handled inadequately.  

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*To abstract from any work those relations of cause and consequences which give it moral significance is to make it less of a fact than it is. No fact can be fully known as such without regarding it as belonging to a system of facts ordered by a principle which, by common acceptance, is regarded as ethical.*  

In establishing an ideal of social utility which 'accorded with human facts and possibilities', he believes that he is also furnishing 'a test for conduct'.  

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34 Ibid., pp.65-66.  
36 Ibid., p.66.
admits that, in accepting social utility as a standard of reference, as a 'working hypothesis for the regulation of conduct', he is accepting a constantly changing standard. But he holds that it is

'the function of ethics constantly to re-form and re-state the substance of Social Utility, and to adjust this standard to accord with a rising and more rational interpretation of the "essential needs or ultimate demands of our nature".'

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The concept of social utility is the underlying basis of all of Hobson's theory. Also evident in his work is the presence of the two new elements in the social problem - evolution and the concept of development in history. In fact, it seems that the influence of biology and evolution was so strong that these are the factors that account for the shift from social utility as a concern for human welfare to a concern with the good of society considered as an organism.

It is in *The Crisis of Liberalism* and *Work and Wealth* that the good of the societal organism is particularly noticeable. In the former, Hobson puts forward a strong argument for the physical unity of society. He does not, however, insist on it. In *Work and Wealth*, no lengthy argumentation is developed. But when he writes of the one man developing and growing through history, when he speculates on man as a superorganism or evolving into some cosmic organism, he conveys a sense of a real unity which never comes through in the work of Hobhouse. This

37 Ibid., p.69.
ultimate unity of the one man is to be reached, says Hobson, by the development of the intellect and the convergence of men by the use of technology.

But perhaps what he is envisaging is not what we should consider a physical unity. Perhaps Hobson's point is that, by the mastery of man's physical needs, the psychic powers would be released and eventually unite to form a superorganism. He is not at all clear on this matter. But what is clear is that Hobson does not draw the distinction between the individual and society that Hobhouse specified. The sense of the individual is lost in Hobson's work and society becomes the centre of attention. Moreover, the idea of the utility of the societal organism is carried over into this treatment of the economic system.

Hobson's account of the economic system cannot be studied in isolation from his account of the organism of society. He goes so far as to assert that, when society is considered as an economic organism, the notion of property as an individual, inherent right is destroyed. The individual as such makes no part of property.\(^\text{38}\) The basis of the doctrine of social wealth is the organic nature of society. It is only because man is part of the social organism that he is able to produce wealth. It is because of this unity and the need for society to perform its functions that surplus wealth should revert to society as a whole.

\(^\text{38}\) *Crisis of Liberalism*, p. 77.
The concept of democracy is also seen within the framework of the social organism. The idea of the equal value of man to society is negated by Hobson. All men are not of equal service to society, although all can contribute to society according to their talents. For the good of the social organism, members can be sacrificed in extreme cases. In the area of rights, he would accord to man the right to life and the property necessary to maintain that life, not because man is a human being, but on the basis of social utility. There are no inherent rights to property, and society, embodied in the state, determines the social uses of property.\(^{39}\)

His recognition of development in history is evident in Hobson's treatment of collectivism. From his study of history, Hobson judges that the development of either a private or public monopoly is inevitable. It is a 'natural' process, and he holds that the overwhelming bulk of historical evidence lends support to his theories on the development of collective humanity.

\textbf{V.7 COLLECTIVISM}

Hobson often claims that he is not an adherent of Marxian economic analysis. But he holds that collectivism, which he takes to be the growth of municipal and state activity,\(^ {40}\) is the 'natural adjustment of society to the new conditions of machine production'.\(^ {41}\) He states that a study of the development

\(^{39}\) Ibid.

\(^{40}\) Ibid., p.114.

\(^{41}\) Modern Capitalism, p.132.
of modern capitalist economies reveals that there exists a natural trend towards the socialization of some sectors of an industrialized economy such as England's. In this light, he claims, it is appropriate for political decision-makers to take this trend as an historical (and philosophical) given, and deliberately control the future collectivization of the economy in order to ensure that the maximum utilization of resources takes place as this happens. He does not deny that an economic policy which consists in responding to immediate pressures can, in the long run, achieve, perhaps against its intentions, a measure of socialism. The kind of development that is a product of a set of principles formulated from an historical awareness is, however, much less wasteful of resources than this sort of growth.42

He bases this thesis, that there is a natural movement towards socialization, on the authority of Smith, and on his own study of the evolution of modern capitalism. It is his view that Smith believes that businesses whose methods can be reduced to routine, such as banking, trading and public utilities, are fit subjects for joint stock company ventures. For Hobson, many of the businesses enumerated by Smith have already gone through the joint stock company phase, and are passing into public businesses or collectivities. This is a normal and natural development. It is so natural, according to Hobson, and occurs with such frequency, that it almost seems to be a 'natural' law.43

42 Crisis of Liberalism, p.132.
43 Ibid., p.118.
That businesses capable of being routinized eventually become collectivized is due to the fact that public monopoly is the only alternative to private monopoly.

For the industries that can be reduced to routine are the ones that usually become private monopolies. These are the industries that produce the quantitative demands of men, the consumer goods that satisfy the daily needs of large numbers of consumers. Hobson cites Marshall on quantitative demands. Marshall holds that 'aggregate satisfactions...could be much increased by collective action in promoting the production and consumption of things in regard to which the law of Increasing Returns acts with a special force'.\footnote{Ibid., p.128.} According to Hobson, the goods that conform to the law of increasing returns are the goods that supply the ordinary needs of the majority of men.\footnote{Ibid.} Now it is the tendency of those trades which are subject to the law of increasing returns to 'increase the size and to diminish the number of businesses competing in a given area'.\footnote{Modern Capitalism, p.119.}

It is the 'economies of cost' which establish this tendency. The economies of cost which he enumerates centre on large-scale manufacturing. Transportation, the use of machinery and the placement of personnel are more efficiently handled in a large manufacturing plant than in many small ones. When businessmen realize the savings to be made by large-scale manufacturing, there is a movement towards the consolidation of small
businesses.\textsuperscript{47} The diminution of the numbers of competitors constitutes no great change in the nature of industry, as long as there is simply a substitution of a few larger businesses for many smaller ones. But with fewer businesses, competition usually grows sharper and old business traditions disappear.

In such circumstances, the personal element is lost. Customers compare prices more carefully, One business attempts to take customers from another, and more attention is paid to competition. In the early stages of big business competition, the small businesses may suffer, but the consumer is still safe. As the economic advantage increases with the size of the business, competition reaches the point where it is virtually a death struggle between a few competitors for the monopoly of a particular field of industrial activity. Businessmen engaged in competition realize that profit is accumulated by monopoly over a limited source of supply, or by agreement with other companies to limit competition. Companies combine to regulate the market and prices.

As these combines develop and monopolize the industrial world, and thereby take unfair advantage of the weak, the state consistently intervenes to protect the economically disadvantaged.\textsuperscript{48} It is the dangers of monopoly which are the powerful force in the growth of collectivism, not the conscious recognition that a particular type of business is mature enough for a collective form, or that the public has the ability to manage such a business. It is in connection with the growth of

\textsuperscript{47} Ibid., p.18.
\textsuperscript{48} See ibid., pp.119-142.
collectivism that Hobson broaches the question of theory. It is his contention that state intervention to control the evils of monopoly is necessary, but is not the most intelligent approach to the social problem. The more intelligent approach is to recognize the 'natural law' that industries which supply routine quantitative demands of man eventually develop into collectivities. Moreover, he is careful to point out that socialization does not mean that all industries must pass under state control.

Those industries which depend on the qualitative demands of men do not usually develop into public businesses. It is Hobson's argument, in the face of increasing socialization, that individuality can be preserved by refining the qualitative tastes of man, and by not permitting him to succumb to the indiscriminating taste of mass production. Only education can elevate man to this higher, more spiritual plane of living.

The socialization of industry belongs to the field of practical socialism. Another area of practical socialism is the activity of the state on behalf of a weak segment of society. Examples of humanitarian socialism, which assumes that some groups in society are more vulnerable than others in the presence of poverty, ignorance and disease, are the legislative acts of parliament regulating factory and sanitation conditions.

Social utility is not the whole motive for such legislation. Rather, concern for society's weaker members is the motivating force. It is not always easy to distinguish

50 See ibid., pp.124-128.
between humanitarian socialism and socialization. For example, the socialization or municipalization of the 'drink trade',\(^{51}\) might be undertaken for the good of the weak members of society, the potential drunkards or for the whole of society which might be corrupted.\(^{52}\) Hobson states that, while there are strong objections to socialization, there are equally strong objections to humanitarian socialism.

Chief among the latter are that it weakens individual responsibility, that it gives the recipients no incentive to work, and that it breaks up the unity of family life. The underlying assumption of such arguments is that any man who wants work can obtain it. The critics of humanitarian socialism object to all schemes of public aid because they are doles. These are judged to be harmful to both the individual and society because they are unreasonable transfers of property, the recipient being the object of a miraculous income. Hobson questions why doles to the poor are considered to be wrong, when 'unearned incomes', which to him are forms of miraculously acquired property, are not wrong. According to the illogical reasoning of Bosanquet, for example, doles are pernicious by reason of their origin, while unearned incomes are validated by use.

This argument runs, says Hobson, along these lines: if such incomes are put to good social use, then the origins are not to be questioned. He charges that this 'sophistry' of the

\(^{51}\) *Social Problem*, p.198.

\(^{52}\) See ibid., pp.196-200.
Charitable Organisations is not their own original invention, but goes back to the early days of the Church, when possessions were approved as long as they were used for 'pious purposes'.53 He says that the modern form of this teaching is Carnegie's 'Gospel of Wealth'.54 The argument that the dole weakens independence and individual responsibility finds little favour with Hobson. For him, responsibility implies ability. Because the latter is lacking, because economic opportunities are unequally distributed, it is difficult to expect the head of a family always to be responsible for that family's needs.

The individual cannot always be responsible, because of the social and economic systems in which he is involved. Hobson claims a double fallacy is prevalent in his time. While the Charitable Organisations emphasized individual responsibility, socialists emphasized unduly the environment. He holds that the interaction of the individual and his environment should be recognized. Yet, while he sees the need to take into consideration these two factors, Hobson stresses the priority of economic improvement of the underprivileged over individual moral improvement. He says that if social justice were a reality, humanitarian socialism might not be necessary.

Economic processes, however, tend to favour the strong over the weak, and thus help must be given to the weak. In such a way the struggle for life is not reduced, but raised to a

54 Ibid., p.201.
higher plane. Nevertheless, Hobson considers humanitarian socialism to be defective and wasteful, because it is a short-range palliative. He suggests that the solution for economic inequality lies in equality of opportunity. This implies drastic changes in the social and economic fabric of the country.\textsuperscript{55}

The debates in parliament illustrate the attempt to differentiate between 'socialism' and 'socialistic'. Hobson claims to reject Marxian socialism. But he admits that there are socialistic elements in the new liberalism, and he is insistent that the 'centre' in English liberalism has to be won over to this view, or it will be the end of English liberalism. Liberals have to accept new principles of economic liberty and equality, or they will fall into impotence.

Hobson cites as an example of the failures of old principles the employment of the Poor Law as an answer to unemployment. He holds that it has proven to be completely unsatisfactory. It was designed to deal with people who were paupers, not with those who are temporarily out of work as a result of a trade depression.\textsuperscript{56} The Unemployed Workmen Act of 1905 was not much more satisfactory even though it conceded, in theory at least, that the state has an obligation to find work for those who are genuinely seeking employment.\textsuperscript{57} But no contemporary measure addresses itself to the vital issue that, in the existing order, the surplus which remains after the costs

\textsuperscript{55} See ibid., pp.201-217.
\textsuperscript{56} 'The Problem of the Unemployed', \textit{Tribune} (13 February 1906), 4.
\textsuperscript{57} Ibid.
of maintenance does not automatically distribute itself among all the factors of production in such a way as to promote the potential energies of labour and capital and state to their maximum efficiency. Rather, some factors may receive a greater stimulus than others. Portions of the income of industry may not only be surplus, but may be unproductive surplus, that is, the payment for any factor of production in excess of that which is needed to evoke its full use.  

As late as 1931, Hobson is to be found pointing to the substantial growth in progressive taxation, together with the increases in state interference in the economy and the reformed social services as the fundamental developments that, in the previous thirty years, had rendered the life of politics a tangible one for the common man. It may be inferred, however, that Hobson is by no means satisfied with this state of affairs. For one thing, virtually nothing had by that time been done about what, for him, was an important issue, that of 'the land question'. He describes its significance in this way: 'The effective liberation of the land, as we now perceive, involves large permanent measures of public control, and brings in its wake a long series of further enlargements of State activity in transport, credit, housing and other matters'. It is true that his insistence on the fundamental nature of this question wavers at various points in his intellectual career, but, as far as his account of the state is concerned, Hobson never denies this relationship of causality

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60 Crisis of Liberalism, p.4.
between 'liberation of the land' and the extended range of state activity in other areas of the economy. Moreover, this idea of the state's making politics more tangible for each citizen is one that recurs at many points in Hobson's writings.

This is a notion that, like many Hobsonian conceits, is founded on a basic datum of physical life: disuse gives rise to decay. Hobson holds that observation of physical existence validates the significance of performing, of taking part. Were a section of the community not to share in the duty of participating in the affairs of the state, then it would be destined to a kind of political decay because of the disuse of one of its natural roles. It is precisely this danger which, he thinks, lies at the heart of the consequences of philanthropy. His central thesis against charity is that it always tries to meet 'superior' desires rather than 'inferior' ones. It always stresses, that is, the ethical improvement of the worst-off sections of the community at the expense of the improvement of their physical circumstances.

This much is apparent from Hobson's attack on the Charity Organisations, but he holds that this is frequently the tendency of state actions as well. It is a tendency which results from a failure to perceive existence as an organic totality. This failure is an example of the 'monadist fallacy'. From the point of view of the decision-maker in the kind of state that Hobson advocates, the meeting of the 'superior' moral needs of people is of a lower level of significance than the

61 'The New Aristocracy of Mr Wells', *Contemporary Review* LXXXIX (1906), 496.
meeting of the 'inferior' physical exigencies. The first activity simply cannot occur without the second's having previously occurred. It is apparent that, for Hobson, the activities of the state are not confined merely to that of constantly taking away freshly revealed impediments to personal growth.

In the process of unravelling the complicated character of the social question, one multiplies the impediments to be overcome and thus also the instances of defiance of the state. He claims that it is not apparent that 'the limitation implied by the restricted function of "hindering hindrances" really negates any of the positive good works which the most advanced State Socialists require from the State'. It is the same, says Hobson, with Green's formula: 'When he sought to apply his principles to any concrete case of conduct, the utilitarianism which he had repudiated returned to do the work'.

The hindering of hindrances formula runs the continual danger of being simply too vague and limited a principle on which to found the attempted solution of real, material problems. It would not, on Hobson's account, allow for his proposal that there be created a system of public works projects to be organized by the state. As an example of the type of project that could be developed, Hobson points out that a recent Government report has indicated that nearly one-half of the twenty-one million acres of waste land in England could be (profitably) planted with trees.

62 Hobson, Social Problem, p.82; Crisis of Liberalism, p.207.
63 'The Philosophy of the State', Ethical World, 1 September 1900.
A state which merely hindered hindrances could not, from Hobson's point of view, undertake such a massive programme of afforestation, with the labour provided by the unemployed. 64 Nor, presumably, could it engage in the kind of taxation policy that he advocates. Since he accepts the principle that taxes should be imposed only on unproductive surplus, it is necessary that he establish the 'best' taxing policy for the state within those limits. First, he holds that, in line with the theory of unproductive surplus as the true income of society, minimum wages should not be taxed. Such taxation would throw the wage below the minimum for efficient living. Secondly, the main instrument of rational state taxation is the graduated income tax.

Thus Hobson's underlying assumption in his advocacy of this particular taxing policy for the state is that 'unproductive "surplus" varies directly with the size of incomes'. 65 The higher levels of unproductive surplus to be found in the higher levels of income are, for Hobson, symptomatic of social 'parasitism', and this allows him to revert to and extend the analogy between the physical and the socioeconomic worlds. At times, he is not content to describe society merely as an 'organism', analogous to physical organisms - he sometimes enlarges this into a set of assumptions about goals and designs. He is concerned to bring the state into this kind of discussion, and does so occasionally through the use of the metaphor of the hive, which, he thinks, permits an inference of design to existing patterns.

64 'Problem of the Unemployed', 4.
'This sense of "manifest destiny" is surely no illusion. It is the evolutionary method by which all organic process is achieved, whether in the growth of an oak tree from its acorn, of a motor-car from the earliest hand-barrow, a musical symphony from a savage tom-tom, or a modern federal state from the primitive tribal order.  

But Hobson does not wish the state merely to observe its part in this process, but actively to encourage it. Hence these recommendations of his concerning taxation policy. The state which effects them will be recognizing and contributing to its own inevitable evolutionary growth. Indeed, state taxation is at the heart of Hobson's fiscal thinking. In order to create a more enduring and egalitarian community, two measures, he holds, are essential: greatly enhanced income levels for employees, arrived at through collective bargaining or (more likely) by means of state determination; and taxation by the state of surpluses of the kind mentioned above.

Not surprisingly, therefore, he welcomed Lloyd George's Budget of 1909 as a bold and far-reaching attempt to solve the problem of funding the reshaping of the community. In fact, the Lloyd George Budget adhered very strongly to the version of taxation that Hobson had outlined three years earlier. It

67 'Is Socialism Plunder?', The Nation, 19 October 1907.
replaced the (to Hobson) incorrect notion of taxes as assaults on people's entitlement to possessions with the principle of people's capacity to contribute. Even more importantly, no previous Budget had tried, like this one, to gain for the state a significant amount of the unearned surplus. Moreover, the Budget was aimed at the concentrated ownership of, for example, alcohol and real estate, the possessors of which gained their income, in the main, from the state's safeguards in law. Such a set of policies seemed to him to accord well with his account of the state's proper functions:

'The public, it is said, should undertake such works as it is best capable of administering; it should undertake works which are required for supplying the common necessities of the people; it should undertake such works as, if left to private enterprise, are prone to abuse, by reason of high or irregular prices, or by causing danger to the public or to the workers engaged in them.'

Indeed, Hobson's attempted settlement of the issue of meeting shared communal necessities takes him somewhat past even Hobhouse on the question of intervention by the state. It is frequently quite hard to isolate the differences as between his account of the state's tasks and those of various contemporary social democrats. He even goes so far as to take up Sidney Webb's notion of the 'four-fold path of socialism', and this in the context of outlining the programme 'to the furtherance of which most Liberals are committed'.

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70 Social Problem, p.175.
71 'The Four-Fold Path of Socialism', The Nation, 30 November 1907; emphasis added.
individual instances of Hobson's identification of his recommendations for state activity with the thoughts or deeds of both theoretical and practical socialists. To take just one, although by no means insignificant, example, a month before the Labour Party's 'Right to Work' Bill was presented in 1908, Hobson had written an essay on 'The Right to Labour' in *The Nation*, in which he argued in favour of the principle of the 'right to work'. In this essay, he claims that the Unemployed Workmen Act of 1905 commits the state to the acceptance of this principle and he urges the Liberal government to take steps to implement the Act. He refers to the existence of 'a plain moral obligation upon our State to find employment for workers who cannot find it for themselves, to give these workers a "right" to such employment'.

Fundamentally, of course, this requires a growth in state expenditure, but this poses no problem for Hobson, given his underconsumption thesis. Increased spending by the state can serve to increase spending and consumption generally. Indeed, the state has a particular duty in this regard, because there exists no compelling device inherent in men's economic relationships which can guarantee this. But the present system of levies imposed by the state induces thrift and punishes spending and thus gives an aberrant kind of encouragement in what are clearly underconsumptionist circumstances. It is, therefore, 'evident that taxation should rightly be directed to check saving, and

not expenditure, and should fall on that portion of the individual's income which he refuses to spend'. The state's augmented function in communal life, then, takes Hobson to some kind, at least, of state collectivism. Indeed, as his career progresses, we find Hobson less and less uncertain about the merits of such a system. From his account of the community, which holds that social development cannot take place if the state does not assume control of those things on which such progress depends, it is logical to expect Hobson's more strictly political views to be decidedly collectivist. When the state is able to demonstrate the communal source and worth of such things as the supply of energy, public transport and real estate, then it enjoys both an obligation and an entitlement to take charge of such services.

This is the kind of collectivism that Hobson labels 'progressive'. In applying this tag, he is attempting to set up a broad structure of state collectivism, and this is why he establishes these various standards for state activity. For Hobson, an inherent part of such a state will be a general will, at work throughout it, constantly hindering manipulation and exploitation of authority. Hobson's state is not a device for the use of sectional forces, but a means of putting into

74 See, in this regard, a particularly assertive passage in Science of Wealth, pp.254ff.
75 Social Problem, pp.152-154.
effect the joint deeds of society's members. His general will is actually something like a social ethic, to be achieved by education, which will reveal the true concord of the political and economic and social organisms. The recognition of the need for this education, however, cannot itself be a product of education. It must arise from within the citizens. The state must not be an 'authoritative' state.

But Hobson is sceptical about the efficacy of what might be taken as an example of such joint deeds - trade unions. Those who have benefited most from the trade unions, he says, have been the so-called 'aristocracy of labour', who need an increased income less than the poorer sections of the working class. Because of this, he suggests that state intervention may, in this instance, be a more effective means of achieving this element of 'progress', namely, the redistribution of wealth. By the 1930s, he feels that Englishmen are in a position to see that 'the logic of events is bringing into clearer vision the choice between social democracy and the authoritative State operating as a safeguard for capitalism'. Thus he who wishes representative government to endure must recognize the need for both purpose in public policy and the end of massive income differences. The most sensible industrial structure would consist of the employment of a state-controlled

76 'State Interference', *South Place Magazine*, XIII (1908), 78-79.
77 *Industrial System*, p.219.
long-term economic strategy intended to bring output to its highest possible level by means of a 'better' - that is, more acceptable in terms of both efficiency and ethics - apportionment of resources. Again, this does not mean total state control. But, as already noted, the state ought, without question, to assume control of routinized sections of the economy.

Hobson, in fact, holds that the chance of the weakening of improvising, nonroutinized industrial enterprises is the 'final argument for a limited as against a complete socialism'. 79 So, although collectivism implies the state's imposition of rules and procedures to safeguard workers in their dual capacity of purchasers of goods and recipients of income, 80 the immediate state direction that is to be the successor of the impulse of individualistic greed is not to be a universalistic direction. Both colonialism and various forms of collectivism can lead and have led to a complete domination of society by the state. Hobson stresses, moreover, that, over and above the previously mentioned standards of state activity, he has in mind an emulous community providing broad scope for personal freedom of action in entrepreneurial matters. 81 Nonetheless, within the area designated by these standards, there is for Hobson no

79 From Capitalism to Socialism (London, 1932), p.36.
80 'Four-Fold Path', op.cit.
81 'Taxation of Monopolies', p.25.
gainsaying the immense worth of activity carried out through the state, for the state is able to provide a degree of safety that can be achieved through no other agency.  

Of all the groups in society in need of this kind of safety, none, says Hobson, is in greater need of it than the unemployed. It will by now be apparent not only that this is Hobson's view, but also that he reverts to the problem of unemployment more or less throughout his career and with an especial intensity. Broadly speaking, his view is that the funds accumulated by the state through taxation should be spent in such a manner as to raise the standard of living for the working classes. More specifically, he recommends government spending for programmes of unemployment insurance and, as noted above, for public works programmes to provide jobs for the unemployed. He concludes that

'No remedy for unemployment is valid unless it is seen to stimulate the current of consumption by converting surplus income, either into wages spent in raising the standard of comfort of the workers, or into public revenue spent in raising the standard of public life. Surplus income, by its excessive saving...impairs the volume and regularity of employment: its diversion either directly into wages or into public expenditures...is the only method of securing full and regular employment.'

But, again, the state does not enjoy an unfettered entitlement to constrain people. Indeed, 'there is a net economy of political strength and progress in encouraging the free play of

82 'Old Age Pensions. II: The Responsibility of the State to the Aged Poor', Sociological Review, 1 (1908), 297.
83 Industrial System, p.307.
personal views and sentiments, even when they impede the smooth activity of some particular State function'. For Hobson, aesthetics is a particularly significant case in point: 'An artist must produce the whole of a product - a product with a unity; it must be the direct expression of his personal skill, directed to the individual work in hand.'

Thus, 'Liberalism will probably retain its distinction from Socialism, in taking for its chief test of policy the freedom of the individual citizen rather than the strength of the State'. For these kinds of reasons, Hobson rejects the Soviet version of collectivism. It has elevated a set of writings to the stature of socioeconomic gospels. Their authors have been canonized. Rationalism in political life has been replaced by utopianism. And Bolshevism has created less a state, as Hobson conceives of the term, than a theocracy, founded on harassment and conquest. 'It is as abhorrent to Rationalism as any of the preposterous theologies it seeks to displace'. A system such as this fails completely, Hobson thinks, to understand the significance of his stressing that passing various roles to the state must have as a fundamental impulse the wish to shift personal drives and creativity from inferior to superior activities. Every additional instance of state intervention can be validated only if it establishes greater freedom than it

84 'The Claims of the State upon the Individual', The Nation, 10 June 1916.
85 Social Problem, p.181.
86 Crisis of Liberalism, p.93.
removes. Indeed, a very large part of the state's extended role must consist in the safeguarding of various liberties. All citizens must enjoy the same absence of hindrances to the enjoyment of their physical environments. A state-owned, country-wide rail network will guarantee equal ease of movement for all. All citizens must enjoy the same absence of hindrance to the utilization of energy. This will guarantee freedom of commerce and will be achieved by socializing existing resources and keeping for the state's use all other possible deposits. The state must administer its own money-lending institutions and must make them as available for one citizen as for another. As noted above, the state must provide 'cover' for unemployment and illness. There must be state-guaranteed equality of use of the legal system. And, as already implied, the state must make the arts and education available for all.

None of these advantages can be secured to this extent, however, without an attack on an even more fundamental problem - poverty. For Hobson, poverty is a communal issue, a 'national, industrial disease, requiring a national, industrial remedy'. That remedy means an amplification of legislation shielding citizens from the worst rigours of poverty. This, in turn, is merely part of a broader and less restricted employment of state interference. Hobson calls this 'socialism', but says that in this context the term implies merely a general acceptance of the fact that the state has greater duties than formerly conceded.

88 'Four-Fold Path', op.cit.
He holds that such measures are a fundamental element of the new liberal state's activities. In addition to being a recognition of the state's responsibilities towards its citizens, they constitute a communal good generally (on the view that the communal 'system's' workings are similar to those of physical systems).\(^9^1\) Elsewhere, however, Hobson claims that, although the paradigm of the communal system shows that to do a good to a single unit is to do a good to the totality, 'though society is evidently benefited by such social work, a chief and special benefit is conferred upon some particular persons or class; and this latter consideration is a more and more important determinant of extensions of State activity'.\(^9^2\) It seems difficult to reconcile the two positions.

But a further criticism of Hobson's account of the state can, I think, be made. Despite his efforts to the contrary that have been described in this section, it is apparent that, thanks to Hobson's notion of social utility, the individual and his liberties are submerged within the social organism. Clearly, Hobson is not unconcerned with the individual sufferings which are a product of the social conditions of his time. Nor does he fail to appreciate the development of the full potential of the individual. But his overemphasis on society as an organism relegates the individual to the background of his analysis. Society,

\(^9^1\) See 'The Four-Fold Path', op.cit.

\(^9^2\) Social Problem, p.197.
embodied in the state, operates on the basis of a shifting standard of morality. This standard is being reformed, restated and readjusted constantly to the needs and demands of our nature.

I suggest that this impression with which Hobson leaves the reader is an unintended one on his part. The downgrading of the individual is the logical outcome of Hobson's modus operandi rather than the conclusions at which he aims. In many ways, of course, this renders his account even less satisfactory. Compared even to Hobhouse's account of the state, Hobson's lacks rigour, system and consistency, and this is especially so in much of his journalistic writings. In these several regards, it is instructive to read one of Hobhouse's specific public mentions of Hobson's work. Reviewing Work and Wealth, he writes that 'we think even Mr Hobson goes too far in admitting a "mind" of the nation that is not precisely the minds of the individuals composing it'.93 On an earlier occasion, he had attacked Hobson on the grounds that, 'as applied to the rights of the individual, the "organic" view of society has had a somewhat destructive effect'.94

But, apart from their substantive differences, Hobson is simply less concerned about the soundness of his fundamental theoretical constructs than even Hobhouse is about his.

And of all such theoretical constructs, surely the one with which Hobson consistently exhibits the most difficulty is collectivism. His approach to it is, in his early years at least, decidedly ambiguous, possibly because of the range of meanings

94 Ibid., 4 February 1902 (leader).
that it was being made to bear at the time. For whatever reason, however, his more youthful works are, at best, unclear in their use of the term. He seems to have gone through considerable mental torture in an attempt to select the version or versions of collectivism most consonant with his version or versions of liberalism, an impression conveyed, unwittingly, in his memoirs, written many years later.

'The time for an effective general challenge of Capitalism was not yet ripe. Revelations of poverty, together with the extension of trade unionism to the unskilled workers (dramatized in the Dock Strike of 1889), were the direct stimuli of the "social reforms" of the nineties, and brought into being the Labour Party, which was soon to assume the name, if not the substance, of Socialism. But though my opinions and my feelings were beginning to move in the direction of Socialism, I was not a Socialist, Marxian, Fabian, or Christian.'

But, while he may not have adopted any particular collectivist point of view, Hobson, it is apparent from his writings of the period, picked out of collectivism those tenets which found an affinity with his own blend of perspectives on the community.

For example, while he concedes 'the different grades of loose meaning attached to the term Socialism', Hobson connects the word, as a theoretical concept, to his idea of system and holds that it infers a systemic account of communal existence and thus that it leads to the conclusion of a harmonizing, shared goal for the community's individuals. In his early years, he is an ardent enthusiast of the passage of laws improving working conditions and so on. Such laws, he

holds, are the still unthought-out expression of at least the animus of collectivism. But even as early as 1909 he specifically dismisses all notions of 'philosophical' collectivism and advocates in their place his own brand of 'realistic' collectivism - 'equal opportunity of self-development and social aid, so as to live a good and happy life'. Such a goal implies that every employee will be provided, as cheaply as possible, with the financial circumstances required to train and utilize his individual resources. Notwithstanding Hobson's attempts to differentiate between these and other allegedly different varieties of collectivism, however, he seems, as his career advanced, to have depended more and more on clearly collectivist tenets (of one kind or another) as he tried to delineate and refine his egalitarianism.

In this way, the fact that Hobson picks on the inequities of income apportionment as lying at the heart of every communal wrong finds expression in his consistent recitation of the Marxian prescription of 'from each according to his powers, to each according to his needs', a formula which Hobson immediately absorbs into his own account, stating that it is simply 'the full organic formula'. Unfortunately, his organicist version of collectivism leads Hobson into some remarkable positions, such as this piece of advocacy:

'Selection of the fittest, or at least, rejection of the unfittest, is essential to all progress in life and character....To abandon the production of children to unrestricted private enterprise is the most dangerous abnegation of its functions which any Government can practise.'

Apparently it is the state which decides just what the needs and demands of nature are. Despite the fact that Hobson claims his opposition to the all-embracing state, his social theories do point in the direction of such a political system. The First World War seems to have encouraged Hobson to seek still further modi operandi for the state.

While the war rages, he refuses to concede that augmented disbursement by the state has created a widespread social good. He claims that the working class is having to carry the greater portion of the conflict's expenses and thus that its spending power has actually declined since 1914, notwithstanding the fact that it is now in receipt of a greater proportion of G.N.P. But, a few years after the Armistice, Hobson is to be found expressing views totally at odds with these: 'Under the stimulus of high consumption, the system showed hitherto undisclosed powers of productivity.' He infers that the devastation of periodic recessions will be a thing of the past if the government feigns the commercial parallel of international conflict. Notwithstanding the fact that raising huge debts augmented rentiers' hold on social income, for the duration 'the working classes, or at least

99 Social Problem, p.214.
100 The Economics of Unemployment (London, 1922), p.7.
four-fifths of the population, lived in a definitely higher standard of material comfort than ever before'. From this 'lesson', Hobson perceives the need for a twin set of developments.

Consumption must be elevated to a degree approaching that of the period of hostilities and the state must appropriate a fixed proportion of the country's wealth so as to throw off the incubus of liability. Indeed, such an appropriation is argued for by means of what is, for Hobson, a clear military analogy: 'The policy and ethics of the proceedings are closely analogous to those of military conscription, in which the urgent need of the State is held to override the private rights which each competent citizen has in the vital resources of his personality.'

Apart from this being yet another instance of Hobson's recommending that the state be granted a wider range of powers without recommending limits to those powers, it is not easy to see how this particular example squares with his account of liberty. In general, it is fair to say that, for the whole of Hobson's career, we can observe ambiguity on the question of the comparative importance of the freedom of the citizens versus the good of the communal system.

Indeed, as the examples drawn from the period during and immediately after the Great War illustrate, such ambiguity can be revealed by Hobson within a very brief passage of years. There are, on this question of freedom, several other examples of this phenomenon. I shall provide just one of them here.

In 1900, we find him averring that 'every interference with or
dictation to the individual regarding the use of land, capital,
labour, or any other economic power, must justify itself by showing
that by interference with an abuse of power, it is increasing the
aggregate of human liberty'. But, nine years earlier, we find
Hobson insisting upon acceptable domestic environments for the
youth of the country 'at whatever cost of interference with so-
called private liberty of action'. A blanket demand of this
kind is not the sort of formula to be expected of one trying to
restate liberal usage. It may be that inconsistencies of this
kind in the spheres of ethics and politics are in some way due to
weaknesses in Hobson's technical economics. A detailed analysis
of the latter would be beyond the scope of this study, but a few
relevant examples may be cited in broad outline. On the issue of
state taxation policy, there is, in every one of Hobson's demands
that the state attack surplus by means of proportionate levies,
an argued-for (and, in universal terms, simply untrue) pre-
supposition. Only once does he admit as much: 'the assumption
is adopted that surplus wealth with "ability to bear" varies
directly with the size of the income or the estate'. On the
issue of elevating workers' incomes, he only once
gives adequate consideration of the relevance of controlling the
supply of money to such a development. The single occasion is

103 'The Ethics of Industrialism', in S. Coit (ed.), Ethical
104 Problems of Poverty, p.169.
105 Taxation in the New State, p.viii.
The Living Wage,\textsuperscript{106} where he advocates a releasing of loan moneys as a possible means of bringing some steadiness back into the economy. But note that Hobson is merely the co-author of this document.

But, for the purposes of this study, there is something still deeper in Hobson's thinking which raises doubts about the liberality of his state - a liberality that, we may assume, he was trying to achieve. There are times when he casts doubt upon men's reason and their entitlement to make decisions at liberty. On such occasions, we are unable to place Hobson within any tradition of 'liberal' thinking, no matter how tortured and stretched our understanding of it, and we perceive that there is an authoritarian centre to his thinking. We discover a compound of the logical extension of 'survival of the fittest' assumptions, the unalloyed demand for 'usefulness', and the wilder flights of a Ruskin in his understanding of the ban on 'antisocial' wedlock as simply required by the good of the community. The good of the community requires that those who carry congenital sicknesses or who are prone to fits should have their population constantly reduced.\textsuperscript{107} He says that the state ought not deliberately to pick out the individual candidates for culling. It is difficult to see, however, the ways in which such a prohibition is consistent with his recommendation of communal bans on 'anti-social propagation', the need for 'public medical certificates of marriage' and severe punishment for any transgression of these procedures.

\textsuperscript{106} (London, 1926).

\textsuperscript{107} John Ruskin, p.156; Social Problem, pp.214-217.
He wants to validate the notion that genetics is fundamental to the good of the community, but he overlooks the fact that that good (as he states or implies elsewhere) has as an essential element the ability of the citizen to make private decisions at liberty. As opposed to this kind of view, Hobson, in his most organicist moments, insists that a free community has to acknowledge that these kinds of controls are a necessary cost of the quest for social utility. Even if one wants to regard these prescriptions as temporary derangements of Hobson's basically more enlightened view of the state, it is apparent that he never adequately resolves the private/public dichotomy, certainly from the point of view of a recognizably liberal account of the state. At the very least, there is a continuous uncertainty in his work. He wishes to establish a different account of the community - one which will set forth a multifaceted programme of communal goals - and of the nature of the link between the state and the citizen. His account is different but dangerously unsatisfactory.

His inconsistent use of the notion of the general will is a good example of this. In 1914 he is keen to recommend a concept of the general will so as to urge the expansion of the activities of the state. Two years later, however, he is found claiming that it is the German notion of the state that alone inflicts itself as some kind of over-being on the private person. In English theory, 'the individual citizen figures as an end, with indefeasible rights attaching to his own personality'. Hobson concedes that 'modern Socialism and the doctrines of the
general or collective will have modified or confused this simpler
individualism', but fails to note that he has himself been an
adherent of such doctrines, and of others - such as social
utility and the organic conception of society - that make his
version of state collectivism (to the extent that it is possible
to piece it together into something like a coherent whole) the
least concerned, in its implications, with the individual of the
four accounts of the state with which this study has dealt.

V.8 SUMMARY

H.N. Brailsford has remarked, regarding the content of
Hobson's theorizing, 'I doubt whether T.H. Green or any of the
Neo-Kantians influenced him greatly'. As has been stated,
the unrewarding business of tracing influences is not the concern
of this study, but, as far as the content of Hobson's and Green's
thinking about the state is concerned, Brailsford's judgement
seems largely, though not completely, accurate. They seem to
be on the same road, but Hobson is considerably further down it
than is Green. In most important respects, Hobson's account
of society and the state is an extension of Green's, but it
is often so long an extension that the reader is in danger of
missing the connection. Their treatment of property is one
of the most important examples of this. Green's notion of
property is based on the presupposition that personal posses­sions are necessary for fulfilment of personal potential. 

108 'The Claims of the State', op.cit.
110 T.H. Green 'Lectures on the Principles of Political
Hobson propounds a similar thesis about society, which he takes to be a single unit, like Green's individual, possessing its individual ethical goals: 'Just as it is essential to the moral life of the individual that he shall have some "property", some material embodiment of his individual activity which he may use for the realisation of his rational ends in life, so the moral life of the community requires public property and public industry for its self-realisation, and the fuller the life the larger the sphere of these external activities'. Similarly, the hindering of hindrances formula, for Hobson, runs the continual danger of being simply too vague and limited a principle on which to found the attempted solution of real, material problems.

Conversely, Hobson is in some respects far more of a Hegelian than is Green. He accepts, far more completely than does Green, the universalism of Hegel; he is absorbed in norms and concepts as they find expression in the community; and he holds that morality evolves. Moreover, to the extent that Hobson is a 'general will' theorist, he is not one of Green's stripe. Indeed, his view of the general will is usually in clear opposition to Green's notion that the general will is the sum of particular wills and can, in that capacity, be the basis of society and thus of the state's action. Compare Hobson: 'If...the social will be taken merely to mean the aggregate of feeling for the public good thus generated in the separate wills, it may not suffice to support the commonweal.'

111 'Ethics of Industrialism', p.104.
112 Work and Wealth, p.302.
civic spirit; perhaps another instance of Hobson's being more of a Hegelian than Green?

In short, Green's and Hobson's accounts of the state reveal differing scopes and stresses. For Green, the state is 'about' rights and the common good. For Hobson, it seems, the state is 'about' social utility. Hobson, in his elaboration of the actions that the state needs to take towards achieving the end of social utility, is (despite occasional attempts to the contrary) even less concerned about individuality than is Green. As has been noted, Green's elaboration of 'rights' and 'common good' is open to more than one interpretation, but he is at least concerned to provide such an elaboration - to 'worry through' his thinking on these issues. Because of his pronounced 'scatter-shot' approach, and possibly also because of the staggering number of his writings, this is less true of Hobson. His definition of the state is the vaguest of four very vague definitions which this study has examined. His central notions of social utility and social organism are only slightly more precise in meaning. Methodologically, then, Hobson's account of the state is on the weakest ground of the four under consideration.

Both Green and Hobson do think in terms of the state's having positive duties to carry out certain tasks. They differ on what those tasks are and on the range of permissible activities in which the state may engage in the carrying-out of those tasks. Here we may see in starkest relief the perhaps unwitting danger posed to the individual by the logic of Hobson's
account of the state. But both thinkers do impose moral imperatives on the state.

Hobson agrees with Bosanquet, too, that the state has ends to pursue and is endowed with a purpose. It seems that he would reject Bosanquet's understanding of the state as the total working system to which social groups contribute, since the identity of Hobson's state is so imprecise. At times, it seems to be an equivalent of 'government'. Hobson, because of his organicist convictions, reveals none of the pluralism that appears in Bosanquet's account. For Bosanquet, the state provides institutionalized channels through which decisions of public policy are made, but its absoluteness is limited to that of removing hindrances. For Hobson, the state is both more purposive in its role and more wide-ranging in its actions than this.

According to Bosanquet, the acknowledgement of rights is housed in the state. Hobson's views on the source of rights seems to be much closer to a natural rights position. Both thinkers agree on the duty of the state to encourage those in need of support to overcome the barriers to a normal life. Bosanquet is concerned at some length with the grounds of obligation to the state - Hobson seems to be hardly concerned with this issue at all. But Bosanquet's giving the state the function of guiding the ethical development of each person in society finds loud echoes in Hobson's similarly authoritarian prescription that the state's function is to take those measures as are deemed necessary to guide the community to social utility.
The difference between them here lies in Bosanquet's claim that the attitudes and beliefs of the individual are the most effective means of achieving this objective of the moral state. This is a position (again, notwithstanding his occasional disclaimers to the contrary) to which the logic of Hobson's analysis does not lead. Hobson, unlike Bosanquet, never considers the traditional question of what constitutes the 'good' state — leaving the reader to assume that for him the rational is the good — and thus does not, unlike Bosanquet, explore the issue of the circumstances under which states can collapse. This does not, in fact, seem to be an issue for Hobson at all — a further element of his failing to provide anything like a systematic theory of the state. For Hobson, unlike Bosanquet, there is no notion of the state's being self-critical, but both thinkers do share a view of the importance of the state's educative role in creating a just and moral society. But, once more, Hobson, unlike Bosanquet, does not place limits on this educative role — the logic of his position leads him away from Bosanquet's insistence that the state may not interfere directly with the private ethical existence of the citizen.

It may be said that Hobson escapes the central criticism that can be directed against Bosanquet's account of the state — that it is, precisely, a philosophical account, too little concerned with exactly how his philosophical prescriptions are to be put into practice and thus too little aware of the dangers that the effecting of some of his proposals would pose to some of his others. Hobson is very keen to claim that his recommendations
for state activity are 'realistic' and 'practical' and, to the extent that they are grounded in the more material aspects of social life, that is perhaps true of his account, at least in comparison to Bosanquet's. But this has not saved Hobson from constructing a set of prescriptions for state activity that pose an even greater threat to individuality (a threat which, he sometimes claims, should be avoided) than that to be found in the supposedly 'absolutist' speculations of Bosanquet.

Both Hobson and Hobhouse think in terms of organism and of evolution, but to a large extent part company beyond this point. Hobhouse is quite centrally concerned with liberty in his account of the state. Hobson treats of liberty, but it is not the point, as it is for Hobhouse, of his dealing with the state. Hobhouse is a pluralist; Hobson is not. Hobhouse is concerned with the validation of rights; Hobson is not. Hobhouse deals with the common good. It may be that Hobson's social utility equates with this concept, but, once again, the absence of a systematic account of that notion prevents us from jumping to this conclusion. Hobson does not share Hobhouse's view that the individual's essence is to be found in the context given him by the state. He is not overtly concerned with the individual's essence, but is logically committed to saying that it is provided by the context given him by the social organism.

For Hobhouse, the state represents rationality's inexorable progress; for Hobson it is a device of rationality's inexorable progress. Both agree on the necessity of a social harmony of will. This leads both thinkers away from individualism,
but in different ways. For Hobhouse, the state is the exhibition of that harmony - its deeds are impartial; for Hobson, the state is an instrument in the achievement of that harmony - its deeds are not impartial but directed towards that very end. Hobhouse rejects the 'hindering of hindrances' formula as an exclusive instrument of evaluation; Hobson rejects it as simply too limiting on the state. But both Hobhouse and Hobson are clearly collectivists. They are both critics of the existing socio-economic structure, and they both provide lists of the permitted - indeed, necessary - specific functions of the state. Their fundamental difference lies in the fact that Hobhouse worries much more and much more often than does Hobson about the possibly unacceptable consequences of the state's performing those functions.
It is apparent that the concept of the state lies at the heart of the political thought of each of the four thinkers discussed in this study. Each regards the state as the vital device for progress towards his desired political society and each is looking for ways to legitimize the expansion of state activity beyond what he believes to be authorised in earlier liberal thinking. Each assigns a list of tasks - or, more accurately, 'duties' - to the state, which it must carry out if this progress is to be achieved. Each, in his consideration of that desired political society, is strongly influenced by his thinking on other concepts essential to his system - in the case of Green, rights and the common good; for Bosanquet, rights, communal ends and ethical leadership; for Hobhouse, liberty and organicism; and for Hobson, organicism and social utility. Therefore, in order properly to consider the nature of each man's thinking on the state, it has been necessary to devote considerable attention to his treatment of these other notions in addition to examining what, in a more particular way, he has to say about the nature and function of the state. This complex exercise has revealed some not unimportant defects in each thinker's concept of the state.
Green's treatment of the state is in terms of its functions and he defines those functions in terms of the maintenance of rights. The state is an institution for the more complete and harmonious maintenance of the rights of its members. This suggests that, for Green, rights are prior to the state, and he does say that rights from prior interchange, communication and agreements are still operative. Such rights appear to be temporally prior to the state, although the state is of a higher logical order. But this is not, in fact, the course that his argument takes. In practice, he makes political rights dependent on the common good of a morally-united community, and dependent on acknowledgement by the state. 'Rights' must be identified by the political community - the identifiers must be the elements of the state apparatus - and that community must be one in which some common good is recognized by the members of the community as their own ideal good. The state acknowledges and harmonizes those prior rights that are still operative.

Those points which apparently contradict this conclusion disappear when we examine them more closely. In the first place, rights which appear to be prior are not properly 'rights' - they only become so when acknowledged. In the second place, there is a discontinuity between Green's ethical and his political thought. The state's chief role, as far as rights are concerned, is to uphold previously established duties and entitlements and to acknowledge fresh modes of behaviour essential for the morally developing state to go on developing. Complete political rights are to be found only within a true political state. The latter alone can provide the
element of specifying, defending and reconciling rights. The state acknowledges modes of behaviour commonly recognized as beneficial for each and every citizen, and the outcome is not simply a right in law, but what Green calls a political right. For modes of behaviour to be called rights, they have to be commonly acknowledged and guaranteed by the organs of the state - it is the state's duty to do so - in the interests of each and everyone.

Green's notion of rights may be held to be a value: its connection with actual existing states may be that it functions as a criticism, not as a description. A right is a power or mode of behaviour acknowledged and maintained in the light of a common good for each and everyone, and a complete political right is present in the state alone. The official processes of acknowledging and securing modes of behaviour are most effectively carried out in the political state. The organs of the state make 'rights talk' official, comprehensible and clearly defined. Green holds the view that every right depends on some social relations and that the state is the sustainer and harmonizer of social relations; thus, for the sake of the community, the state's regulations and statutes enjoy ultimate authority. The state functions as the one entity able to acknowledge and maintain political rights.

His often unclear use of the word 'moral' helps to cloud what for Green is a crucial distinction between his ethics and his politics. His use of the key word 'rights', too, is often very vague - in particular, it is frequently unclear whether or not he has political rights in mind when he employs the term. There is
also considerable ambiguity to be detected in his employment of the phrase 'common good', and his account of civil disobedience is markedly incoherent and unclear. Nonetheless, his line of argument does achieve one of his major purposes: it makes possible, in principle, the provision of state services which would be illegitimate in terms of an individualist theory of rights. But the same line of argument results in something else which is not part of his purpose - it removes basic guarantees against state absolutism.

While Green does not wish to support state absolutism, and while he tries to set definite boundaries to the positive role that he allocates to the state, his account does not preclude the possibility of state absolutism. This is due to the fact that he leaves recognition and maintenance of rights in the hands of the state. But what he means by the term 'state' is itself decidedly unclear. Sometimes it means government, sometimes nation, sometimes society and sometimes an ideal entity. He varies mainly between an ideal of what the state should be and his recognition of actual states as they existed in the past and as they exist in the present. He seems to think that a state which does not win the willing loyalty of its subjects is not a true state.

Green does not exhibit a 'theory of the state' in the ordinary understanding of that term. He does not provide a clear account of the nature and character of the state, its distinctive features, capacities, and so on. This contributes substantially both to the confusions and ambiguities in his political thought..
and to the variety of interpretations that that thought has spawned. In part, his failure to demonstrate that he has provided a guarantee against state absolutism is a function of this somewhat unconvincing distinction between 'the state' and 'states'. Green tends to broaden his perspective too easily and quickly from his own type of polity to polities in general. This is especially apparent in his treatment of those rights that I have characterized as 'membership rights'. In fact, Green's account logically must reject the idea that complete rights may be found independent of the state's acknowledgement of them. The state, for Green, is the society of societies which maintains, reconciles and defines rights - it is the one vehicle of acknowledgement. Sometimes, in fact, he claims that the state with its sovereignty is the common good. Thus, if the state bestows both acknowledgement and the common good, it enjoys complete authority in the matter of rights - the only rights that exist are those maintained by the state.

Green does say that, when a demand is not acknowledged by the individuals of the community in which the demand is made, then it is not a right, irrespective of the question of whether or not it ought to be. But this must logically be an insufficient criterion for him. It seems that he wants to demand a double recognition - by both individuals and the state. But he cannot consistently claim that individuals' recognition of a right is valid if the state does not share that recognition. He wishes to claim that individuals can enjoy an ethical obligation to disobey an individual government even prior to their having a right to disobey,
but he cannot consistently claim the same for the state of his account, for the state is absolute where the maintenance of complete rights is concerned. He derives an account of the state from his concern with rights, but his thinking on rights develops in such a way that he fails to establish that he has avoided what he clearly wishes to avoid, among other things - the subsuming of the individual by the whole.

Bosanquet, in his political system, tries to juggle three different elements - the state, individuals and groups. For Bosanquet, the state is the total working system to which social groups contribute. It is also that part of the system which has responsibility for administrative jurisdiction. The state's function is complementary to what is already going on in the community. It is not one of directing or initiating. The authority which the state uses is used, however, with a purpose - the achievement of the best life for its members. One of its major tasks is to establish the conditions which will give particular groups the means and the opportunity to adjust their own differences. Because men cannot always agree either upon an action or upon a time to take action, there is a need for the institutionalized channels of the state through which decisions can be made. But the absoluteness of the state is limited to the function of removing hindrances. The acknowledgement of rights by the community is housed in the state, because it enjoys that administrative jurisdiction, but Bosanquet's account is sympathetic as well to the idea that the state should accept as one of its goals the citizen's fulfilment of his potential.
Moreover, because the state is concerned with what the citizen will become, it has to be concerned as well with the citizen as he exists now. The state must both exhibit a fundamental interest in the future fulfilment of the citizen's potential and his present abilities, and set out and organize personal rights. On the question of poverty, Bosanquet holds that the state has an obligation to encourage those in need of support to overcome the barriers to a normal life. On the question of political obligation, he holds that, because a person's living in harmony with his fellows is possible only with the assistance of the state, the necessity of fidelity to the state derives fundamentally from the citizens' fidelity to their own reasoned wills. The state that provides the prerequisites for and protects the rights necessary for affirming the reasoned will is alone deserving of fidelity. Bosanquet's account of revolt is the precise locus of his answer to the question of the extent to which a person is charged with exercising and is able to exercise sway over the state in order to ensure that it continues to aim at achieving its core ends.

Thus the citizen has under his purview rights bearing on ethical autonomy and the state has under its purview those rights bearing on the carrying-out of social roles. The state acts as organizer of associational existence, and this is to be an example to and adviser of the citizen in the various parts that he has to play in society. The state must not be a simple reflection of the citizen's wants; it must also direct each citizen towards self-realization. Thus restricting the activities of the state to
the area of rectifying economic injustices means turning a blind eye to a central reason for the state's existence, namely, the ethical development of each person in society.

The function of the state as an ethical leader is a foundation of its supremacy as well as being essential to the achievement of its ends. At the same time, the attitudes and beliefs of the individual are also the most effective means of achieving this objective of the moral state. Actual states embody a sufficient realization of the good to support the advance of the members of society to higher levels of self-realization. Any state, the shared ends of which are not basically reasonable or virtuous, cannot survive, because - as in philosophy, so in reality - inconsistencies cannot stand. The state must be self-critical and it must constantly endeavour, through its educative efforts among civil servants, to secure even higher levels of adherence to the goal of creating a just and moral society. But while the state must be directed by ethical aims, it may not interfere directly with the private ethical existence of the citizen.

With regard to its own decisions, the state must take into account the moral, as well as the economic, welfare of the individual, but with regard to the actual decisions of the individual, the hands of the state are tied. In addition, the state must curb the extension of its powers in order to prevent indirect pressure to conformity. Bosanquet seeks to make this point congruent with his acknowledgement that the growing manufacturing and metropolitan intricacy of contemporary communities necessitates a growth
in state protection of the citizen. He believes that the spirit of society is the guide and deterrent of the state in its relations with the individual, and he holds that the state is obliged to be the executive expression of the social and political will of society as a whole.

There are several difficulties in such an account of the state. Its treatment of revolt against and fidelity to the state is restricted to the reasoned validation of both impulses and is thus incomplete. It fails to deal with the rest of the elements of this problem, namely, the role of outside pressures and extra-state environmental factors, the importance of individual rulers in fomenting revolt or encouraging fidelity, and loyalty to sub-state groups. And even within Bosanquet's self-imposed boundary, his failure to provide any account of the good life and of what is needed from the state for its achievement renders his account inadequate as a reasoned validation of these impulses. He does not take into consideration the charge that legitimate, responsible states might once again take on their former despotic character, in which case revolt would be validated much more easily. His account is one of presumed stability rather than possible change. It rests on two assumptions - one of a synonymity between the state's purpose and the good; the other of a synonymity between the good and the rational - and both are questionable.

Bosanquet desires a constant criticism of the relations between institutions, but elements of his own system, such as his treatment of punishment, seem to support the workings of a given
system and to strengthen the automatic channels at a state's disposal. It is never quite clear whether the general will must subscribe to a given order of automatic relationships or whether the will itself involves a re-examination of those relationships. It is never clear whether there are essential elements in society which must be preserved in order for us to be able to say that the general will was present in a significant way. Bosanquet, in emphasizing the rational origins of institution, is not inclined to ask whether the conditions under which these institutions have arisen still warrant their continuation. The danger inherent in his viewing the state as an ethical institution is the danger of seeing everything that is done in the name of the state as ethical. In fact, Bosanquet constantly confuses both the state and the general will as descriptive concepts with them as normative ones.

It is clear that the state theories of Green and Bosanquet exhibit both different emphases and different ranges. Green's stress is on rights and the common good, Bosanquet's is on the ends of community, ends which crucially involve the fulfilment of the ethical potential of each individual. Indeed, despite his lesser emphasis on rights, Bosanquet (not always successfully) seeks much more than does Green to concern himself with questions of individuality. In terms of the range of each thinker's state theory, for Green the state's fundamental raison d'être is as the most appropriate institution for the more complete and harmonious maintenance of the rights of its members; for Bosanquet, the state exists primarily to make easier the task of achieving the ends of community.
Possibly because of this difference of range - and, to a lesser extent, because of the difference of emphasis - Green's theory of the state seems to be less vulnerable to attack than does Bosanquet's. It presents a smaller target than does Bosanquet's and thus exposes fewer weaknesses.

But both thinkers insist on the positive duty of the state to perform the different tasks in which they are interested. Although, as mentioned below, their languages differ in other respects, they are noticeably similar in their prescriptive account of state activity - the tendency to speak of what the state 'must' or 'ought to' do is as pronounced in the one man as it is in the other. On the specific question of rights, the locus of identification is less clear cut in Bosanquet - whose account is best understood in terms of first- and second-order elements of rights - than in Green, for whom rights are identified by the elements of the state apparatus. Moreover, Bosanquet's approach to rights in terms of first- and second-order elements renders his understanding of rights broader than Green's more strictly statutory one. Finally, Bosanquet's terminology is typically less ethically neutral than is Green's. Green's central concept of the 'common good' is most accurately understood in a non-ethical way. Bosanquet's ethical commitment is apparent throughout his theory of the state.

Hobhouse represents himself as the heir of J.S. Mill. But the evidence seems to indicate beyond a reasonable doubt that it was the writings of Green, rather than Mill, which were closer to Hobhouse's thinking. The idea of a positive state and of positive
freedom; the notion of the common will; the organic conception of
society; and the doctrine of self-realization all appear in Hobhouse's
writings in a form similar to that in which they were presented by
Green. Hobhouse's theory of the state; his social theory; his
attitude towards democracy; and his ethical theory are all distinctly
different from the views held by Mill.

But although Hobhouse uses many of Green's ideas in
developing his own theories, there are important differences between
the two which should not be minimized. What is different in the
thought of the two men can best be expressed by stating that Hobhouse
is a collectivist while Green is not. Green's theory of a positive
state can be - and has been - used to defend collectivism, but
Green himself does not use it in this manner. Green's work does
not include a critique of the existing socioeconomic structure,
and the amount of state intervention which he is prepared to defend
is very limited. Hobhouse may have borrowed heavily from the stock
of ideas supplied by Green, but he uses these ideas for purposes
of which Green would very likely not have approved.

The points of convergence between the two theorists are
the product especially of the fact that Hobhouse adopts Green's
perspective to the extent of claiming that the individual's essence
is to be found in the context given him by the state. He holds,
with Green, that the state represents rationality's inexorable
progress. This leads him on to echo Green's claim that the reali-
zation of a general interest depends upon the community's having
a harmony of will and upon this harmony's being exhibited, and that
the state is that exhibition and that its deeds are impartial. Hobhouse, moreover, uses the term "positive freedom" in the sense in which it is used by Green, and he also follows Green closely in claiming that the state's proper function is simply to create the conditions under which it is possible for an individual to develop his moral character by his own volition.

Alongside these points that he shares with Green, however, there are others on which he differs fairly sharply. These occur mainly in his treatment of rights and liberty. In relation to rights, Hobhouse is content to say that a right is 'demonstrably justifiable' by relating to the common good, whether it is actually recognized or not. He thus avoids the difficulty that Green creates for himself by arguing that a right has to be acknowledged. Similarly, Hobhouse comes, via his social theories, to adopt Green's notion of liberty, but he does not adopt what he takes to be the Hegelian conceits underpinning it, namely, that each individual has a superior essence; that he achieves true freedom only by adhering to its dictates; and that the state has the opportunity to give each man his liberty by compelling him to adhere to those dictates.

Because (or partly because) he refuses to follow Green in these matters, he is able to avoid an impasse that Green ends up in, namely, the idea that persons are at liberty to be virtuous only. He escapes it by treating liberty as individuals' actual decisions or spectrum of decisions in particular circumstances. According to this account, people enjoy a specific liberty to
decide upon an action, irrespective of the value of the deed, or the character of their impulses, so long as they are not under duress. This allows Hobhouse also to address himself empirically to issues pertaining to freedom, in a way that was not open to Green, although he provides as little information as does Green about the institutions or other elements that, according to his lights, constitute the state.

Hobhouse is more anxious to distance himself from Bosanquet than from Green, and it can be agreed that he succeeds in doing so in some regions of his political theory. But there remain some points, and not insignificant ones, where his ideas again converge with those of the earlier theorist, and others where he avoids such a convergence only by evading issues which Bosanquet had tried to grapple with. Hobhouse asserts his independence of Bosanquet most clearly in relation to the authority of the state. He contends that Bosanquet errs in conceding 'absolute physical power' to it, and that he sets no theoretical limits to the legitimate scope of state coercion. He claims to have provided such limits himself. But when that claim is examined closely, it turns out to have little substance.

It has most substance in relation to his treatment of rights and liberty. His identification of liberty with individuals' actual decisions separates his position from Bosanquet's as clearly as it does from Green's, for Bosanquet shares Green's tendency to legitimize only the liberty to be virtuous. It brings with it the additional consequence that Hobhouse has no reason to follow Bosanquet in making self-realization of the individual subject to (or
in need of guidance by the state; for Hobhouse, self-realization is liberty and it thus has its source and standards entirely in the individual himself. Hobhouse's notion of rights, focussing entirely on the common good, is also simpler and more straightforward than Bosanquet's dualistic theory of rights bearing on ethical autonomy and rights bearing on the carrying-out of social roles.

But despite these points on which he differs from Bosanquet, he deals with the state in a way that is similar to Bosanquet's in at least two important respects. After having stressed the autonomy of the individual in the fashion just described, he finds the individual's essence in the context given him by the state. It is difficult to distinguish this from the implications of Bosanquet's view that one of the state's goals is the citizen's fulfilment of his potential. And he proceeds by assigning responsibilities to the state, by granting claims on it to individuals, and by defining tasks for it. These turn out to be much the same as the tasks, claims and responsibilities that Bosanquet recognizes, or even to go beyond them. Like Bosanquet, Hobhouse wants the state to engage in the 'hindering of hindrances'; his criticism of Bosanquet is not that he employs this vague and open-ended criterion, but that he relies exclusively on it as a means of defining the state's functions and the proper sphere of compulsion by it.

Again, no less than Bosanquet, he adopts the ethical development of each person in society as a goal, and he assigns to the state a crucial role to play in bringing this about. Where he declines to follow Bosanquet is in agreeing that the state should
have authority over individuals for these or other purposes. But
to confer claims and assign tasks and then to decline to grant the
state the authority that it needs in order to perform the tasks
and meet the claims, - or, worse still, to fail to ask what
authority and powers of compulsion are needed for performing the
tasks and meeting the claims - is not to set effective limits to
the state's authority. In the end, Hobhouse finishes up in the
same predicament as Bosanquet. Both thinkers are concerned not to
give the state so much freedom of action that it would pose a
threat to individuality; both think that they have avoided this
danger; both are wrong.

Hobson's account of the state, too, reveals areas of
both substantive agreement and disagreement with the accounts of
the other three thinkers. But the differences all point in one
direction - towards the still greater aggrandisement of the
authority of the state and the confinement of individuality.
Where Hobson's notions resemble or may be compared with those of
the other thinkers, his are invariably less qualified and less
carefully shaped in the interests of individuality than their
counterparts. Of commanding importance here are Hobson's
insistence that society is an 'organism' and his notion of social
utility. In terms of unleashing the state in its dealings with
individuals, these carry him much further than Green can get with
his notion of the common good, Bosanquet with his notion of the
ethical development of the individual or Hobhouse with his attempt
to make liberty central.
Green and Hobson seem to be on the same road, but Hobson is considerably further down it than is Green. In most important respects, Hobson's account of society and the state is an extension of Green's, but it is often so long an extension that the reader is in danger of missing the connection. Their treatment of property is one of the most important examples of this. Hobson seeks to go beyond Green's notion of property, which is based on the presupposition that personal possessions are necessary for the fulfilment of personal potential. Hobson propounds an identical thesis about society, which he takes to be a single unit, like Green's individual, pursuing its individual ethical goals. For Hobson, the moral life of the community requires public property and public industry for its self-realization, and the fuller the life the larger the sphere of these external activities. Similarly, the hindering of hindrances formula, for Hobson, runs the continual danger of being simply too vague and limited a principle on which to found the attempted solution of real, material problems.

Conversely, Hobson is in some respects far more of a Hegelian than is Green. He accepts, far more completely than does Green, the universalism of Hegel; he is absorbed in norms and concepts as they find expression in the community and he holds that morality evolves. Moreover, to the extent that Hobson is a 'general will' theorist, he is not one of Green's stripe. Indeed, his view of the general will is usually in clear opposition to Green's notion that the general will is the sum of particular wills and can, in that capacity, be the basis of society and thus of the
state's action. According to Hobson, if the 'social will' is taken to mean merely the aggregate of feeling for the public good generated in separate wills, then it will not 'suffice to support the commonweal'. Rather, it is more of a transcending civic spirit; perhaps another instance of Hobson's being more of a Hegelian than Green?

In short, Green's and Hobson's accounts of the state reveal differing scopes and stresses. For Green, the state is 'about' rights and the common good. For Hobson, it seems, the state is 'about' social utility. Hobson, in his elaboration of the actions that the state needs to take towards achieving the end of social utility, is (despite occasional attempts to the contrary) even less concerned about individuality than is Green. Green's elaboration of 'rights' and 'common good' is open to more than one interpretation, but he is at least concerned to provide such an elaboration - to 'worry through' his thinking on these issues. Because of his pronounced 'scattershot' approach, and possibly also because of the staggering number of his writings, this is less true of Hobson. His definition of the state is the vaguest of four very vague definitions which this study has examined. His central notions of social utility and social organism are only slightly more precise in meaning. Methodologically, then, Hobson's account of the state is on the weakest ground of the four under consideration.

Both Green and Hobson do think in terms of the state's having positive duties to carry out certain tasks. They differ
on what those tasks are and on the range of permissible activities in which the state may engage in the carrying-out of those tasks. Here we may see in starkest relief the perhaps unwitting danger posed to the individual by the logic of Hobson's account of the state. But both thinkers do impose moral imperatives on the state.

Hobson agrees with Bosanquet, too, that the state has ends to pursue and is endowed with a purpose. It seems that he would reject Bosanquet's understanding of the state as the total working system to which social groups contribute, since the identity of Hobson's state is so imprecise. At times, it seems to be an equivalent of 'society'; at other, more frequent, times, it seems to be an equivalent of 'government'. Hobson, because of his organicist convictions, reveals none of the pluralism that appears in Bosanquet's account. For Bosanquet, the state provides institutionalized channels through which decisions of public policy are made, but its absoluteness is limited to that of removing hindrances. For Hobson, the state is both more purposive in its role and more wide-ranging in its actions than this.

According to Bosanquet, the acknowledgement of rights is housed in the state. Hobson's view on the source of rights seems to be much closer to a natural rights position. Both thinkers agree on the duty of the state to encourage those in need of support to overcome the barriers to a normal life. Bosanquet is concerned at some length with the grounds of obligation to the state - Hobson seems to be hardly concerned with
this issue at all. But Bosanquet's giving the state the function of guiding the ethical development of each person in society finds loud echoes in Hobson's similarly authoritarian prescription that the state's function is to take those measures as are deemed necessary to guide the community to social utility.

The difference between them here lies in Bosanquet's claim that the attitudes and beliefs of the individual are the most effective means of achieving this objective of the moral state. This is a position (again, notwithstanding his occasional disclaimers to the contrary) to which the logic of Hobson's analysis does not lead. Hobson, unlike Bosanquet, never considers the traditional question of what constitutes the 'good' state - leaving the reader to assume that for him the rational is the good - and thus does not, unlike Bosanquet, explore the issue of the circumstances under which states can collapse. This does not, in fact, seem to be an issue that Hobson recognizes at all - a further element of his failing to provide anything like a systematic theory of the state. For Hobson, unlike Bosanquet, there is no notion of the state's being self-critical, but both thinkers do share a view of the importance of the state's educative role in creating a just and moral society. But, once more, Hobson, unlike Bosanquet, does not place limits on this educative role - the logic of his position leads him away from Bosanquet's insistence that the state may not interfere directly with the private ethical existence of the citizen.
It may be said that Hobson escapes the central criticism that can be directed against Bosanquet's account of the state—that it is, precisely, a philosophical account, too little concerned with exactly how his philosophical prescriptions are to be put into practice and thus too little aware of the dangers that the effecting of some of his proposals would pose to some of his others. Hobson is very keen to claim that his recommendations for state activity are 'realistic' and 'practical' and, to the extent that they are grounded in the more material aspects of social life, that is perhaps true of his account, at least in comparison to Bosanquet's. But this has not saved Hobson from constructing a set of prescriptions for state activity that pose an even greater threat to individuality (a threat which, he sometimes claims, should be avoided) than that to be found in the supposedly 'absolutist' speculations of Bosanquet.

Both Hobson and Hobhouse think in terms of organism and of evolution, but to a large extent they part company beyond this point. Hobhouse is quite centrally concerned with liberty in his account of the state. Hobson treats of liberty, but it is not the point, as it is for Hobhouse, of his dealing with the state. Hobhouse is a pluralist; Hobson is not. Hobhouse is concerned with the validation of rights; Hobson is not. Hobhouse deals with the common good. It may be that Hobson's social utility equates with this concept, but, once again, the absence of a systematic account of that notion prevents us from moving confidently to this conclusion. Hobson does not share
Hobhouse's view that the individual's essence is to be found in the context given him by the state. He is not overtly concerned with the individual's essence, but is logically committed to saying that it is provided by the context given him by the social organism.

For Hobhouse, the state represents rationality's inexorable progress; for Hobson it is a device of rationality's inexorable progress. Both agree on the necessity of a social harmony of will. This leads both thinkers away from individualism, but in different ways. For Hobhouse, the state is the exhibition of that harmony - its deeds are impartial; for Hobson, the state is an instrument in the achievement of that harmony - its deeds are not impartial but directed towards that very end. Hobhouse rejects the 'hinderung of hindrances' formula as an exclusive instrument of evaluation; Hobson rejects it as simply too limiting on the state. But both Hobhouse and Hobson are clearly collectivists. They are both critics of the existing socioeconomic structure, and they both provide lists of the permitted - indeed, necessary - specific functions of the state. Their fundamental difference lies in the fact that Hobhouse worries much more and much more often than does Hobson about the possibly unacceptable consequences of the state's performing those functions.

Taken as a group, these four thinkers represent a continuing effort to transcend what they saw as the limitations of the kind of liberalism that they inherited, and yet to preserve and even to perfect and realize its essential ideal of individual liberty. In each case, we have seen, this goal eluded them.
Each of them turned to the state, and the expansion of the state's activities, as a means of adding to liberty. Each did so in a way that, he hoped, would permit the state to add to, but would forbid it to invade, liberty. In the end, what they achieved was in large measure the reverse of what they aimed at.
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